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Wednesday
September 1, 1982

Selected Subjects

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Securities and Exchange Commission

Air Pollution Control
Environmental Protection Agency

Animal Diseases
Animal and Plant Health Inspection Service

Boycotts
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Coal Mining
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Irish Potatoes Grown in Washington; Approval of Amendment No. 2 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation, § 946.336 to reduce size requirements for White Rose potatoes grown in District 5 to 1⅞ inches in diameter. The regulation requires fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation promotes orderly marketing of such potatoes and keeps less desirable quality and sizes from being shipped to consumers.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. Copies of the Marketing Policy and the Department's impact analysis are available from him.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 946) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0070.

This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not significantly affect costs for the directly regulated handlers.

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in May 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

At its public meeting in Moses Lake, Washington, on June 17, 1982, the committee recommended that the regulation continue in effect again this season. On July 16, 1982, at the request of growers, the committee held another public meeting.

The committee recommended there that minimum size requirements for White Rose variety potatoes grown in District 5 be reduced from 2 inches in diameter or 4 ounces to 1⅞ inches in diameter. White Rose variety potatoes are grown almost solely in District 5, where about 200 acres are harvested each year. Because these potatoes are used primarily for boiling, where smaller sizes are acceptable, handlers of White Rose potatoes requested that the minimum diameter be changed to 1⅞ inches. This minimum size should not disrupt potato marketing in Washington State.

The committee also recommended that the 20 hundredweight minimum quantity exemption provided in the handling regulation be clarified by adding "per day" following "20 hundredweight," and deleting "to any person." This change is not intended to alter the exemption allowance.

Although the regulation as amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before June 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of Washington potatoes would tend to effectuate the declared policy of the act.

Findings

After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is further found it is impracticable and contrary to the public interest to give preliminary notice or to engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of White Rose variety potatoes grown in District 5 of the production area are expected to begin about September 1, (2) to maximize benefits to producers this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this amendment, which is similar to the handling regulation currently in effect, requires no special preparation by handlers subject to it which cannot be completed by the September 1, 1982, regulation effective date.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes, Washington State.

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Section 946.336 *Handling regulation* (46 FR 39116 and 47 FR 33245) is hereby

amended by revising paragraphs (a)(2)(ii) and (f) to read as follows:

§ 946.336 Handling regulation.

* * * * *

(a) *Minimum quality requirements.*

(1) * * *

(2) *Size.*

(i) * * *

(ii) *Long varieties*—All long varieties must be 2⅛ inches (54.0 mm) minimum diameter or 5 ounces minimum weight during July 15 through August 31 each season, and 2 inches (50.8 mm) or 4 ounces during the remainder of each season, except White Rose variety from District 5 must be 1⅞ inches diameter through each season.

* * * * *

(f) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed 20 hundredweight of potatoes per day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 20 hundredweight of potatoes.

* * * * *

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

Dated August 27, 1982 to become effective September 1, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-23968 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 967

Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1982–83 season, with the objective of assuring adequate supplies and orderly marketing.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 967) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0082.

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities becasuse it will not significantly affect costs for the directly regulated handlers.

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricutural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

This regulation is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 9.

The committee recommended a Marketable Quantity of approximately 7.5 million crates of fresh celery for the 1982–83 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 15 **Federal Register** (47 FR 30792) inviting written comments by July 30, 1982. None was received.

The Marketable Quantity is two-thirds more than the approximately 4.5 million crates expected to the marketed fresh during the season which ended July 31, 1982. Each producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.3(d)(1) a reserve of six percent of the 1981–82 total Base Quantities is authorized for new producers and for increases by existing producers, with the only application—for an 80,000 crate increase—being approved.

To maximize the benefits of orderly marketing the regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 9, where it was unanimously recommended by the committee. This regulation is similar to ones in effect for past seasons.

Findings

On the basis of all considerations it is believed that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice was given of the handling regulations set forth in this section through publicity in the production area and by publication in the July 15 **Federal Register**, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1982–83 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—CELERY GROWN IN FLORIDA

Section 967.317 (46 FR 44977, September 9, 1981) is removed and a new § 967.318 is added as follows:

§ 967.317 [Removed]

§ 967.318 Handling regulation; Marketable Quantity; and Uniform Percentage for the 1982–83 season ending July 31, 1983.

(a) The Marketable Quantity established under § 967.36(a) is 7,503,282 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

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

Dated: August 27, 1982 to become effective September 1, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-23981 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1004

Milk in the Middle Atlantic Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the month of September 1982 certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the Middle Atlantic order. The action was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market. A change in the regulatory status of a large milk manufacturing plant prompted the request by the cooperative association.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 29, 1982; published August 3, 1982 (47 FR 33515).

It has been determined that this section is not a major rule under the criteria set forth in Executive Order 12291.

It has also been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on a timely enough basis since it is necessary that it be effective for the month of September 1982. In this instance, the initial request for this action was received on July 20, 1982. A notice of proposed suspension was issued on July 29, 1982, inviting interested parties to comment on the proposed action by August 10, 1982.

It has been determined that this action would not have a significant economic impact on a susbstantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the beneifts that accrue from such pricing.

The order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (47 FR 33515) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant information, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the month of September 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1004.12, all of paragraph (d) except the introductory text.

Statement of Consideration

This action makes inoperative for September 1982 the provisions of the Middle Atlantic Federal milk order that limit the amount of milk that may be diverted from farms to nonpool plants and still retain producer milk status. The order now provides that during any month of September through February a handler may divert not more than 18 days' production of each producer or in the alternative all diversions of a handler may not exceed 30 percent of the volume of the handler's total producer milk receipts.

The suspension was requested by Inter-State Milk Producers' Cooperative, which is a handler under the order and represents a substantial number of producers on the market. The basis for the request is a change from pool status to nonpool status, because of a change in ownership, of a reserve milk processing plant that has been associated with the market for a long time. The plant is located at Belleville, Pennsylvania, and has been an outlet for a significant proportion of the market's reserve milk supply handled by proponent cooperative. The cooperative states that the change in the regulatory status of the plant will require that future deliveries to the plant be received on a diverted basis in order that producer milk long associated with the market will remain pooled. Inter-State projects that such additional volume of diversions will result in the cooperative diverting in excess of the 30 percent limit under the order.

A hearing which includes the cooperative's proposal to increase diversion allowances for the months of September through February has been scheduled for August 24, 1982. Pending the determination of this issue on the basis of the hearing, the aforesaid provisions should be suspended for the month of September 1982 to avoid the threatened loss of pool status for milk supplies historically associated with the Middle Atlantic market.

One cooperative association objected to the proposed suspension on the basis that distant milk supplies intended and used for Class II purposes, and having no real association with the Middle Atlantic market, could be pooled and priced under Order 4. The cooperative expressed concern that if this happened it would result in a lower base milk price received by all dairy farmers marketing their milk in the Middle Atlantic marketing area. During some months of each year since 1976, however, provisions of the Middle Atlantic order have been suspended so that producer milk historically associated with the market would not fail to be eligible for participation in the marketwide pool. A problem such as the cooperative envisions has not occurred during this 7-year period of frequent suspensions of pooling standards. Thus, there is reason to believe that the marketing condition expressed by the cooperative will not develop.

Comments received from two other cooperative associations representing members whose milk is pooled under the Middle Atlantic Federal milk order supported the suspension.

It is hereby found and determined that 30 days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action the milk of producers historically associated with the Middle Atlantic market may fail to share in the marketwide pool;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed rulemaking was given interested parties and they

were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective September 1, 1982.

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for September 1982.

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

Effective date: September 1, 1982.

Signed at Washington, D.C., on August 27, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-24040 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action continues through November 1982 a previous suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limits on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The continuation of the earlier suspension for April through August 1982 was requested by a cooperative association because milk production will continue to be considerably in excess of fluid milk sales during the forthcoming fall months. Based on available information concerning the market's current supply conditions, continuation of the suspension is necessary to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Proposed Suspension: Issued July 29, 1982; published August 3, 1982 (47 FR 33516).

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

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension in time to include September 1982 in the suspension period. The initial request for this action was received on July 13, 1982. A notice of proposed suspension was issued on July 29, 1982, inviting interested parties to comment on the proposed action by August 10, 1982.

It also has been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (47 FR 33516) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and agruments thereon. No opposing comments were received.

After considering all relevant material, including the proposal in the notice, and other available information, it is hereby found and determined that for the months of September through November 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

Statement of Consideration

This action continues through November 1982 a similar suspension that was applicable during April 1982 through August 1982. The suspension removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

A continuation of the suspension was requested by the Lake Mead Cooperative Association who supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve milk supplies. The basis for the action is that the same imbalance between the market's fluid milk requirements and the milk supplies available from producers that prompted the initial suspension request is expected to prevail at least through November 1982. The cooperative indicated that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets.

With the continued imbalance between the market's fluid milk sales and milk supplies from producers, a significantly higher proportion of the market's producer milk will have to be channeled to manufacturing outlets at least during the forthcoming fall months. In the absence of continuing the suspension for the months of September through November, costly and inefficient movements of producer milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have been regularly associated with the market. Continuation of the suspension for the next several months will provide greater flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that 30 days' notice of the effective date

hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producers' farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to comment. No opposing views were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are suspended for September through November 1982.

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

Effective date: September 1, 1982.

Signed at Washington, D.C., on: August 27, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-24011 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 82-071]

Change in Disease Status of the Channel Islands Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds the Channel Islands to the list of countries declared to be free of rinderpest and foot-and-mouth disease (FMD). This document also adds the Channel Islands to the list of countries from which the importation of certain meat and animal products into the United States is restricted. Data furnished to the Department establishes that FMD has been eradicated from the Channel Islands. This action is necessary to permit importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meat of such animals into the United States from the Channel Islands.

DATES

Effective date: September 1, 1982.

Comments on or before: November 1, 1982.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, USDA, APHIS, VS, Import/Export Animals and Products Staff, Room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This emergency action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable to follow the procedures of Executive Order 12291 with respect to this action. For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Mr. W. H. Helms, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication of this interim rule without opportunity for public comment at this time. These amendments relieve restrictions on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meat of such animals into the United States from the Channel Islands because it has been found to be free of FMD. Therefore, these amendments should be made effective immediately, on an interim basis, in order to relieve restrictions presently imposed but no longer necessary to prevent the introduction and dissemination of the contagion of FMD into the United States.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action will lift restrictions that were imposed on March 25, 1981, on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meat and other products of such animals into the United States from the Channel Islands.

There has not been any animals imported into the United States from the Channel Islands since 1979. Only negligible quantities of fresh, chilled, or frozen meat and other products of animals have ever been imported into the United States from the Channel Islands. Therefore, it does not appear that this action will have a significant economic impact on a substantial number of small entities.

Background

On March 19, 1981, the Channel Islands were determined to be infected with FMD. This was based upon laboratory confirmation of the presence of the disease. The morbidity rate within a herd affected with FMD approaches 100 percent. Consequently, it was necessary to remove the Channel Islands from the list of countries determined to be free of rinderpest and FMD.

On Wednesday, April 1, 1981, there was published in the **Federal Register** (46 FR 19817) amendments to 9 CFR Part 94 which removed the Channel Islands from the list of countries which are declared to be free of rinderpest and FMD.

Veterinary Services has reviewed all the pertinent information and documents submitted by the authorities of the Channel Islands in support of its position that the country is free of FMD, and has concluded that the Channel Islands qualifies for listing as a country declared to be free of rinderpest and FMD in § 94.1(a)(2) of the regulations.

However, the Channel Islands supplements its meat supply by the importation of fresh, chilled, or frozen meat of ruminants and swine from countries designated in § 94.1(a) of the regulations to be infected with rinderpest or FMD. The Channel Islands also imports ruminants and swine from countries designated as infected with rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this document designates the Channel Islands as free of rinderpest and FMD, the meat and other animal products produced in the Channel Islands may be commingled with the meat and other animal products produced from an infected country, resulting in an undue risk of introducing rinderpest or FMD into the United States. Therefore, meat of ruminants or swine and other animal products from the Channel Islands should be imported into the United States only under the restrictions specified in § 94.11(a) of the regulations.

Alternatives

Pertinent information and documents reviewed by Veterinary Services indicates that the Channel Islands qualifies for listing as a country declared to be free of rinderpest and FMD; and as a country from which the importation of certain meat and animal products into the United States is restricted; therefore, no other alternatives were considered. The failure to place the Channel Islands on the list of countries declared to be free of rinderpest and FMD would result in unnecessary and unjustified restrictions upon the entry into the United States of cattle, sheep, or ruminants, or swine, or fresh, chilled or frozen meat of such animals from the Channel Islands.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, African swine fever, Exotic newcastle disease, Foot-and-mouth disease, Fowl pest, Garbage, Hog Cholera, Rinderpest, Swine vesicular disease.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited. [Amended]

1. In § 94.1 paragraph (a)(2) is amended by inserting "Channel Islands," between "Canada," and "Finland,."

§ 94.11 Restrictions on importation of meat and other animal products from specified countries. [Amended]

2. In § 94.11 paragraph (a) is amended by inserting "Channel Islands," between "Bahama Islands," and "Finland,."

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 4 and 11, 76 Stat. 130, 132; 19 U.S.C. 1306, 21 U.S.C. 111, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., 26th day of August 1982.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-23978 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 460

[Docket No. ERA-R-79-13]

Grants for Offices of Consumer Services

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Repeal of rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is repealing the regulations set forth at 10 CFR Part 460 which govern a discretionary financial assistance program authorized by section 205 of the Energy Conservation and Production Act (ECPA). The program has provided for grants to State Offices of Consumer Services to assist the representation of consumer interests in proceedings involving electric utility matters. Because DOE has determined that the program is no longer necessary or desirable and no appropriation has been made for its continuation, DOE is repealing the regulations under which it has been administered.

ERA published a Notice of Proposed Rulemaking (NOPR) on April 30, 1982 (47 FR 18604) proposing to repeal these regulations. Today's action makes final the repeal of the regulation, exactly as proposed in the NOPR.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara Ioanes, Division of Fuels Conversion, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA-093, RG-621, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-1301.

Arthur Perry Bruder, Office of General Counsel, Department of Energy, Room 6B-144, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9516.

SUPPLEMENTARY INFORMATION:

I. Background

On June 30, 1977, the Federal Energy Administration, a predecessor agency of the Department of Energy (DOE), issued final regulations establishing a program of Grants for Offices of Consumer Services, as Part 460, Chapter II, Title 10 of the Code of Federal Regulations (42 FR 35163, July 8, 1977). These regulations were amended by DOE on June 29, 1979 (44 FR 40044, July 6, 1979), based on DOE's experience gained while operating the program and changes in its financial assistance procedures.

The regulations established a program of discretionary grants to States, pursuant to section 205 of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1125 *et seq.*, (42 U.S.C. 6801 *et seq.*). Section 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), authorized to be appropriated amounts not to exceed $10 million for fiscal years 1979 and 1980 to carry out this program. The purpose of this program was to provide financial assistance to establish or operate State Offices of Consumer Services to support consumer

representation in State utility commission proceedings involving electric regulatory matters. All States, the District of Columbia, Puerto Rico, any territory or possession of the United States and the Tennessee Valley Authority were eligible to apply for grants under this program, and grants were awarded to a limited number of applicants selected annually on a competitive basis. The program has, since its inception, made 48 awards totaling $8 million to 18 States.

II. Repeal

On April 30, 1982, ERA published a Notice of Proposed Rulemaking (NOPR) (47 FR 18604) proposing to repeal the regulations under which the Grants for Offices of Consumer Services Program is administered because it had determined that the program is no longer warranted. Several reasons support this determination.

First, the objective of the program, provision for establishment or operation of State Offices of Consumer Services, has been accomplished. Although the program funded only 10 to 12 State offices each year, approximately 40 States now operate consumer services offices. This is a marked increase in the number of such offices. States which desire to establish or continue to operate consumer services offices can, of course, do so without further Federal involvement and with whatever funds and administrative requirements they deem necessary.

Another factor in DOE's determination to terminate this program is the fact that State regulatory authorities, under the mandate of Title I of PURPA, have given very extensive consideration to a number of electric utility ratemaking and regulatory policy standards. These included standards concerning provision of information to utility ratepayers, establishment of fair procedures for termination of utility service, and prohibition of certain types of utility advertising, as well as standards concerning rate structure. In considering these standards, the State regulatory authorities examined the major issues of concern to consumers and, therefore, consumer services offices, and they often adopted a number of these standards. DOE believes, therefore, that the States' activities which have taken place under PURPA make unnecessary any further Federal funding of State Offices of Consumer Services.

Moreover, section 122 of PURPA provides for the adoption of procedures under which the States, or the public utilities themselves, provide compensation to consumer representatives for the cost of participation in regulatory proceedings. More than 14 State regulatory authorities and 31 nonregulated utilities have adopted such procedures. Thus, the need for Federal sponsorship of consumer offices, whose concerns and activities would very likely duplicate those of consumer offices which are otherwise funded, is further reduced.

For these reasons, and based on the strong conviction that these are areas best left to the States, DOE has determined that the discretionary program of Grants for Offices of Consumer Services is no longer necessary or desirable. In addition, DOE has not received an appropriation for the continuation of the program. Moreover, while DOE does not plan or foresee resumption of the program in future years, should this be the case DOE would likely implement it in a manner different from that pursued in the current regulations. Accordingly, DOE sees no merit in retaining the existing regulations and concludes that the termination of the program be accompanied by repeal of the regulations under which it has been administered.

III. Comments

Public comments were submitted in response to the April 30, 1982, NOPR by one investor-owned utility and two organizations comprised of industrial consumers. Those comments supported the decision to rescind the regulations. A fourth comment, from a Community Action Program, disagreed with the proposed repeal of the regulations and the cancellation of the program. As is noted in both the summary and Section II (above), no funds have been appropriated for the continuation of the program. Clearly, not every State has established an office specifically charged with representing consumer interests in utility ratemaking proceedings. Nevertheless, the matter remains a State responsibility and Federal efforts to encourage the establishment of such offices, both direct and indirect, have been largely successful. Thus, ERA has decided to repeal these regulations exactly as proposed in the NOPR.

IV. Procedural Matters

A. *Section 102 of the National Environmental Policy Act (NEPA).* DOE has determined that this final rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

B. *Regulatory Flexibility Act.* DOE has determined that this final rule will not impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act, because it merely eliminates regulations which cover a program which has already been terminated. Accordingly DOE certifies that this rule is not likely to have a significant economic impact on a substantial number of small entities within the meaning of that Act. Therefore, DOE is not required to publish a final regulatory flexibility analysis under section 603 of that Act.

C. *Executive Order No. 12291.* DOE has determined that this final rule is not a major rule under Executive Order 12291, which requires the preparation of a Regulatory Impact Analysis for major regulations. This final rule will not be likely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that the rule will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required. This final rule has been submitted to the Office of Management and Budget (OMB) for review at least 10 days prior to its publication pursuant to section 3(c)(3) of the Executive Order. OMB has concluded its review in accordance with section 3(e)(2)(C) of the Executive Order.

List of Subjects in 10 CFR Part 460

Consumer protection, Electric utilities, Energy conservation, Grant programs-energy.

(Energy Conservation and Production Act of 1976, Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*); Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7101 *et seq.*)).

In consideration of the foregoing Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., August 19, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 460—GRANTS FOR OFFICES OF CONSUMER SERVICES [REMOVED]

Authority: Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1125

et seq., (42 U.S.C. 6801 *et seq.*); as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 *et seq.*, (42 U.S.C. 101 *et seq.*).

Chapter II of Title 10 is amended by removing Part 460 in its entirety.

[FR Doc. 82–24013 Filed 8–31–82; 8:45 am]

BILLING CODE 6450–01–M

10 CFR Part 461

[Docket Nos. ERA–R–79–12 and ERA–R–79–12A]

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Repeal of rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is repealing the regulation set forth at 10 CFR Part 461 which governs two discretionary programs for financial assistance to State utility regulatory commissions and certain nonregulated electric utilities. The first program, the PURPA Grant Program, provided grants for carrying out certain statutory duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA). The second program, the Innovative Rates Program, implemented sections 204 and 207 of the Energy Conservation and Production Act (ECPA) by providing financial assistance for electric utility rate reform initiatives relating to innovative rate structures. Because DOE has determined that these programs are no longer necessary or desirable and because no appropriation has been made for their continuance, DOE is repealing the regulations under which these programs have been administered.

On April 30, 1982, (47 FR 18606) ERA published a Notice of Proposed Rulemaking (NOPR) which proposed to rescind these regulations. Today's action in this final rule rescinds the regulation exactly as proposed in the NOPR.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara Ioanes, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA–093, RG–621, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1301.

Arthur Perry Bruder, Office of General Counsel, Department of Energy, Room 6B–144, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9516.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued final regulations establishing two discretionary financial assistance programs for state utility regulatory commissions and nonregulated electric utilities (44 FR 40262, July 9, 1979) as Part 461 of Chapter II of Title 10 of the Code of Federal Regulations.

These two programs, the PURPA Grant Program and the Innovative Rates Program, were implemented pursuant to sections 204 and 207 of the Energy Conservation and Production Act (ECPA), Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*), as added to and amended by sections 141 and 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*). The portion of the regulations which established the Innovative Rates Program was amended on July 1, 1980 (45 FR 47391, July 14, 1980), based on ERA's experience gained while operating the program.

The purpose of the PURPA Grant Program was to provide financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of PURPA. The purpose of the Innovative Rates Program was to provide financial assistance through cooperative agreements for planning and carrying out electric utility rate reform initiatives relating to innovative rate structures.

In Fiscal Year 1979, the PURPA Grant Program awarded a total of $9.6 million to 44 state utility regulatory commissions and 26 nonregulated electric utilities. The Innovative Rates Program in Fiscal Year 1979 awarded a total of $3.9 million to 15 state utility regulatory commissions and 6 nonregulated electric utilities. In Fiscal Year 1980, grants totaling $9.0 million were awarded to 46 state utility regulatory commissions and 37 nonregulated electric utilities under the PURPA Grant Program. In Fiscal Year 1980 under the Innovative Rates Program, new awards totaling $3.0 million were made to 13 state utility regulatory commissions and 4 nonregulated electric utilities and a total of $2.0 million was awarded for continuation of 16 existing projects.

II. Repeal

On April 30, 1982 (47 FR 18606), ERA published a Notice of Proposed Rulemaking (NOPR) which proposed to rescind the regulations which established the PURPA Grant and Innovative Rates Programs, because it had determined that they are no longer warranted.

DOE believes further grants to assist in carrying out PURPA duties and responsibilities are no longer necessary or appropriate because these obligations were generally required by PURPA to be carried out by no later than November 9, 1981. Section 208(1) of ECPA authorized funds to be appropriated for this purpose only for fiscal years 1979 and 1980 and, with the assistance of grants made during these years, the mandates of PURPA, for the most part, have been carried out.

Likewise, DOE believes further assistance for innovative rates projects is no longer necessary or appropriate. Section 208(3) of ECPA authorized funds to be appropriated for this program only for fiscal years 1979 and 1980, and a significant number of projects have been funded during that time, many for two years. A primary requirement for these projects was that they could be replicated, and DOE believes that replication of successful projects under state auspices, not continuation of Federal assistance, is the appropriate way for activities of this kind to proceed.

Because the programs have accomplished their purpose, DOE does not believe that further involvement in these areas is warranted. With respect to both programs, DOE believes it appropriate that states and utilities now consider and carry out rate and regulatory reform measures and initiatives as their individual circumstances dictate, free from administrative restrictions which accompany Federal financial assistance. Moreover, section 122 of PURPA provides for the adoption of procedures under which states or public utilities provide compensation to consumer representatives for the cost of participation in regulatory proceedings. Many state regulatory authorities and nonregulated utilities have adopted such procedures.

For these reasons, and based on the strong conviction that these are areas best left to the states, DOE has determined that these two discretionary programs are no longer necessary or desirable. This also recognizes that funds were authorized for these programs under PURPA only for Fiscal Years 1979 and 1980 and that no funds

have been appropriated for the continuation of either program. In addition, while DOE does not plan or foresee resumption of either of the programs in future years, should this be the case, DOE's implementation would likely be in a manner different from that pursued in the current regulations. Accordingly, DOE sees no merit in retaining the existing regulations.

III. Comments

Comments were received from one investor-owned utility and two organizations comprised of industrial consumers. All three supported the proposal in the Notice of Proposed Rulemaking (NOPR). Therefore, ERA will rescind the regulations exactly as proposed in the NOPR.

IV. Procedural Matters

A. *Section 102 of the National Environmental Policy Act (NEPA).* DOE has determined that this final rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

B. *Regulatory Flexibility Act.* DOE has determined that this final rule will not impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act, because it merely eliminates regulations which cover a program which has already been terminated. Accordingly DOE certifies that this rule is not likely to have a significant economic impact on a substantial number of small entities within the meaning of that Act. Therefore, DOE is not required to publish a final regulatory flexibility analysis under section 603 of that Act.

C. *Executive Order No. 12291.* DOE has determined that this final rule is not a major rule under Executive Order 12291, which requires the preparation of a Regulatory Impact Analysis for major regulations. This final rule will not be likely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions, or Federal, state or local government agencies. DOE does not consider it likely that the rule will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required. This final rule has been submitted to the Office of Management and Budget (OMB) for review at least 10 days prior to its publication pursuant to section 3(c)(3) of the Executive Order. OMB has concluded its review in accordance with section 3(e)(2)(C) of the Executive Order.

List of Subjects in 10 CFR Part 461

Energy conservation, Electric power rates, Electric utilities, Grant programs—energy, Natural gas.

(Energy Conservation and Production Act of 1976, Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*); Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7101 *et seq.*))

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., August 19, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 461—FINANCIAL ASSISTANCE PROGRAMS FOR STATE UTILITY REGULATORY COMMISSIONS AND ELIGIBLE NONREGULATED ELECTRIC UTILITIES [REMOVED]

Authority: Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*) as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–9191 Stat. 565 *et seq.* (42 U.S.C. 7107 *et seq.*).

Chapter II of Title 10 is amended by removing Part 461 in its entirety.

[FR Doc. 82–24012 Filed 8–31–82; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Final rulemaking.

SUMMARY: The Department has prepared a final rule to revise the foreign boycott provisions of the Export Administration Regulations.

On January 15, 1982, the Department published for comment five proposed revisions or clarifications of the antiboycott provisions of the Export Administration Regulations (47 FR 2320). Three of the revisions dealt with the elimination of the reporting requirement for vessel eligible clauses, insurance agent clauses, and most risk of loss clauses. The two other changes made clear that banks may not implement letters of credit which included the condition "Do not negotiate with blacklisted banks", or words to that effect, and that they may not insist, by refusing to pay, that a beneficiary comply with a requirement in a letter of credit that he furnish a statement about his blacklist status.

The Department believes that the changes in the reporting requirements will substantially reduce the burden on the business community of complying with the restrictive trade practice or boycott reporting provisions of the Export Administration Regulations without reducing the Department's ability to monitor boycott activity effectively. The letter of credit revisions will add needed clarity to a complex area of the regulations, and affirm the Department's commitment to fair enforcement of the antiboycott provisions of the Export Administration Act without any disruption of commercial practices.

DATES: The changes in the reporting requirements are effective retroactively to July 1, 1982; the clarification in the rules applying to letters of credit will apply only to letters of credit whose opening date is 90 days or more after the date of publication of the final rule.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, or Brian C. Murphy, Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202–377–2381).

SUPPLEMENTARY INFORMATION:

Classification

The Department has determined that this is not a major rule for purposes of Executive Order 12291.

Regulatory Impact Analysis

Not required for this rulemaking.

(A) Background

The Department of Commerce, in an effort to enhance and promote compliance with its regulations (15 CFR Part 369) implementing the antiboycott provisions of the Export Administration Act of 1979 and to reduce any unnecessary burden imposed by those regulations has identified several issues relating to the reporting of boycott requests and to letter of credit transactions for clarification and revision. The Department proposed these changes based on its experience in administering the antiboycott regulations since their adoption in

January of 1978. The proposed changes dealt with areas that have been the source of some uncertainty and confusion over that period of time. With regard to the reporting revisions, the affected requirements had also become a substantial burden on the public and the Department without, in the Department's view, providing a significant benefit to the Department's efforts to monitor the participation of U.S. companies in international boycotts.

The proposed rulemaking was published on pages 2320–2325 of the **Federal Register** of January 15, 1982, and invited comments for 60 days ending March 15, 1982.

The Department received 30 comments during the 60-day comment period. Five banks or representatives of banks, six trade groups, including the national association of freight forwarders, numerous individual exporters, and the three major Jewish service organizations filed comments and suggestions on the proposal. The banks argued against the proposed letter of credit changes; almost all of the business comments approved of the reporting revisions; and the Jewish groups expressed qualified approval of the reporting requirements and full support for the letter of credit clarifications.

After review of the comments and the arguments presented, the Department has decided to make the rule final substantially as proposed. The Department has made some modifications in the regulations and examples in order to make them clearer, and has added clarifying language to a related part of the reporting requirements. A 90 day grace period has been established before the letter of credit rules become effective, while the reporting changes are effective retroactive to July 1, 1982.

Reporting Requirement Revisions

The proposed reporting changes would eliminate the requirement for reports of receipt of requests for vessel or other transport "eligibility to enter" clauses, insurance agent clauses, and most "risk of loss" clauses. The overwhelming majority of commenters favored adoption of the reporting proposals, and the Department has decided to finalize them in its final rule below.

A number of the commenting parties were concerned whether the Department is taking the position, or should be taking the position, that the three requests are not boycott-related. In proposing the changes, the Department said that one of the reasons for the action is that the requests are not, on their face, obviously boycott-related. Rather, the boycott purpose is determined by the context of their introduction and continued usage.

The Department wishes to make clear that it considers each of the three requests addressed to be commonly used for boycott purposes. However, because each may also have non-boycott purposes, because the purposes of the requests may not be apparent on their face, and in the interest of reducing the burden on the public, these requests will no longer be reportable. It is particularly important to note, though, that, with respect to vessel or transport eligibility clauses and insurance agent clauses, the substantive rule remains unchanged. (See Supp. 1, 43 FR 16969 (1978) and Supp. 2, 44 FR 67374 (1979).)

The Department emphasizes that a request may still be a boycott request and reportable even though there is no specific reference to the boycott, blacklist or Israel. This rule should not be read to mean that only explicit boycott requests are reportable. The Department will make public information it obtains about the boycott purpose of new terms or conditions that come into use, in order to help the public indentify such requests.

With regard to "risk of loss" clauses, one commenter questioned the authority and rationale for making reportable those risk of loss clauses adopted after January 18, 1978, while eliminating the reporting requirement for those clauses first used prior to that date. The Department has determined to treat these clauses in this fashion because §369.4(d) of the regulations provides that risk of loss clauses introduced after the effective date of the regulations are presumed to constitute evasion by the person using such a clause, in violation of the law. The Department believes that it is critical to its enforcement efforts that companies be required to report any requsts they receive to comply with such presumably illegal risk of loss clauses. The Department believes that those companies which are legitimately using the clauses will so inform their vendors, while those who would seek to use such a clause illegally would find that reporting requirement an additional disincentive for not adopting the term.

In order to make clear its views with regard to the reporting requirements, the Department has determined to revise § 369.6(a)(5), the statement of rationale for the listing of non-reportable items. By doing this, the Department intends to eliminate any possibility that the public might assume that the items listed as not reportable by this section are so listed because they are not boycott-related. The Department states in the revision that they are non-reportable for a variety of reasons, including the Department's desire to reduce paperwork and the reporting burden on the affected public.

Similarly, in reviewing the comments and the proposed regulations, the Department identified two other items listed in § 369.6(a)(5) in need of clarification. These are items (i) and (ii) which listed certain requests with regard to the ownership of the vessel and route of shipment. It is not clear from the regulations that requests to provide certifications to that effect, as well as requests to refrain from shipping on certain vessels or certain routes are not reportable. This final rule includes new language making it clear that requests to refrain from taking the actions, as well as requests to certify to that effect, are not reportable.

The Department would like to note that, notwithstanding this rulemaking eliminating the reporting requirements for these clauses, this action in no way affects the views of the Department of the Treasury in its administration and enforcement of the antiboycott provisions of the Tax Reform Act of 1976 (section 999 of the IRC). In particular, those clauses relating to the eligibility of the vessel to enter a given port and the identification of the insurance agent in a given locale may be subject to differing interpretation by the Treasury Department, and individuals or companies affected by such clauses should review the applicable Treasury guidelines.

Letter of Credit Revisions

The proposed clarifications in the letter of credit rules would make it clear that banks may not implement letters of credit including the condition, "Do not negotiate with blacklisted banks", or words to that effect, and that a bank may not insist, by refusing to negotiate or pay a letter of credit, that a beneficiary or other party comply with a requirement of the letter of credit that the party furnish a statement about its blacklist status.

A number of commenters endorsed the proposed letter of credit revisions. However, some commenters expressed the view that the letter of credit revisions would severely hamper U.S. banks' operations and banks' support for U.S. international trade. Others took the position that the revisions are contrary to established administrative practice; and that they conflict with principles of international commercial law by treating a bank's refusal to honor a letter of credit as a refusal to do

business. Moreover, some commenters expressed the view that boycotting countries will be unwilling to make the kinds of changes the proposals would require. As a consequence, U.S. banks would be required to honor letters of credit with the risk that they might be unable to obtain reimbursement. They also took the position that the letter of credit revisions would put U.S. banks at a competitive disadvantage without promoting the goals of the Export Administration Act.

Several suggested a grace period of at least 90 days before the revisions should become effective.

The Department has carefully considered these comments and has concluded that the proposals are legally sound; that the available evidence indicates that their adverse impact on bank practices or opportunities will be negligible; and that additional clarity and certainty in this regulatory area is essential.

The principal argument in opposition to clarifying the prohibition against implementing letters of credit with a directive or statement such as "Do not negotiate with blacklisted banks" was that the term was without legal meaning in the transaction. It is the Department's view that the term has no less contractual effect on an implementing bank or the beneficiary than any other condition or requirement in a letter of credit. The statement would require a United States person to exclude blacklisted banks from letter of credit transactions for boycott-based reasons. Under § 369.2(a) of the Regulations, United States persons may not comply or agree to comply with such a requirement. Therefore, under § 369.2(f), U.S. banks are prohibited from implementing letters of credit containing such a condition.

In response to the range of arguments advanced against clarifying the prohibition on banks' enforcing letter of credit requirements for self-certifications, the Department has reached the following conclusions:

A certification about one's own blacklist status, although not prohibited, is boycott-related. Because compliance with a request to provide a self-certification is not prohibited, a U.S. bank may implement a letter of credit containing such a request.

Both principles of statutory construction and the legislative history of the antiboycott law support the Department's position that, if a bank refuses to pay a letter of credit when the beneficiary cannot or will not furnish a requested self-certification, the bank is refusing to do business for boycott-based reasons.

Applying relevant principles of statutory construction, the fact that the statute contains a specific prohibition directed at banks' implementation of letters of credit does not preclude application to banks of the general prohibition against refusals to do business.

The statute does contain specific, limited exceptions from the prohibition. A House-passed exception that would have permitted banks to refuse to pay letters of credit when the beneficiary failed to comply with a permissible boycott-related request was, however, dropped in Conference Committee.

The Department recognizes that its proposal might require a bank, in order to comply with the antiboycott law, to pay a letter of credit even though a required document is not presented. However, this problem is alleviated by permitting banks to notify beneficiaries that it is contrary to their policy to handle letters of credit containing self-certifications. In addition, banks routinely secure amendments to letters of credit to revise or delete other boycott-related or commercial terms. There is no evidence to indicate that this requirement could not also be revised or deleted.

The arguments presented that adoption of the two proposed clarifications would pose a serious threat to U.S. banks' international letter of credit business are not consistent with the records the Department has about the number of letters of credit containing the types of requests addressed by the proposed changes. During calendar 1981, approximately 25,000 letters of credit with a total value of approximately $7 billion, were reported to the Department as containing a boycott request. Of those, a total of only 84 letters of credit valued at approximately $8.5 million contained the subject conditions. Only 34 of those were implemented, and the balance were either amended to delete the terms, or not handled by the banks. Thus, had this rule been in effect during 1981 only 34 out of 25,000 letters of credit would have been affected.

For the foregoing reasons, the Department has decided to make the proposed clarifications final. However, the rules will apply only to letters of credit whose opening date is 90 days or more after the date of publication of the final rule (eliminating the need to amend letters of credit that are already in process, recognizing that they may take longer than 90 days to implement fully).

List of Subjects in 15 CFR Part 369

Restrictive trade practices, Boycotts, Trade practices, Reporting requirements.

Final Rule

The principal authors of this rulemaking are Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, and Pamela P. Breed, Deputy Assistant General Counsel for Enforcement and Litigation, U.S. Department of Commerce.

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

For the reasons set forth above, 15 CFR Part 369 is amended to read as follows:

1. The authority for 15 CFR Part 369 is as follows:

Authority: Pub. L. 96–72, 93 Stat. 503. Section 8(a), 50 U.S.C. 2407 (Supp. III, 1979).

2. In § 369.2, make the following changes:

A. In paragraph (a), add new examples (xix) through (xxiv) under the heading "Refusals to Do Business".

B. Add new examples (x) under the heading "Agreements to Refuse to Do Business".

C. In paragraph (f), add new example (xvii) under the heading "Prohibition Against Implementing Letters of Credit".

§ 369.2 Prohibitions.

(a) Refusals to do business.

* * * * *

Refusals To Do Business

* * * * *

(xix) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B meets all other conditions of the letter of credit but refuses to certify as to his blacklist status. A refuses to pay B on the letter of credit solely because B refuses to certify as to his blacklist status.

A has refused to do business with another person pursuant to a boycott requirement or request.

(xx) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to provide a certification from the steamship line that the vessel carrying the goods is not blacklisted. B seeks payment from A and meets all other conditions of the letter of credit but refuses or is unable to provide the certification from the steamship line about the vessel's blacklist status. A refuses to pay B on the letter of credit solely because B cannot or will not provide the certification.

A has required another person to refuse to do business pursuant to a boycott requirement or request by insisting that B obtain such a certificate. (Either A or B may request an amendment to the letter of credit substituting a certificate of vessel eligibility, however. See Example xxi below).

(xxi) U.S. bank A receives a letter of credit from a bank in boycotting country Y in favor of U.S. beneficiary B. The letter of credit

requires B to provide a certification from the steamship line that the vessel carrying the goods is eligible to enter the ports in Y. B seeks payment from A and meets all other conditions of the letter of credit. A refuses to pay B solely because B cannot or will not provide the certification.

A has neither refused, nor required another person to refuse, to do business with another person pursuant to a boycott requirement or request because the vessel eligibility certificate is a common requirement for non-boycott purposes.

(xxii) U.S. bank A confirms a letter of credit in favor of U.S. beneficiary B. The letter of credit contains a requirement that B certify that he is not blacklisted. B presents the letter of credit to U.S. bank C, a correspondent of bank A. B does not present the certificate of blacklist status to bank C, but, in accordance with these rules, bank C pays B, and then presents the letter of credit and documentation to bank A for reimbursement. Bank A refuses to reimburse bank C because the blacklist certification of B is not included in the documentation.

A has required another person to refuse to do business with a person pursuant to a boycott requirement or request by insisting that C obtain the certificate from B.

(xxiii) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B fails to provide such a certification when he presents the documents to A for payment. A notifies B that the certification has not been submitted.

A has not refused to do business with another person pursuant to a boycott requirement by notifying B of the omitted certificate. A may not refuse to pay on the letter of credit, however, if B states that B will not provide such a certificate.

(xxiv) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B from the issuing bank for the purpose of confirmation, negotiation or payment. The letter of credit requires B to certify that he is not blacklisted. A notifies B that it is contrary to the policy of A to handle letters of credit containing this condition and that, unless an amendment is obtained deleting this condition, A will not implement the letter of credit.

A has not refused to do business with another person pursuant to a boycott requirement, because A has indicated its policy against implementing the letter of credit containing the term without regard to B's ability or willingness to furnish such a certificate.

Agreements to Refuse To Do Business

* * * * *

(x) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit specifies that negotiation of the letter of credit with a bank that appears on the country X boycott blacklist is prohibited. U.S. bank A, C's correspondent bank, advises B of the letter of credit. B presents documentation to bank A seeking to be paid on the letter of credit, without amending or otherwise taking exception to the boycott condition.

B has agreed to refuse to do business with blacklisted banks because, by presenting the letter of credit for payment, B has accepted all of its terms and conditions.

* * * * *

(f) Letters of Credit.

* * * * *

Prohibition Against Implementing Letters of Credit

* * * * *

(xvii) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit includes the statement, "Do not negotiate with blacklisted banks". C forwards the letter of credit it has opened to U.S. bank A for confirmation.

A may not confirm or otherwise implement this letter of credit, because it contains a condition with which a U.S. person may not comply.

3. Section 369.6 is amended by revising paragraph (a)(5), by revising paragraphs (a)(5)(i) and (ii) by adding clarifying language, and by adding new subparagraphs (a)(5) (viii), (ix) and (x). Also, in the examples portion of § 369.6, example (xxix) is revised; a new example (xxx) is added; examples (xxx) through (xxxii) are redesignated as examples (xxxi) through (xxxiii); and new examples (xxxiv) through (xxxvi) are added, to read as follows:

§ 369.6 Reporting requirements.

(a) * * *

(5) Because of the use of certain terms for boycott and non-boycott purposes; because of Congressional mandates to provide clear and precise guidelines in areas of inherent uncertainty; and because of the Department's commitment to minimize paperwork and reduce the cost of reporting where it will not impair the Department's ability to continue to monitor foreign boycotts, the following specific requests are not reportable:

(i) A request to refrain from shipping goods on a carrier which flies the flag of a particular country or which is owned, chartered, leased or operated by a particular country or by nationals or residents of a particular country, or a request to certify to that effect.

(ii) A request to ship goods via a prescribed route, or a request to refrain from shipping goods via a proscribed route, or a request to certify to either effect.

* * * * *

(viii) A request to supply a certificate by the owner, master, charterer, or any employee thereof, that a vessel, aircraft, truck or any other mode of transportation is eligible, otherwise eligible, permitted, or allowed to enter, or not restricted from entering, a particular port, country, or group of countries pursuant to the laws, rules, or regulations of that port, country, or group of countries.

(ix) A request to supply a certificate from an insurance company stating that the issuance company has a duly authorized agent or representative within a boycotting county and/or the name and address of such agent.

(x) A request to comply with a term or condition of a transaction that provides that the vendor bear the risk of loss and indemnify the purchaser if the vendor's goods are denied entry into a country for any reason ("risk of loss clause") if such clause was in use by the purchaser prior to January 18, 1978.

* * * * *

Examples

* * * * *

(xxix) A, a U.S. manufacturer, is engaged from time-to-time in supplying drilling rigs to company B in boycotting country Y. B insists that its suppliers sign contracts which provide that, even after title passes from the supplier to B, the supplier will bear the risk of loss and indemnify B if goods which the supplier has furnished are denied entry into Y for whatever reason. A knows or has reason to know that this contractual provision is required by B because of Y's boycott, and that B has been using the provision since 1977. A receives an order from B which contains such a clause. B's request is not reportable by A, because the request is deemed to be not reportable by these regulations if the provision was in use by B prior to the effective date of the regulations, January 18, 1978.

(xxx) Same (xxix), except that A does not know when B began using the provision.

Unless A receives information from B that B introduced the term prior to the effective date of the regulations, January 18, 1978, A must report receipt of the request.

* * * * *

(xxxiv) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to state on the bill of lading that the vessel is allowed to enter Y's ports. The request further states that a certificate from the owner or master of the vessel to that effect is acceptable.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be not reportable by these regulations. (A may not make such a statement on the bill of lading himself, if he knows or has reason to know it is requested for a boycott purpose. *See* Supp. 1, 43 FR 16969 (1978) and Supp. 2, 44 FR 67374 (1979)).

(xxxv) U.S. exporter A, in shipping goods to boycotting country Y receives a request from the customer in Y to furnish a certificate from the owner of the vessel that the vessel is permitted to call at Y's ports.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be not reportable by these regulations.

(xxxvi) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to furnish a certificate from the insurance company indicating that the company has a duly authorized representative in country Y and giving the name of that representative.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be not reportable by these regulations.

Dated: August 27, 1982.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 82-23998 Filed 8-27-82; 4:47 pm]

BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-19006]

Delegation of Authority to Director of Division of Market Regulation and to Regional Administrators

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing the delegation of authority to permit disclosure to Federal and state banking authorities of information and documents deemed confidential regarding registered clearing agencies and registered transfer agents.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Pierron Robert Leef, Jr., Branch Chief, Branch of Securities Processing Inspections, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202-272-2897).

SUPPLEMENTARY INFORMATION: The Commission today announced the amendment, effective immediately, of its rules governing delegation of authority to the Director of the Division of Market Regulation (17 CFR § 200.30-3) and to the Regional Administrators (17 CFR § 200.30-6) with respect to the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a *et seq.*, as amended). The new amendment authorizes the Director of the Division of Market Regulation and Regional Administrators of the Commission to permit disclosure to the Federal bank regulators (*i.e.*, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation) and state banking authorities of information and documents deemed confidential pursuant to Rule 0-4 (17 CFR 240.0-4) regarding registered clearing agencies and registered transfer agents.

Discussion

The Commission staff conducts routine and cause examinations and investigations of registered clearing agencies and registered transfer agents. In those instances where the Federal bank regulators and the state banking authorities also have regulatory responsibilities with respect to a particular clearing agency or transfer agent, joint examinations or investigations may be conducted. The purpose of conducting joint rather than individual examinations or investigations is to avoid unnecessary regulatory duplication and to avoid undue regulatory burdens for the registrant. Rule 0-4 deems confidential information and documents obtained in the course of any examination or investigation. Previously, when a joint examination or investigation was contemplated, it frequently was necessary for the Commission staff to request Commission authorization to disclose to the Federal and state banking authorities information and documents obtained in the course of the examination or investigation.

In the interest of efficiency, the Commission is amending the rules relating to general organization, delegating to the Director of the Division of Market Regulation and to Regional Administrators,[1] authority to disclose to the Federal and state banking authorities, information and documents deemed confidential regarding registered clearing agencies and transfer agents.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Delegation

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. By adding a new paragraph (a)(38) to § 200.30-3 to read as follows:

[1] The Chairman also has designated to the Deputy, Associate and Assistant Directors of the Division of Market Regulation, and the Associate Regional Administrators and the Assistant Regional Administrators (Regulation) authority to approve these disclosures in order to accurately represent the functions of the staff members of the Division and the Regional Offices.

§ 200.30-3 Delegation of authority to director of division of market regulation.

* * * * *

(a) * * *

(38) Pursuant to Rule 0-4 (§ 240.0-4 of this chapter), to disclose to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation and to the state banking authorities, information and documents deemed confidential regarding registered clearing agencies and registered transfer agents; *Provided* That, in matters in which the Commission has entered a formal order of investigation, such disclosure shall be made only with the concurrence of the Director of the Division of Enforcement or his or her delegate, and the General Counsel or his or her delegate.

* * * * *

2. By adding a new paragraph (d)(3) to § 200.30-6 to read as follows:

§ 200.30-6 Delegation of authority to Regional Administrators.

* * * * *

(d) * * *

(3) Pursuant to Rule 0-4 (§ 240.0-4 of this chapter), to disclose to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation and to the state banking authorities, information and documents deemed confidential regarding registered clearing agencies and registered transfer agents; *Provided* That, in matters in which the Commission has entered a formal order of investigation, such disclosure shall be made only with the concurrence of the Director of the Division of Enforcement or his or her delegate, and the General Counsel or his or her delegate.

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Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Act, and particularly Sections 2, 17, 17A and 23 thereof (15 U.S.C. 78b, 78q, 78q-1 and 78w), and Section 1(b) of the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts the amendments to add a new paragraph (a)(38) to § 200.30-3 and a new paragraph (d)(3) to § 200.30-6. The Commission finds that there will be no burden upon competition imposed by the amendments.

The Commission also finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C.

553) are not necessary. This action, taken pursuant to 15 U.S.C. 78d–1, as amended, becomes effective September 1, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24072 Filed 8-31-82; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM82-2-000]

Amendments to Regulations Governing Case-by-Case Exemption From All or Part of Part I of the Federal Power Act for Small Hydroelectric Power Projects With an Installed Capacity of 5 Megawatts or Less

Issued: August 27, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is issuing a final rule amending the definition of "small hydroelectric power project" to provide specific guidance on what constitutes a natural water feature project that may be exempted from certain provisions, including licensing provisions, of Part I of the Federal Power Act. The definition establishes certain criteria that a natural water feature project must meet to qualify for exemption under existing case-specific exemption procedures.

The final rule also provides limitations on the filing of notices of intent to file certain competing applications for a natural water feature project and two other types of hydroelectric power projects. In addition, the final rule clarifies the documentation required of an exemption applicant regarding the pre-filing consultation process with other federal or state fish and wildlife agencies.

The final rule is expected to reduce uncertainty with respect to, and expedite the filing and consideration of, initial applications and competing applications for exemptible natural water feature projects.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Issued: August 27, 1982.

In the matter of amendments to regulations governing case-by-case exemption from all or part of Part I of the Federal Power Act for Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or Less; [Docket No. RM82–2–000]; Order No. 225; Final Rule.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations to define those small hydroelectric power projects which utilize a "natural water feature" for the generation of electricity and which are currently eligible for exemption under the case-specific procedures in §§ 4.101–4.108 of the Commission's regulations.[1] These case-specific procedures provide for the exemption of small hydroelectric power projects of 5 megawatts (MW) or less from certain provisions, including licensing provisions, of Part I of the Federal Power Act (16 U.S.C. 792–824) under the authority of sections 405 and 408 of the Public Utility Regulatory Policies act of 1978 ("PURPA").[2] Currently, the Commission exempts eligible small hydroelectric power projects using natural water features without having any generic definition of a natural water feature.

The Commission is also amending § 4.33(a)(2) of its regulations to preclude the filing of a notice of intent to file a competing preliminary permit application for a natural water feature project. The final rule also provides, in § 4.33(a)(3), that if an exemption or license application is filed for a project of the type enumerated in § 4.33(a)(2) [major project—existing dam, minor water power project, or natural water feature project], a notice of intent to file an exemption or license application will not be accepted from a person if that person has previously filed a notice of intent to file such an exemption or license application for the same project.

The final rule also clarifies the existing responsibility of an exemption applicant under § 4.107(e)(3) to document its pre-filing consultation with federal or state fish and wildlife agencies. The final rule does not include any change to § 4.102(a)(2)(i) of the Commission's regulations as provided in the Notice of Proposed Rulemaking.[3]

II. Exemption of Natural Water Feature Projects

A. Energy Security Act of 1980

Congress, in section 408 of the Energy Security Act of 1980 ("ESA"), amended sections 405 and 408 of PURPA to authorize the Commission to exempt, from all or part of Part I of the Federal Power Act including any licensing requirement, certain small hydroelectric power projects with proposed installed capacity of 5 MW or less. The PURPA amendments specifically empower the Commission to grant small hydroelectric project exemptions by rule or order "on a case-by-case basis or on the basis of classes or categories of projects."[4]

The statute also provides that such exemptions are subject to subsections 30(a), (c), and (d) of the Federal Power Act (16 U.S.C. 824(a), (c), (d)). These subsections provide for consultation between the Commission and state and federal fish and wildlife agencies and for the imposition of terms and conditions to prevent loss of, or damage to, fish and wildlife resources.

Most important for this final rule, section 408 of PURPA limits projects eligible for exemption to those utilizing or proposing to utilize the water power potential of either an existing dam or a "natural water feature" without the need for any dam or impoundment. The statute itself does not contain a definition for natural water feature. Similarly, the legislative history does not provide specificity on the types of natural water feature projects that may be exempted. *See, e.g.*, S. Rep. No. 96–824, 96th Cong., 2d Sess. 276 (1980) (Conference Report).

B. Definition of a Natural Water Feature Project

When the Commission established procedures for case-specific exemptions in November 1980, it did not, at that time, define a natural water feature because the Commission did not have sufficient experience with natural water feature projects. Therefore, the Commission used a broad definition of "dam" in § 4.102 of the exemption rules, so as to include among the exemptible power generation projects those that rely upon existing dams or diversions that would not obstruct all or substantially all of the flow of a natural body of water. In light of the experience gained under Order No. 106 case-specific procedures on proposed natural

[1] These procedures were established in Final Rule, "Exemption from All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With An Installed Capacity of Five Megawatts or Less," issued November 7, 1980 (Docket No. RM80–65, Order No. 106), 45 FR 76115, November 18, 1980.

[2] 16 U.S.C. 2705, 2708, as amended by section 408 of the Energy Security Act of 1980 ("ESA") (Pub. L. 96–294, 94 Stat. 611).

[3] 46 FR 55536 (Nov. 10, 1981).

[4] Section 405(d), 16 U.S.C. 2705(d).

water feature projects, the Commission is now in a position to define what constitutes a natural water feature project.[5]

As noted in the proposed rule in this docket, the Commission understands the "natural water feature" concept in sections 405 and 408 of the PURPA as pertaining to any project that uses naturally available hydraulic head. Such projects may have various configurations of project works. If a project were built to take advantage of the power potential of an existing elevated natural impoundment (lake), the project works would probably not include a dam but, instead, would involve an intake structure and a penstock or intake pipeline to divert water to a power plant. If a project were constructed to utilize a stream with a steep or precipitous gradient, including a waterfall, the project works would require, in most instances, a diversion structure to direct the water into a penstock or intake pipeline.

In such cases, the diversion structure is not designed to provide hydraulic head. Rather, the structure diverts water from the stream to make use of the naturally available hydraulic head differential between the diversion point and the downstream location of the power plant. Without construction of a structure to divert water into a penstock or intake pipeline, it would not be possible to take advantage of most topographic features for power generation.

The Commission's experience in licensing hydroelectric projects with a capacity of 5 MW or less and the record on previously processed case-specific exemptions demonstrate that by far the most common and feasible kind of natural water feature project is a project which diverts some water from a stream with a steep gradient. Diversion structures in such projects may be logs, rock piles, submerged intake boxes, or other wood or concrete structures. Such structures are not designed to impound water for daily, weekly, monthly, or seasonal flow regulation, storage, or peaking operations.

If the Commission were to read the ESA as mandating the treatment of *all* diversion structures as dams, it would require that, to be exemptible, such structures must have existed on or before April 20, 1977 (*see* section 408 of PURPA). Two primary factors indicate that very few, if any, natural water feature projects would be exemptible under this reading of PURPA. First, the technical and economic attractiveness of small diversion-type projects is a relatively recent phenomenon. Few diversion structures otherwise qualified to be natural water feature projects were built before April 20, 1977. Second, most exemptible natural water feature projects with diversion structures will be located in the West and will frequently take advantage of seasonally heavy flows, thus producing very little power during periods of low flow. Not only are existing dams at these potential sites extremely uncommon, it is unlikely that it would be economical to add or increase capacity at such a project, as the ESA and the regulations require, particularly when the facility is likely to stand idle much of the year.

The Commission believes that Congress did not intend that the authority provided the Commission to exempt natural water feature projects should be so narrowly applied as to become insignificant. Congress' provisions for exemptibility of any small hydroelectric power projects that utilize natural water featured would be rendered virtually useless, as a practical matter, if diversion facilities were not included within natural water feature projects. Since one major purpose of Title IV of the ESA (section 402) is "to provide further encouragement for the development of small hydroelectric power projects," this final rule effectuates this purpose by enabling small hydroelectric power projects with diversion or intake structures to qualify for exemption. A more restrictive approach would compel most potential natural water feature project developers to seek a license. This would frustrate the stated statutory purpose for permitting the Commission to exempt natural water feature projects from the licensing provisions of the Federal Power Act.

Based on these fundamental considerations, the final rule builds upon the existing definition of those "small hydroelectric power projects" that utilize a nature water feature, and excludes from exemption any project that uses a dam and man-made impoundment. The definition of "dam" in § 4.102(a) is amended to exclude diversion and intake structures that are not intended to impound water so as to create artificially the hydraulic head used for power generation. The term "impoundment" when used in conjunction with "dam," connotes a project which is designed to obstruct the stream flow and, by backing up large quantities of water, to create hydraulic head behind the impoundment structure. Because a diversion or intake structure will not be a "dam" under this amended definition, for the purposes of exemption, it need not be "existing" on or before April 20, 1977, in order to qualify a project for exemption. As a result, the rule revises the definition of "dam" in § 4.102(a), as it applies to exemptions, to distinguish diversion structures from other kinds of project works.

Under the final rule, a natural water feature project must utilize a natural water feature such as a natural lake, waterfall, or stream gradient. Such a project also must not retain water behind any structure for the purpose of a storage and release operation and must conform to three physical criteria which govern diversion and intake structures. First, the final rule establishes the maximum permissible height for diversion and intake structures as two times the penstock or intake pipeline diameter, not to exceed a total of ten feet in height. This height restriction is predicated on the idea that the appropriate height for any such structure relates to the technical feasibility of all project features, particularly the size of the penstock or intake pipeline and necessary clearances around it. The height criterion in this final rule is an increase from the six foot height limitation specified in the proposed rule. In addition, a limited waiver of the maximum height limit may be sought under new § 4.103(d)(2).

Second, the final rule limits the water that any diversion or intake structure can retain to two-acre feet, except if a waiver is granted. To achieve a reasonable degree of consistency from an engineering standpoint and in light of the area of the stream likely to be inundated, two acre-feet of water retention behind a diversion or intake structure is appropriate. This water retention restriction is also subject to the waiver provision in § 4.103(d)(2).

Third, a diversion and intake structure may not increase the naturally available hydraulic head by more than five percent (5%) over that which exists

[5] As noted in the Notice of Proposed Rulemaking in this docket (46 FR at 55538), at the time the Commission conducted hearings on the proposed categorical exemption rule in Docket No. RM81-7, it received oral and written comment on the nature and location of natural water feature projects and whether such projects could be defined in sufficiently precise terms for a categorical exemption. *See* Notice of Proposed Rulemaking, "Exemption from Licensing Requirements of Part I of the Federal Power Act of Certain Categories of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or Less," issued December 22, 1980, 46 FR 1291 (January 6, 1981). The Commission examined the plausibility of exempting all such projects by operation of a rule which would provide generic terms and conditions of exemption. Categorical exemption of natural water feature projects was determined not to be feasible. *See* Final Rule in Docket No. RM81-7, issued January 19, 1982, 47 FR 4232, 4234 (January 29, 1982). The Commission continues to adhere to this view.

before the project is begun. This limitation addresses the concern, voiced by commenters and arising from the Commission's own reevaluation, about minimizing adverse environmental effects that would result from significant changes to currently existing stream flows. This limitation would ensure that only high head, steep-sloped streams would be developed under this rule. For example, a ten-foot diversion could only be used to develop a natural water feature with 200 feet or more of hydraulic head.

C. Analysis of Comments on Natural Water Feature Projects

1. *Case-by-Case Exemption Procedures.* Seven of nine commenters have voiced general support for the Commission's efforts to define a natural water feature and to establish case-specific exemption procedures for projects utilizing natural water features. Only one commenter suggests natural water feature projects should be categorically exempted. For projects with such different configurations and locations, sufficient environmental protection is best accomplished on a case-by-case basis. The Commission does not, therefore, share that commenter's view.

One commenter, the State of Washington Department of Ecology (WDOE), would change the focus of the proposed rule in a fundamental way. WDOE urges that an exemption application should be accepted for filing only where the pertinent state has no objection to the filing of that exemption application under the case-by-case procedures. The Commission declines to follow the WDOE comment. The explicit grant of exemption authority to the Commission and the stated Congressional objective to encourage small hydroelectric power development militate against this approach. To adopt WDOE's view would require the Commission to ignore both the language and purpose of section 408 of the ESA, and would essentially confer on the states a veto over exemptions for natural water feature projects. Under the case-by-case exemption procedures, states already have sufficient authority to condition such exemptions with protective measures for fish and wildlife resources. The final rule reaffirms the applicant's responsibility to provide an opportunity for consultation with state agencies on fish and wildlife matters, thus emphasizing the role of state agencies in the exemption process.

2. *Adequacy of Environmental Information.* The United States Environmental Protection Agency (EPA) supports the proposed case-specific exemption procedure, but argues that an application for exemption should be required to contain more information in a number of areas, including water flows impact on aquatic biota, and the length of the proposed diversion structure. To some degree, state agency commenters voice similar concerns about the possible inadequacy of environmental information that would accompany any exemption application.

The Commission has not, in this final rule, found the need to increase the informational requirements with which all exemption applications must comply for several reasons. First, the additional information identified by the commenters is already required, particularly in Exhibits E and G. The length of the diversion structure is required in the description of the existing structures on Exhibit G. In addition, § 4.32 requires certain drawings to accompany the application for exemption, with those drawings being required to indicate the dimensions of any project works to be constructed. Exhibit E must contain a description of the environmental setting and any foreseeable environmental impacts. *See* 18 CFR 4.107(e) (1) and (2). The terms and conditions prescribed by any state or federal fish and wildlife agency must be included. *See* 18 CFR 4.107(e)(3).

In this regard, the Commission emphasizes that one major aspect of an acceptable exemption application is the completeness of the required Exhibit E. In that regard, the introductory phrase to the Exhibit E requirements in § 4.107(e) is critical—the information submitted must be "commensurated with the scope and environmental impact of the construction and operation of the small hydroelectric power project." Thus, for example, the type and extent of acceptable information on environmental impacts resulting from water retention behind a diversion structure will depend on each project's individual characteristics. Retention of one acre-foot of water in one project may be more environmentally significant (and require more information to be submitted) than retention of two or more acre-feet at another project site. Similarly, individual site characteristics will dictate the necessary amount of information on that portion of the stream from which water has been diverted. The case-specific nature of the environmental information submitted permits the Commission staff to conduct its analysis in a manner best suited to the particular project involved, and to examine, in detail, any requested waiver of the limitations on diversion or intake structure height or on water retention.

Second, an applicant is already under an obligation to provide sufficient environmental information to comply with section 30 of the Federal Power Act and with the Commission's regulations. *See* 18 CFR 4.107. Federal and state fish and wildlife agencies may request an applicant to provide more complete environmental information during the consultation process, if necessary. The Commission may also seek additional information to ascertain the environmental consequences of a project. *See* 18 CFR 4.31, 4.105. The Commission can either accept an exemption application as filed, reject the application as patently deficient, or declare the application deficient. In the last case, an applicant may have up 45 days to remedy any deficiency. Another opportunity for data evaluation is during the time afforded to interested federal and state agencies for commenting on the exemption application during the formal notice period, once an application is accepted for filing by the Commission. *See* 18 CFR 4.31(c)–(g), 4.105.

Finally, the Commission has not increased the amount of information generally required because of the clarification provided in this final rule regarding documentation of the pre-filing consultation process required in an exemption application. The Commission believes that this will help to ensure that other state and federal agencies will have adequate information to fulfill their own independent responsibilities under section 30(c) the Federal Power Act.

3. *Criteria for Diversion and Intake Structures.* One major issue discussed by the commenters is the establishment of physical criteria for diversion and intake structures in natural water feature projects. The proposed rule would have limited diversion and intake structures to a maximum of six feet in height and would have prohibited those structures from creating more than one acre-foot of "pondage."

(a) *Statutory Provisions.* One commenter claims that the Energy Security Act of 1980 prohibits definition by the Commission of the characteristics of exemptible projects beyond merely reiterating the 5 MW limitation specified in the ESA. In other words, proposal of the six foot height and one acre-foot pondage limitation is argued to conflict with the ESA. The Commission disagrees with this restrictive interpretation.

Natural water feature is left undefined in the ESA. Neither the statute nor its

legislative history suggests that Congress foreclosed the Commission from describing more specifically what will be considered a natural water feature project. Indeed, such further elaboration would appear necessary, and the ESA provides ample indication of the Commission's authority in this regard. Section 408(b) of the ESA contains an explicit grant of discretionary authority to the Commission to act by rule or order to exempt 5 MW or less small hydroelectric power projects. Similarly, section 408(c) expressly empowers the Commission to determine which natural water feature projects to include in the exemptible class of projects, so long as it is done in a manner that achieves the purposes for Title IV of the ESA to encourage the development of small hydroelectric projects without adversely affecting natural water features. Section 408 contains nothing which can be read to mean that the statutory 5 MW limitation is the only permissible criterion for exemption.

(b) *Height Limitation.* One commenter argues there are a number of reasons to increase the height limitation for diversion and intake structures. The commenter indicates that the most useful fish screens, as well as the actual water requirements for a 4 to 5 MW hydroelectric operation, would suggest a 10-foot height limitation. Optimal penstock diameters are claimed as being too large to fit within the six-foot limitation. The commenter also indicates that a ten-foot structure would minimize environmental impacts in steep canyons, would permit boulders to be incorporated into the safety design of a project, and would not result in any significant difference in fish ladders designed for upstream migration. Spawning gravel passages are asserted to be approximately the same for six or ten foot project works. In addition, the commenter indicates there would not be any significant increase in water temperature change or water loss. The Commission is asked by this commenter to consider a number of options, including raising the height limitation to 25 feet and permitting 50 acre-feet of water retention.

In contrast, the United States Department of the Interior (DOI) and Department of Commerce (DOC) favor the six-foot height limitation.

In this final rule, the Commission has limited the maximum permissible diversion or intake structure height to two times the penstock or intake pipeline diameter, not to exceed a total of ten feet in height. Under this criterion, if a penstock is four feet in diameter, the maximum permissible height of diversion structure is eight feet, unless a waiver is granted. In addition, a five-foot diameter penstock or intake pipeline is the maximum that can be used in a ten-foot structure without a waiver. In this way, the height limitation is based on engineering factors relating to the size of the penstock or intake pipeline needed to divert the desired amount of water to the powerhouse.

This height limitation for diversion and intake structures is based upon evaluation of all the comments submitted, a reevaluation of engineering and environmental requirements at natural water feature sites in light of the development of these sites for power generation, and the Commission's experience to date with exemption applications filed under case-by-case exemption procedures. The Commission expects the new height limitation to limit adverse effects and to provide other benefits. The overall ten-foot height limitation permits the use of a penstock or intake pipeline of a size which is expected by commenters and the Commission to be suitable for a 5 MW or less natural water feature project. The flexible height standard allows for approximate clearances of up to 2½ feet of water above the uppermost edge of the penstock or pipeline and up to 2½ feet of water below its lowest part. These estimated clearances will prevent air from entering the penstock or pipeline, thus eliminating cavitation, and will also prevent gravel and other streambed materials from entering the bottom of the penstock, thereby eliminating possible impairment of downstream water quality.

Nevertheless, the Commission does not believe that the height restriction alone can compensate for the effects that unusual and unanticipated configurations for diversion structures might produce. For example, some of these unusual structures could create certain adverse environmental effects, such as streambed scouring during high water flows and other streambed alterations. Accordingly, in order to minimize use of these unusual project features, the Commission has also more precisely defined in this final rule how the height of any diversion or intake structure is to be measured. Section 4.102(1)(2)(iii)(A) specifies that structure height is to be measured from the lowest elevation in the natural streambed where the structure is located ("toe" of the structure) to the normal water surface level retained by the proposed diversion structure, assuming there is no spillage of water over the structure.

(c) *Water Retention Limitation.* The Commission has increased the water retention limitation from one to two acre-feet to be consistent, from an engineering standpoint, with the overall height limitation of ten feet.[6] However, the water retention standard still maintains a reasonable limitation on the area of a stream that can be inundated. The two acre-feet criterion, therefore, is important in limiting the environmental effects that could result from natural water feature projects.

To illustrate this point, the following example describes the relationship of the height and water retention criteria to the area of a stream that could be affected. A six-foot high structure, 50 feet long, and retaining one acre-foot of water would cover 0.28 acres of land, assuming a gradient of one foot drop in elevation per 82.5 feet of stream length. If the same structure were increased in height to ten feet with two acre-feet of water retention, the surface area of the water retained would only increase to 0.36 acre. Based upon these calculations, the area covered by retained water at most natural water feature projects would remain well within the two acre-feet limitation most of the time.

In addition, the increase in the water retention limitation from the proposed one acre-foot standard to two acre-feet has no impact on the length of stream between the penstock and the powerhouse.

(d) *Limitation on Increase of Hydraulic Head.* DOI also indicates that it is unclear whether the structural limitations apply where a diversion or intake structure increases the normally-occurring head of the existing natural water feature, as opposed to creating a hydraulic head. To clarify this matter, the Commission has included the third criterion for a natural water feature project, *i.e.*, that a diversion or intake structure cannot increase the total gross hydraulic head of the natural water feature more than five percent (5%). This third criterion has been added as new § 4.102(1)(2)(iii)(C). This 5% limitation operates, as a practical matter, to stress the importance of the *natural* topographical features of a potential hydroelectric power project site since mostly high head, steep-sloped areas will be within the criterion. In addition, the 5% limitation will ensure that any increase in the normally-occurring head of the existing natural water feature will be minor.

[6] The final rule abandons use of the term "pondage" to eliminate possible misunderstanding and misuse of that term.

(e) *Waiver Provisions.* The Commission has also provided for a limited waiver of the height and water retention limitations in new § 4.103(d)(2). The waiver provision does not apply to the third criterion which limits to 5% any increase in the naturally available hydraulic head. A limited waiver appears reasonable and practical in light of the comments submitted and of the Commission's experience with the exemption process thus far. The waiver provides that a diversion or intake structure may be up to ten feet in height (regardless of penstock or pipeline diameter), that water retention may exceed two acre-feet, or both if an applicant can satisfactorily demonstrate, on an individual case-specific basis, that the requested waiver is reasonable on engineering and environmental grounds. The Commission intends for this waiver to be limited to natural water feature projects where the increase in height or water retention, if allowed, would not cause significant environmental or other impacts beyond those that would result from the project were the waiver not granted.

(f) *Other DOI and DOC Proposals.* DOI and DOC would include two other limitations in the final rule. DOI recommends that any diversion structure be limited to a 70% diversion of the stream flow, using the least extensive span that would maintain the desired flow rate. DOC recommends a 50% diversion limit. DOI and DOC would also specify that any water retention be no greater than "existing backwater."

The Commission declines to adopt the two limitations on deversion or intake structures suggested by DOI and DOC. As the Commission understands the DOI and DOC comments, they propose to limit the extension of the diversion or intake structure into the natural water feature, so that it could divert no more than 70% of the stream flow (or 50% in DOC's comment). A barrier placed only part way across a stream presents numerous difficulties from both a hydraulic and environmental viewpoint. A partial barrier provides, at best, only minimal control over the amount of water taken into the penstock or pipeline and diverted from the stream. At times of high water flow, an unnatural scouring of the streambed could easily occur, due to the increase velocities of water around the partial barrier. The increased velocity could also create a type of water barrier to fish, thereby creating the same effect as a diversion structure across the entire stream. Thus, the extent of any environmental effects or the efficiency of power generation would be mostly dependent upon chance events, such as stream flow characteristics at a given time of the year. If the concern of DOI and DOC is directed towards more protection of minimal stream flows, the exemption process for natural water feature projects permits federal and state fish and wildlife agencies to establish conditions prescribing minimum stream flows necessary to protect fish and wildlife resources.

Because it is impractical, the other proposal by DOI and DOC, that a project may not increase in any "backwater effects," has not been adopted. Any structure introduced into a natural water feature is likely to create some backing up of water. Without a diversion structure, however, it would be impractical to pressurize the penstock or intake pipeline adequately and to be able to filter out rocks and other foreign matter.

4. *Other Comments on Exemption of Natural Water Feature Projects.* One commenter questions whether the Commission is fully meeting its obligations to identify and mitigate environmental impacts under the National Environmental Policy Act of 1969 ("NEPA") (42 U.S.C. 4321 *et seq.*). The commenter argues that the Commission is delegating its responsibilities to the United States Fish and Wildlife Service (FWS) and to state agencies.

By incorporating the substance of section 30(c) of the Federal Power Act into section 405(d) of PURPA, which authorizes exemptions for natural water feature projects, section 408 of the ESA clearly mandates an independent role for the FWS and state fish and wildlife resource agencies. Section 30(c) directly imposes an independent duty upon federal and state fish and wildlife agencies to determine, in this situation on a case-by-case basis, if any terms and conditions are required for the protection of fish and wildlife resources. The rule at issue here does not impinge upon this statutory obligation.

The Commission's regulations also make it clear that the Commission will conduct its own independent environmental evaluation of exemption applications, so as to fulfill any NEPA obligations. *See* 18 CFR 4.105(b) (3) and (6), 4.106(b). In connection with each exemption application, the Commission staff performs an environmental analysis. In light of these actions, the Commission believes that DOI's concern about any abrogation of statutory environmental responsibities is unfounded. For many of the same reasons, including the plain language of section 30(c), it is inappropriate for the Commission to attempt to resolve disputes that may arise during pre-filing consultation between fish and wildlife agencies and project developers, as suggested by another commenter.

III. Other Issues

A. Revisions to § 4.33(a) Regarding Notices of Intent

As proposed, the Commission amends § 4.33(a) of its regulations in two respects. First, consistent with changes made in another recent rulemaking, [7] the Commission is revising § 4.33(a)(2) to preclude the filing of a notice of intent to file a competing preliminary permit application for a natural water feature project. The amendment does, however, provide 30 days more for filing a competing permit application than a notice of an initial permit application customarily provides for the filing of protests, interventions, and competing applications. The amendment makes the provisions relating to natural water feature projects consistent with those currently applied to projects located at existing dams, which generally have the same degree of engineering simplicity as natural water feature projects.

One commenter raised objections to the elimination from § 4.33(a)(2) of notices of the intent to file competing preliminary permit applications. The commenter asserts that this change to § 4.33(a)(2) will discourage the filing of complete and detailed applications and will delay the Commission's decisionmaking process. The Commission believes that the additional 30 days provided for filing competing permit applications is sufficent to allow for responsible drafting of those applications and to compensate for any other asserted negative aspects of eliminating notices of intent to file competing permit applications. The objections submitted by the commenter have not demonstrated that the Commission should alter this part of the final rule.

The second revision to § 4.33(a) is the addition of new subparagraph (3) which provides that if an exemption or license application is filed with respect to a project site or any mutually exclusive project site for a project of the type enumerated in § 4.33(a)(2), a notice of intent to file an exemption or license application, otherwise allowable under

[7] Final Rule, "Revisions to Regulations Governing Applications for Preliminary Permits and License for Water Power Projects" (Docket No. RM81-15, Order No. 183, issued October 29, 1981, 46 F.R. 55245 (Nov. 9, 1981)).

Part 4 of the regulations, will not be accepted from a person if that person has previously filed a notice of intent to file such an exemption or license application for the same site or mutually exclusive site. This change will limit the number of opportunities in which an applicant can file a notice of intent to file the same type of application, in this case exemption or license, for the same project. The restriction will not affect the right of the person to submit, in a timely manner, the exemption or license application itself. This provision will enable the Commission to consider exemption and license applications for the same project site, or any mutually exclusive site, in a more expeditious manner.

The amendment adding § 4.33(a)(3) rewords the sentence appearing in the proposed revision of § 4.33(a)(2) in the Notice of Proposed Rulemaking (NOPR). This amendment is intended to accomplish the same objective as that sentence and places the revised language in a new § 4.33(a)(3) for purposes of clarity. The Commission did not receive any comment on this issue.

B. Retention of Section 4.104(a)(2)(i)

Section 4.104(a)(2)(i) of the Commission's regulations is unchanged by this final rule. Section 4.104 in general establishes definite relationships among exemptions, permits, licenses, and applications for any of these authorizations, if the same hydroelectric power site or a mutually exclusive site is the subject to several applications and Commission action pursuant to an application. The proposed amendment to § 4.104(a)(2)(i) would have restricted the appropriate time for filing a competing exemption application.

The final rule retains the current version of § 4.104(a)(2)(i) since it is more in keeping with the rationale expressed in the Commission's *Georgia Pacific* and *Long Lake Energy Corporation* decisions [8]. This rationale would as applied to exemption applications, suggest that the period for filing exemptions in competition with permit or license applications should be as long as possible. The submittal of a second and competing permit application, under § 4.104(a)(2)(i), affords a project owner the time prescribed in any notice issued for that second application, plus the time for accepting the second-filed permit application, to submit an exemption application or a notice of intent to make such a submittal. This extra time to file an exemption application (or a notice of intent thereof) is in addition to the notice period provided in connection with the first permit application.

C. Use of "Project" in Section 4.33(a)

One commenter raises a general objection to using "project" and not "project works" in § 4.33(a), on the basis that section 4 of the Federal Power Act (FPA) limits the Commission's licensing authority to "project works." Contrary to the general nature of the objection submitted, nothing in either the Federal Power Act regime for regulating hydroelectric power projects, the provisions of sections 405 and 408 of PURPA, or legislative history indicates that the use of "project" in § 4.33(a) is improper. The Commission notes that sections 7, 9, 10, 14, 15, 16, 23, 24, 26 and 30 of the Federal Power Act repeatedly refer to the Commission's authority or responsibilities regarding "projects" or "facilities".

IV. Clarification of Pre-filing Consultation Process

A. The Consultation Process

Applicants for exemptions, like those for licenses and permits, must consult with fish and wildlife agencies before filing an application. The consultation process is comprised of several steps. A prospective exemption applicant should begin by contacting the appropriate agencies and by describing the proposed project and its potential effects to the extent possible. This initial contact will provide an informal opportunity for agencies to comment, to define any studies that may be needed to assess potential impacts, or to recommend adequate protective and mitigative measures. An application is normally prepared following these initial agency contacts.

The second step in the process occurs when an applicant formally requests consultation with the fish and wildlife agencies prior to filing an application for exemption with the Commission. An applicant must give an agency at least 30 days to comment and document its recommendations prior to the filing of an exemption application. The formal consultation request should be made in writing to facilitate the required documentation of the consultation process. At this point, the project should be described in detail to the agencies, and the information presented should include the results of any studies performed and a response to any preliminary comments and recommendations of the agencies. The Commission encourages applicants to submit to the agencies a copy of the draft application, as it is proposed to be filed with the Commission.

The third step is documentation of the consultation process. Such documentation must be presented in the exemption application when it is filed with the Commission. The Commission wishes to point out that § 4.107(e)(3) requires that any letter containing agency comments and recommendations must be included in an application when it is filed. If any agencies, with whom an applicant is required to consult, fail to provide written documentation indicating a completed consultation within the 30-day period, an applicant must still document the consultation process. In such a case, an applicant must provide a written summary of its attempts to consult and the results of any partial consultation that has occurred. Exemption applications will be found patently deficient and rejected if they lack the required documentation or written summary describing the results of attempted documentation.

B. Change to § 4.107(e)(3)

Section 4.107(e)(3) is reworded to indicate more clearly the information to be submitted when a state or federal agency has not yet developed written terms, conditions, or recommendations. This information is to include, among other items, identification of the agency and office contacted, the date of contact, and any agency or office determination. This clarification does not change the existing requirement in § 4.107(e)(3) that an applicant for a case-specific exemption from licensing must either obtain letters of comment from the agency or provide a written summary documenting the consultation process, indicating both attempted consultations and completed consultations resulting in verbal comment. In the absence of a written response from a federal or state fish and wildlife agency pursuant to a request by an applicant for pre-filing consultation, the Commission encourages applicants to make a follow-up contact to ensure that these agencies have received the descriptive information and have been afforded the minimum thirty days for their pre-filing review.

The Commission finds that good cause exists to clarify § 4.107(e)(3) in this final rule without giving prior notice and seeking public comment. This finding that prior notice and comment are unnecessary is made in light of the minor nature of this clarification of

[8] Georgia Pacific Corporation, 17 FERC ¶ 61,174 (Proj. Nos. 3892, 4244, Nov. 12, 1981); Long Lake Energy Corporation, 20 FERC——(Proj. Nos. 4247–001, 5196–000, EL82–14–000, issued Aug. 2, 1982). *See also*, Banister Development, Ltd., 17 FERC ¶ 61, 034 (Proj. No. 3610, Oct. 8, 1981) (which discusses the required specificity in notices of intent).

§ 4.107(e)(3), and because the change is expected to eliminate rejection of exemption applications as deficient which, for lack of clarity in current regulations, have been filed without this necessary information which the Commission customarily requires.

V. Regulatory Flexibility Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601–612), the Commission certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

The primary purpose of this proposal is to clarify exemption procedures already established and in use for small hydroelectric power projects and to limit, to some extent, the kinds of projects that may be exempted under the definition of a natural water feature project. Currently, there are no specific limitations of the kinds promulgated in this rule.

The Commission cannot estimate which entities will apply for exemptions for natural water feature projects and, therefore, cannot fully predict the impact of this rule's clarifications and limitations on small entities, as defined in the RFA. Although the rule may affect the ability of small private developers or municipalities to consider or actually obtain exemptions, it would not appear to impact this group any more or any less than others. The clarifications and limitations in this rule, by more specifically defining acceptable structures, may even simplify or streamline the determinations of such small entities.

In addition, under this rule for exemption of natural water feature projects, small entities, which could have otherwise been required to obtain a licenses for such small hydroelectric power projects, may now resort to less burdensome exemption procedures for qualifying projects. Moreover, by limiting the use of notices of intent for such projects, the Commission avoids delays occasioned by the filing of notices of intent to submit competing preliminary permit applications for certain projects. Concededly, this aspect of the rule will require would-be project sponsors (including a small private developer or small municipality) to reach a decision more quickly about filing a competing application. This may create some minimal additional burdens for small private and public developers. These burdens are expected to be slight or non-existent, since the decisionmaking should not entail any expense in addition to that which would eventually be incurred in deciding whether to file a competing permit application. In the same vein, clarification of the necessary documentation on pre-filing consultation does not increase the obligations on exemption applicants but instead provides more guidance in certain situations. Any burdens should be more than offset by the advantages small developers will realize by virtue of both a shorter, better defined, and less costly application process, and more rapid Commission decisionmaking. Accordingly, any net economic impact of this rule, to the extent it exists, would likely benefit any small private or municipal developer.

In view of the minimal economic effects of the definition of a natural water feature project, the procedural clarifications, and the restriction on filing of notices of intent contained in this final rule, a certification of no significant economic impact on a substantial number of small entities is appropriate.

(Energy Security Act of 1980, Pub. L. 96–294, 94 Stat. 611; Federal Power Act, as amended, 16 U.S.C. 792–828c; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645; and the Department of Energy Organization Act, 42 U.S.C. 7101–7352; E. O. 12009, 3 CFR 142 (1978))

List of Subjects in 18 CFR Part 4

Electric power.

In consideration of the foregoing, the Commission amends Part 4 of the Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective October 1, 1982.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

1. In § 4.33, paragraph (a)(2) is revised and a new paragraph (a)(3) is added to read as follows:

§ 4.33 Filing and disposition of conflicting applications.

(a) * * *

(2) A notice of intent to file a competing application for preliminary permit may not be submitted for any proposed major project—existing dam, as defined in § 4.50(b)(5) of this chapter; any minor water power project of 5 MW or less, as defined in § 4.60(b)(3) of this chapter, which utilizes an existing dam; or any water power project with an installed capacity of 5 MW or less which utilizes a natural water feature, as defined in § 4.102(1)(2). Any competing application for preliminary permit for a proposed major project—existing dam, minor water power project 5 MW or less which utilizes an existing dam, or water power project 5 MW or less which utilizes a natural water feature must be submitted not later than 30 days after the last date for filing protests and petitions to intervene prescribed in the public notice issued under § 4.31(c)(2) of this chapter for the initial application.

(3) For any single or mutually exclusive project or project site of the type of project enumerated in paragraph (a)(2) of this section, an applicant may file not more than one notice of intent to file an exemption application and not more than one notice of intent to file a license application.

* * * * *

2. In § 4.102, paragraphs (a), (a)(1) and (a)(2) are revised to read as follows:

Subpart K—Exemption of Small Hydroelectric Power Projects of 5 Megawatts or Less

* * * * *

§ 4.102 Definitions.

For purposes of this subpart—

(a) "Dam" means any structure for impounding water which is usable for electric power generation, if the impoundment supplies all, or the substantial part of, the total hydroelectric pressure (head) developed for such generation.

(1) "Small hydroelectric power project" means any project in which capacity will be installed or increased after the date of application under this subpart, which will have a total installed capacity of not more than 5 megawatts, and which:

(2)(i) Would utilize for the generation of electricity a natural water feature, such as a natural lake, waterfall, or the gradient of a natural stream, without the need for a dam and man-made impoundment;

(ii) Would not retain water behind any structure for the purpose of a storage and release operation; and

(iii) Except as otherwise permitted under § 4.103(d)(2), would contain a diversion or intake structure that:

(A) Is not higher than two times the diameter of the penstock or intake pipeline, not to exceed ten feet in total height, as measured from the lowest point of the natural streambed at the downstream toe of the structure to the normal water surface level retained by the structure assuming a no-spill condition;

(B) Does not retain more than two acre-feet (2467 cubic meters) of water behind the diversion or intake structure;

(C) Does not increase the existing naturally occurring hydraulic head of the natural water feature more than five (5) percent.

* * * * *

3. In § 4.103, paragraph (d) is redesignated as paragraph (d)(1) and a new paragraph (d)(2) is added to read as follows:

§ 4.103 General provisions for case-specific exemption.

* * * * *

(d) (1) *Waiver.* In applying for case-specific exemption from licensing, a qualified exemption applicant may petition under § 385.207 of this chapter for waiver of any specific provision of §§ 4.102 through 4.107. The Commission will grant a waiver only if consistent with Section 408 of the Energy Security Act of 1980.

(2) For any small hydroelectric power project that would utilize a natural water feature, as defined in § 4.102(l)(2), a qualified exemption applicant may obtain a waiver, under this paragraph, of the height limitation in § 4.102(l)(2)(iii)(A) or the water retention limitation in § 4.102(l)(2)(iii)(B), or both, only if that applicant has demonstrated, based on adequate environmental and engineering information in its exemption application and petition for waiver, that it is reasonable to waive these limitations. In no case may a diversion or intake structure for such project exceed ten feet in total height.

4. In § 4.107, paragraph (e)(3) is revised to read as follows:

§ 4.107 Contents of application for exemption from licensing.

* * * * *

(e) * * *

(3) Letters or other documentation showing that the applicant consulted or attempted to consult with each of the relevant fish and wildlife agencies (specify each agency) before filing the application, including any terms or conditions of exemption that those agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act. If any fish or wildlife agency fails to provide the applicant with documentation of the consultation process within a reasonable time, in no case less than 30 days after documentation is requested, the applicant must submit a written summary of the consultation identifying the agency and office contacted, the date of the contact, and any determinations of the agency or office. Any exemption application that does not contain the information required in this subparagraph will be considered patently deficient and be rejected pursuant to § 4.31(d) of this part. The applicant may obtain a list of fish and wildlife agencies from the Director of the Division of Hydropower Licensing or any Regional Engineer.

* * * * *

[FR Doc. 82-24057 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282

[Docket No. RM 79-14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: August 27, 1982.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of September 1982 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.560
Calendar Year 1981												
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139			
NGPA Section 102 Threshold	3.003	3.003	3.063	3.093	3.112	3.132	3.152	3.176	3.200			
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214			
130% of No. 2 Fuel Oil in New York City Threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660			

[FR Doc. 82-24060 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7828]

Income Tax; Taxable Years Beginning After December 31, 1953; Charitable Contribution of Property Elected Under the Asset Depreciation Range System

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of eligible property elected under the Asset Depreciation Range system and retired by charitable contribution. The regulations correct a distortion with respect to the treatment of such property arising under prior rules. The regulations would affect donors of such property.

DATE: The regulations are effective with respect to property retired after December 30, 1980.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan, Jr. of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1980, the **Federal Register** published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 167 of the Internal Revenue Code of 1954 (45 FR 85787). The regulations were proposed to clarify the regulations under section 167. A public hearing was not requested or held. One comment was received with respect to the proposed regulations. After consideration of that comment, the amendment is adopted as proposed.

In General

The regulation requires that a charitable contribution of eligible property which is elected under the Asset Depreciation Range systems be treated as an extraordinary retirement. Upon retirement of the asset, the unadjusted basis of the contributed property shall be removed from the vintage account and an adjustment shall be made to depreciation reserve.

The one comment received suggested that charitable contributions be treated in a manner similar to the treatment of casualty losses. In effect, the taxpayer would be entitled to elect that no charitable contribution deduction be taken in the year of the contribution and that the property remain in the ADR account. If no election were made, then the charitable contribution deduction would be allowed, and the contribution would be treated as an extraordinary retirement. A casualty loss is a sudden, unexpected occurrence, while a charitable contribution is the result of a planned action of the taxpayer to retire the asset. To allow the taxpayer to make an election to retire the asset, as suggested, could give rise to undue manipulation of the timing of tax deductions. Accordingly, this Treasury decision does not adopt the suggested alternative treatment.

Evaluation of the effectiveness of this regulation will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. This regulation will not impose new reporting or recordkeeping requirements.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this final regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the order dated April 28, 1982.

Regulatory Flexibility Act

The Internal Revenue Service has concluded that the final regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

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

List of Subjects in 26 CFR Part 1

Income taxes, Taxable income, Deductions, Exemptions, Depreciation.

Adoption of amendment to the regulations:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, the regulation proposed to be prescribed as final Income Tax Regulations (26 CFR Part 1) published as a notice of proposed rulemaking in the **Federal Register** for December 30, 1980 (45 FR 85787), is hereby adopted as proposed.

This Treasury decision is issued under the authority contained in sections 167 and 7805 of the Internal Revenue Code (85 Stat. 508, 26 U.S.C. 167; 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 23, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

Section 1.167(a)-11(d)(3)(ii) (relating to definitions of ordinary and extraordinary retirements) is amended by adding a new subdivision (*d*) after subdivision (*c*) to read as follows:

§ 1.167(a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

* * * * *

(d) *Special rules for salvage, repairs and retirements.* * * *

(3) *Treatment of retirements.* * * *

(ii) *Definitions of ordinary and extraordinary retirements.* * * *

(*d*) The asset is section 1245 property which is retired after December 30, 1980 by a charitable contribution for which a deduction is allowable under section 170.

* * * * *

[FR Doc. 82-24009 Filed 8-31-82; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[T.D. 7829]

Income Tax; Taxable Years Beginning After December 31, 1953; Inclusion of Timber, Coal, and Domestic Iron Ore Within the Definition of "Property Used in the Trade or Business"

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides an amendment which clarifies the

regulations including the terms "timber", "coal", and "domestic iron ore" within the definition of "property used in the trade or business". The amendment affects sellers of coal, domestic iron ore, and standing timber.

DATE: This regulation applies to taxable years beginning after December 31, 1953.

FOR FURTHER INFORMATION CONTACT:
John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document provides an amendment to the Income Tax Regulations (26 CFR Part 1) under section 1231(b)(2) of the Internal Revenue Code of 1954. This regulation is being issued without prior notice because it was determined that no notice and public comment procedure is necessary since this document will not be detrimental to any taxpayer.

Explanation of Provision

This amendment revises § 1.1231-1(a)(2) to provide that timber, coal, and iron ore to which section 631 of the Code applies are treated as "property used in the trade or business" subject to section 1231 treatment. This revision also clarifies that timber, coal, and iron ore to which section 631 does not apply are also subject to section 1231 treatment if they otherwise meet the requirements of section 1231 of the Code.

Evaluation of the effectiveness of this regulation will be based on comments received from offices within the Treasury and Internal Revenue Service, other governmental agencies, and the public. These regulations will impose no new reporting or recordkeeping requirements.

Drafting Information

The principal author of this regulation is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the order dated April 28, 1982.

Regulatory Flexibility Act

The Internal Revenue Service has concluded that the regulations promulgated herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

List of Subjects in 26 CFR Part 1

Income taxes, Capital gains and losses, Recapture.

Adoption of amendment to the regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph (a) of § 1.1231-1 is amended by revising subparagraph (2) thereof, to read as follows:

§ 1.1231-1 Gains and losses from the sale or exchange of certain property used in the trade or business.

(a) *In general.* * * * (2) timber, coal, and iron ore which do not otherwise meet the requirements of section 1231 but with respect to which section 631 applies; * * *

* * * * *

Because this Treasury decision will not be determental to any taxpayer, it is found unnecessary to issue this Treasury decision with notice and public procedures thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: August 23, 1982.

David G. Glickman,
Acting Assistant Secretary of the Treasury.

[FR Doc. 82-24010 Filed 8-31-82; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Parts 30 and 31

[T.D. 7827]

Penalty for False Information With Respect to Withholding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary employment tax regulations relating to the civil penalty for false information with respect to withholding of income tax at source on wages. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide guidance to officers and employees of the Internal Revenue Service with respect to the application of third civil penalty. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register.**

DATE: These temporary regulations are effective with respect to acts and failures to act occurring after December 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3828).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary employment tax regulations relating to the civil penalty for false information with respect to withholding of income tax at source on wages. These regulations are being issued because of the changes made by section 721 (a) of the Economic Recovery Tax Act of 1981 (Pub. L. 97-34; 95 Stat. 172, 340) to section 6682 of the Internal Revenue Code of 1954. Further, a new Part 30, Temporary Employment Tax Regulations under the Economic Recovery Tax Act of 1981, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

General Rule

The regulations describe the application of the $500 civil penalty to be paid by an individual who makes a

statement under section 3402 (relating to withholding of inome tax at source on wages) which results in reduced withholding and for which there was no reasonable basis.

There was a reasonable basis for a statement of the number of exemptions an individual claimed on a Form W–4 if the individual properly completed the Form W–4 by taking into account only allowable amounts for items which are allowable and by computing the number of exemptions in accordance with the instructions on the Form W–4.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR Part 30

Employment taxes, Income taxes, Withholding, Penalties.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding, Penalties.

Adoption of Amendments to the Regulations

Accordingly, a new Part 30, Temporary Employment Tax Regulations under the Economic Recovery Tax Act of 1981, is added to Title 26 of the Code of Federal Regulations, and the following amendments are made to the regulations:

1. A new Part 30, Temporary Employment Tax Regulations under the Economic Recovery Tax Act of 1981, is added to Title 26 of the Code of Federal Regulations. Part 30 reads as follows:

PART 30—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981

Sec.

30.6682–1 False information with respect to withholding.

Authority: Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805.

§ 30.6682–1 False information with respect to withholding.

(a) *Civil penalty.* If any individual makes a statement under section 3402 (relating to income tax collected at source) which results in a lesser amount of income tax actually deducted and withheld than is properly allowable under section 3402 and, at the time the statement was made, there was no reasonable basis for the statement, the individual shall pay a penalty of $500 for the statement. There was a reasonable basis for a statement of the number of exemptions an individual claimed on a Form W–4 if the individual properly completed the Form W–4 by taking into account only allowable amounts for items which are allowable and by computing the number of exemptions in accordance with the instructions on the Form W–4. This penalty is in addition to any criminal penalty provided by law. This penalty may be assessed at any time after the statement is made, until the expiration of the applicable statute of limitations.

(b) *Deficiency procedures not to apply.* The civil penalty imposed by section 6682 may be assessed and collected without regard to the deficiency procedures provided by subchapter B of chapter 63 of the Code.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

§ 31.6682–1 [Removed]

2. Section 31.6682–1 (relating to false information with respect to withholding allowances based on itemized deductions) is removed.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 23, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–23960 Filed 8–31–82; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–113; Ref: Notice No. 385]

Finger Lakes Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in the State of New York, to be named "Finger Lakes." This final rule was initiated as a result of a petition filed by the Finger Lakes Wine Growers Association. The final rule resulted from two notices of proposed rulemaking, Notice Nos. 356 and 385, published in the Federal Register on November 6, 1980 (45 FR 73694) and October 7, 1981 (46 FR 49597), and a public hearing held in Geneva, New York, on February 11, 1981. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Finger Lakes as a viticultural area and its subsequent use as an appellation of origin in wine labeling and advertising will allow local wineries to better designate their specific grape-growing area and will enable consumers to better identify the wine they purchase.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692), which added a new Part 9 to 27

CFR for the listing of approved viticultural areas. Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features.

Section 4.25a(e)(2), Title 27 CFR, outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Finger Lakes Wine Growers Association to establish a viticultural area in the State of New York, to be named "Finger Lakes." In response to this petition, ATF published a Notice of Proposed Rulemaking, No. 356, on November 6, 1980 (45 FR 73694), and a Notice of Hearing, No. 361, on December 15, 1980 (45 FR 82472) in the **Federal Register.**

The proposed Finger Lakes viticultural area included approximately 8,400 square miles which encompassed 14 adjoining counties in their entirety: Monroe, Wayne, Livingston, Ontario, Yates, Seneca, Cayuga, Onondaga, Steuben, Schuyler, Chemung, Tompkins, Tioga, and Cortland. The petitioner furnished information which documented the proposed area as the second largest grape-growing area in New York State, with over 14,000 acres of labrusca, French hybrid and vinifera grapes. The proposed 14-county area is the same area which was officially designated by the State of New York in 1967 as the "Finger Lakes Region."

In response to Notice No. 356, ATF received 16 comments, all but one of which supported the petition. During the public hearing held on February 11, 1981, in Geneva, New York, 10 witnesses presented testimony supporting the boundaries of the area as proposed. The witnesses based their testimony on (1) the historical significance of the name "Finger Lakes" as relating to the proposed 14 adjoining county area, (2) the general 140–150 day growing season around the Finger Lakes area, and (3) the possible consumer confusion that would occur if the boundaries were amended to other than those proposed.

ATF sought information from the witnesses as to (1) the 60-day difference in growing seasons within the proposed area, (2) the geographical and climatic features which primarily influence grape growing within the proposed area, (3) where, within the proposed area grape growing is commercially viable, and (4) why the entire 14-county area was proposed when over 95 percent of the grapes are grown in only six of the counties.

In response to the questions, witnesses testified as follows: (1) The 143-day growing season generally defines the boundaries of commercial viability for grape growing. (2) The geographical features which influence grape growing are a combination of the moderating effect on the climate of the 11 Finger Lakes and the topography of the land near the lakes, which results in increased "air drainage" the farther one moves from Lake Ontario. (3) The older grape vineyards are generally in the immediate vicinity of the older and more established wineries for reasons of economy of transportation, while the newer vineyards and wineries are expanding away from the traditional grape-growing areas; the expansion of new wineries and vineyards was caused in part by the enactment of the Farm Winery Bill of 1976. (4) The entire 14-county area was proposed because of its historical and commercial significance as the established "Finger Lakes Region," which is one of the vacation regions established by the State of New York.

After evaluating the comments submitted and testimony presented, ATF concluded that the proposed boundaries did not clearly depict a distinct grape-growing area which contained geographic and climatic characteristics that would distinguish it viticulturally from surrounding areas. Therefore, ATF proposed amended boundaries in a notice of proposed rulemaking, Notice No. 385, published October 7, 1981, in the **Federal Register** (46 FR 49597). The proposed amended boundaries (1) emcompass an area with a relatively uniform growing-season length and (2) include, and are proximate to, the 11 Finger Lakes. The amended boundaries reduced the petitioned area from 8,400 to less than 4,000 square miles.

Public Comment

In response to Notice No. 385, the only comment submitted was one from Stafford H. Krause, on behalf of the Finger Lakes Wine Growers Association. Mr. Krause also filed an amendment to that comment. The comment supported the boundaries proposed by ATF as being viticulturally distinct by reason of geographic and climatic conditions. However, the initial comment disagreed with ATF's boundaries on the basis that they were too limited and (1) had omitted certain vineyards to the north, near Lake Ontario, and (2) had not taken into account the climatic influence of Lake Ontario. The petitioner stated that the historic "Finger Lakes Region" boundaries are well known by the public, and a weighing of viticultural exactness against possible public confusion should be considered. The amendment to the comment stated that while the Finger Lakes Wine Growers Association preferred the originally proposed boundaries, it did not oppose the amended boundaries.

Boundaries

In response to ATF's proposal to amend the petitioned boundaries, the commenter stated that the boundaries were too limited and may create consumer confusion because they differ from the historic and well known "Finger Lakes Region" boundaries.

In addition to the "Finger Lakes Region" for tourism purposes, the State of New York has established a Finger Lakes area with different boundaries for purposes of statistical reporting of grape production and usage. The New York State Department of Agriculture and Markets defines the "Finger Lakes Grape Region" as the area encompassing the five adjoining counties of Ontario, Yates, Seneca, Schuyler and Steuben. These counties are located in the south and central portion of the petitioned area. The other nine counties which were in the petitioned area are referred to as a portion of the "other western counties."

The petitioner's comment regarding the omission of certain vineyards to the north refers to a limited number of vineyards near Lake Ontario which grow and supply Niagara grapes to some of the wineries within the boundaries of the amended area. The area in which these vineyards are located has a growing season which is 20–30 days longer than the amended area. Due to its proximity to Lake Ontario, this area is influenced by geographic and climatic conditions of Lake Ontario, one of the Great Lakes, rather than the Finger Lakes.

Notwithstanding the significance of the northern vineyards near Lake Ontario or the Finger Lakes regional designations, as established by the State of New York for tourism and grape statistical reporting purposes, ATF has determined that the amended boundaries, as proposed in Notice No. 385 (46 FR 49597), outline a grape-growing area which is distinct from surrounding areas for purposes of wine labeling. a viticultural area must meet the requirement that it possess geographical features which distinguish it viticulturally from surrounding areas, as opposed to any other criteria utilized by the State of New York in determining the two different Finger Lakes regional designations. Therefore, the amended boundaries are adopted.

The exact boundaries of the Finger Lakes viticultural area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the final regulations of this document.

Evidence Relating to the Name "Finger Lakes"

The petitioner submitted evidence which documented the name "Finger Lakes" as referring to an area in west central New York State which contains, and derives its name from, 11 finger-shaped lakes. This area is recognized in many wine publications as having the most important vineyards for wine production in the eastern United States. The name is referred to in all major wine publications and books which describe and report on wineries and vineyards located in the eastern United States.

ATF believes that sufficient evidence has been submitted which establishes the historical and current use of the name "Finger Lakes" as applying to a grape-growing area which is locally and nationally recognized as representing the area surrounding the 11 Finger Lakes.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish it viticulturally from surrounding areas. Information was submitted with the petition and testimony was presented at the public hearing distinguishing the Finger Lakes area, as amended, from surrounding areas due to climatic conditions and geographical features associated with its proximity to the 11 finger-shaped lakes.

The petition contained information which listed the area around the 11 lakes as having an average 143-day growing season. In addition, the testimony at the public hearing indicated that the 143-day growing season represented the boundary for commercially viable grape growing. Immediately to the northeast of the amended boundaries, the growing season rapidly expands to 170–180 days, while just to the southwest the growing season diminishes to 110–120 days.

The petition, and testimony presented at the public hearing, pointed out the temperature moderating effect of the 11 lakes as being one of the most influential factors for grape growing in the area. The "lake effect" creates less severe temperature extremes in winter and summer. The testimony also addressed the topography of the land near the Finger Lakes and the resultant increased "air drainage" surrounding the lakes the greater the distance from Lake Ontario.

ATF has concluded that three of the factors relied upon by the petitioner, specifically the length of the growing season, the moderating effect of the Finger Lakes on the climate, and the "air drainage" effect of the Finger Lakes topography, do not support the boundaries originally proposed. Rather, the evidence indicates that while these factors are significant, they distinguish a smaller area (within the area originally proposed) from the surrounding area. The proper boundaries for defining the viticultural area are closer to the Finger Lakes than those originaly proposed.

Therefore, ATF has adopted the amended boundaries (1) which encompass an area with a relatively uniform growing season length and (2) which include, and are approximate to, the 11 Finger Lakes.

Regulatory Flexibility Act

The second notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it will not have a significant economic impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 604) for a final regulatory flexibility analysis shall not apply to this final rule.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 issued February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Miscellaneous

ATF is approving the Finger Lakes area as being viticulturally distinct from surrounding areas. By approving the area, ATF is allowing wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Finger Lakes wines.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1 The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.34 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.34 Finger Lakes.

Par. 2. Subpart C is amended by adding § 9.34 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.34 Finger Lakes.

(a) *Name.* The name of the viticultural area described in this section is "Finger Lakes."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Finger Lakes viticultural area are four U.S.G.S. maps scaled 1:250,000. They are entitled:

(1) "ROCHESTER", Location Diagram NK 18–1, 1961;

(2) "UTICA", Location Diagram NK 18–2, 1962;

(3) "ELMIRA", Location Diagram NK 18–4, 1968; and

(4) "BUFFALO", Location Diagram NK 17–6 (30–L), 1962.

(c) *Boundaries.* The boundaries of the Finger Lakes viticultural area, based on landmarks and points of reference found on the approved maps, are as follows: Starting at the most northwest point, the intersection of the Erie Canal and the north/south Conrail line south of the City of Rochester, east along the course of the Erie Canal approximately 56 miles (45 miles due east) to the intersection of New York State Highway 89 (NY–89); south on NY–89 four miles to the intersection of highway US–20; east on US–20 for 36 miles to the intersection of Interstate 81 (I–81); south along I–81 for

ten miles to NY–281; continuing south on NY–281 for 20 miles around the western city limits of Cortland where NY–281 becomes NY–13; continuing southwest on NY–13 (through the cities of Dryden and Ithaca) approximately 36 miles to the intersection of NY–224; from this point continue due west one mile to the southern boundary of Schuyler County, continuing west along this county line 20 miles to the community of Meads Creek; north along the Schuyler-Steuben county line four miles to the major east/west power line; west along the power line for eight miles to the intersection of NY–17 (four miles southeast of the community of Bath); northwest on NY–17 approximately nine miles to the intersection of I–390; northwest along I–390 for 21 miles to the intersection of NY–36; north two miles through the community of Dansville to NY–63; northwest on NY–63 approximately 18 miles to the intersection of NY–39, just south of Genesco; north on NY–39 nine miles to the intersection where the west and north/south Conrail lines meet at the community of Avon; north along the north/south Conrail line for 15 miles to the beginning point at the intersection of the Erie Canal.

Signed: July 22, 1982.

Stephen E. Higgins,

Acting Director.

Approved: August 20, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82–23958 Filed 8–31–82; 8:45 am]

BILLING CODE 4810–31–M

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27 CFR Part 9

[T.D. ATF–112; Ref: Notice No. 392]

Livermore Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a Viticultural area in Alameda County, California, to be known as "Livermore Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Livermore Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries in the area to better designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Fifteen Livermore Valley vintners and growers petitioned ATF to establish a viticultural area in Alameda County, California, to be named "Livermore Valley."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 392, in the **Federal Register** on October 30, 1981 (46 FR 53688), proposing the establishment of the Livermore Valley viticultural area.

Comments

One comment was received during the comment period. The comment was from one of the wineries located in the Livermore Valley area. The commenter stated that he fully supported the Livermore Valley viticultural area petition. ATF has received no information from any source indicating opposition to the petition.

Evidence of the Name

The name of the area, Livermore Valley, was well documented by the petitioner. After evaluating the petition and the comment received, ATF believes that the Livermore Valley viticultural area has a unique historical identify and that the name "Livermore Valley" is the most appropriate name for the area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

The petition shows that Livermore Valley is one of the coastal intermountain valleys that surround the San Francisco Bay depression. The valley floor is approximately 15 miles long and 10 miles wide. Starting in the east, the watershed area of Livermore Valley is bounded by the Altamont Hills and Crane Ridge, to the south by Cedar Mountain Ridge and Rocky Ridge, in the west by the Pleasanton Ridge, and in the north by the Black Hills. The valley's geographic location is generally the area covered by the political boundaries of Murray and Pleasanton townships.

Livermore Valley has a moderate coastal climate which is conducive to the growing of grapes, especially the sauterne type grapes and several premium red varieties. The moderate climate is a result of its proximity to the San Francisco Bay and the Pacific Ocean. The cool marine winds and the morning fog are important factors in temperature control during the growing season and in keeping the area relatively frost free during the early spring. The wine grapes grown in Livermore Valley thrive on the cool nights and warmer days. The greatest part of the vineyard acreage is in region III as classified by the University of California at Davis system of heat summation by degree-days. A small portion of the area within Livermore Valley is classified as region II.

The main soil type is the Yolo-Pleasanton associations with the Livermore gravelly and very gravelly series being prominent in the southern portion of the valley.

The elevation where the vineyards are cultivated starts at 650–800 feet above sea level and slopes toward the valley floor to about 450 feet above sea level.

The main streams in the valley are the Arroyo Mocho, Arroyo Del Valle, and the Arroyo Las Positas which are formed by the watershed run-off of the previously named ridges. The drainage pattern is well developed with the streams flowing in a westerly direction. These streams converge about one mile west of the town of Pleasanton and form the Arroyo de la Laguna. This stream in turn joins Alameda Creek and empties into San Francisco Bay.

The average rainfall is 14.45 inches. The rain falls mainly during the winter and early spring. There is little or no precipitation during the summer months.

With the large increase in population in the Livermore Valley over the past twenty years, the water table has been lowered to a point where the vines no longer are able to depend on a constant water supply from that source. Since the completion of the Del Valle Dam and the

filling of the Del Valle Reservoir, both the Arroyo Mocho and Arroyo Del Valle contain water released from the reservoir almost year-round where formerly they were dry by early summer. The South Bay Aqueduct, completed in 1967, provides overhead sprinkler irrigation for some of the vineyards. This type of irrigation is also used for heat suppression and frost protection as well as supplemental watering.

The temperature of Livermore Valley is moderate during the winter and moderately high in the summer. The average high is 72.9 degrees Fahrenheit and the average low is 45.3 degrees Fahrenheit. Temperatures in the summer have exceeded 100 degrees Fahrenheit and the lowest temperature recorded in the winter was 19 degrees Fahrenheit. The extremes rarely last more than a few days before the marine air asserts its normal pattern.

The growing season, March through early November, is long enough to assure crop maturity. The average number of growing days is 254.

After evaluating the petition and comment, ATF has determined that due to the topographic and climatic features of Livermore Valley, it is distinguishable from the surrounding areas.

Boundaries

The boundaries proposed by the petitioner are adopted. ATF believes that these boundaries delineate an area with distinguishable physical and climatic features.

Miscellaneous

ATF does not wish to give the impression by approving the Livermore Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Livermore Valley wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because the final rule will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and comment received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW., Washington, DC.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.46. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.46 Livermore Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.46. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.46 Livermore Valley.

(a) *Name.* The name of the viticultural area described in this section is "Livermore Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Livermore Valley viticultural area are seven U.S.G.S. maps. They are titled.

(1) "Dublin Quadrangle, California," 7.5 minute series (1980);

(2) "Livermore Quadrangle, California," 7.5 minute series (1973);

(3) "La Costa Valley Quadrangle, California—Alameda Co.," 7.5 minute series (1968);

(4) "Mendenhall Springs Quadrangle, California—Alameda Co.," 7.5 minute series (1971);

(5) "Altamont Quadrangle, California—Alameda Co.," 7.5 minute series (1968);

(6) "Byron Hot Springs Quadrangle, California," 7.5 minute series (1968);

(7) "Tassajara Quadrangle, California," 7.5 minute series (1968);

(c) *Boundaries.* The Livermore Valley viticultural area is located in Alameda County, California. The beginning point is Bench Mark (BM) 425 located along the Alameda County/Contra Costa County line in the top portion of U.S.G.S. map "Dublin Quadrangle."

(1) From the beginning point, the boundary runs in a southeasterly direction along an unnamed road which crosses Interstate 580 and turns into Foothill Road;

(2) Thence continuing along Foothill Road in a southeasterly direction to the intersection of Castlewood Drive which is located directly east of the Castlewood Country Club;

(3) Thence east on Castlewood Drive to Bench Mark (BM) 333;

(4) Thence in a straight line in a southeasterly direction to VABM Vern (1264) located on U.S.G.S. map "Livermore Quadrangle";

(5) Thence continuing in a southeasterly direction in a straight line to Bench Mark (BM) 580, located in the northeast corner of U.S.G.S. map "La Costa Valley Quadrangle";

(6) Thence in a straight line in a southeasterly direction to the northeast corner of Section 15, located in the northwest portion of U.S.G.S. map "Mendenhall Springs Quadrangle";

(7) Thence south to the southeast corner of Section 15, then east on the south border of Section 14, then south along the west boundary of Section 24;

(8) Thence east on the south border of Sections 24 and 19 to the southwest corner of Section 20;

(9) Thence north along the east boundaries of Sections 19, 18, 7, 6, 31, 30, 19, 18, 7, 6, 31, 30, 19 and 18 located on U.S.G.S. maps "Mendenhall Springs Quadrangle," "Altamont Quadrangle," and "Byron Hot Springs Quadrangle";

(10) Thence west along the northern boundaries of Sections 18, 13, 14, 15, and 16 to where the northern boundary line of Section 16 intersects with the Alameda County/Contra Costa County line, located in the southeast corner of U.S.G.S. map "Tassajara Quadrangle";

(11) Thence in a southwesterly direction along the Alameda County/Contra Costa County line to the point of beginning.

Signed: July 22, 1982.

Stephen E. Higgins,

Acting Director.

Approved: August 20, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-23963 Filed 8-31-82; 9:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 19, 240, 245, 270 and 285

[T.D. ATF-111]

Disposition of Tax Returns for the Payment of Alcohol and Tobacco Products Excise Taxes

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule amends regulations with respect to the filing and processing of tax returns for the payment of alcohol and tobacco products excise taxes. These amendments will lessen the paperwork burden on the alcohol and tobacco products excise taxpayers by reducing the number of copies of tax returns to be filed. Moreover, the function of maintaining the original excise tax return is now the sole responsibility of ATF.

The procedural changes mentioned herein impact the instructions on all distilled spirits, wine, malt beverages, and tobacco products excise tax returns.

DATED: September 1, 1982

FOR FURTHER INFORMATION CONTACT: John A. Linthicum at 202-566-7602 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Policy

The regulations are being amended to limit the filing and processing of excise tax returns to one original tax return in order (1) to minimize the Federal paperwork burden on the alcohol and tobacco products excise taxpayers and (2) to minimize the cost to the Federal Government of processing these excise tax returns.

Background

All alcohol and tobacco products excise taxes shall be collected by return as provided in 26 U.S.C. 5061 and 5703. The tax returns covering alcohol and tobacco products excise taxes are filed with the Internal Revenue Service (IRS) which performs a cashier function and transmits evidence of taxpayment to ATF. The regulations in 27 CFR Chapter I and the forms prescribed therein reflect these requirements.

Objectives

Prior to this final rule, all alcohol and tobacco products excise taxpayers were required to prepare and submit multiple copies of a tax return form as specified in the instructions on the tax return form. Taxpayers were also required (1) to file a copy of each tax return with the regional regulatory administrator at the same time the original was filed with IRS and (2) to retain on the premises a receipted copy from IRS of all tax returns.

Now only the original tax return form is to be submitted to IRS in accordance with the instructions on the tax return form. IRS is to forward to ATF the original tax return with full receipt data. A taxpayer, however, is required still to retain a true copy of the tax return filed with IRS (refer to 27 CFR 19.741(a)(4), 240.924, 245.232, 270.185, and 285.31). It is suggested that, since the procedure of receiving automatically a receipted copy of a tax return from IRS has been discontinued, the taxpayer should retain proof of taxpayment (e.g., canceled checks) and evidence that the tax return was filed on or before the due date. The taxpayer, however, can request from IRS a receipt for taxes paid (26 U.S.C. 6314).

Amendments to the Regulations

1. The amendment to 27 CFR Part 19 (Distilled Spirits Plants) is as follows: The provisions of § 19.524, relating to filing procedures of tax returns and to the mailing and delivering of tax returns, are being edited for better readability.

2. Amendments to 27 CFR Part 240 (Wine) are as follows: Paragraph (a) of § 240.594 is amended by changing the phrase "to the district director" to read "to the district director or the director of the service center in accordance with the instructions on the form." The wine proprietor in § 240.901 will no longer be required to prepare multiple copies of Form 2050 [1] and to forward a copy to the regional regulatory administrator at the same time he is required to file Form 2050 with the IRS. Moreover, the last sentence in this section is revised to read "As instructed on the form, Form 2050 shall be prepared and filed with the Internal Revenue Service as provided in § 240.591 or in § 240.591a." In paragraphs (a) and (b) of § 240.902, the wording, or facsimile thereof, "at the same time, a copy of Form 2052 shall be forwarded to the regional regulatory administrator" is removed. In paragraph (a) of §240.902, the provision relating to the delivery or deposit in the U.S. mail of Form 2050 is being removed in favor of cross-referencing to § 240.594(a) where a similar provision already exists.

3. Amendments to 27 CFR Part 245 (Beer) are as follows: In paragraph (b)(2) of § 245.117d, the words "or forwarding a copy [of Form 2034 (5130.7)] to the regional regulatory administrator" are removed. Paragraph (b)(3) of this section is amended by changing the phrase "properly addressed to the district director, director of the service center, or the regional regulatory administrator, as the case may be" to read "properly addressed to the district director or the director of the service center in accordance with the instructions on the tax return". In § 245.227, the provision to file the tax return copy returned to the proprietor by the director of the service center or the district director as part of the proprietor's records at the brewery is removed.

4. Amendments to 27 CFR Part 270 (Manufacture of Cigars and Cigarettes) are as follows: In paragraph (a) of 27 CFR 270.162, the provisions are removed which require a manufacturer of tobacco products to send a copy of Form 3071 to the regional regulatory administrator and to retain the receipt copy of each tax return transmitted to him by the district director or the director of the service center. The IRS no longer will transmit automatically to the taxpayer a receipted copy of Form 3071. Moreover, the second sentence in this paragraph is changed to read "The return shall be filed with the district director or the director of the service center in

[1] Reference in § 240.901 to Form 2052 was a clerical error; the correct form number 2050.

accordance with the instructions on the form"; in the fifth sentence, the requirement to submit in duplicate a letter to seek authorization not to file a tax return for which tax is not due or payable during a return period is reduced to one letter and no copy; and the fourth sentence is removed. Section 270.165(c) is amended by changing the clause "When the manufacturer sends the tax return by U.S. mail with remittance to the director or the district director or without remittance to the director of the service center," to read "When the manufacturer sends the tax return with or without remittance by U.S. mail to the district director or the director of the service center in accordance with the instructions on the form,". In paragraph (a) of § 270.167, the requirement to file Form 2617 in triplicate with the district director of the district in which the factory is located is modified to require that only an original Form 2617 is to be filed with the district director or the director of the service center in accordance with the instructions on the form. Furthermore, the requirement to retain the receipted copy of each prepayment return transmitted by the district director is removed. The third sentence of paragraph (a) of this same section is changed by requiring that the return be filed with the district director or the director of the service center in accordance with the instructions on the form.

5. The amendments to 27 CFR Part 285 (Manufacture of Cigarette Papers and Tubes) are as follows: In § 285.25, a manufacturer of cigarette papers and tubes is no longer required to prepare a tax return on Form 2137 in triplicate and to expect a receipted copy from the district director because these provisions are removed. Also, instead of stating that the tax return shall be filed with the district director of the internal revenue district in which the factory is located, the first sentence is modified to state that the tax return shall be filed with the district director or the director of the service center in accordance with the instructions on the form.

Amendments to Other Regulatory Documents

Although not encompassed in the amendatory text of this final rule, all alcohol and tobacco products excise taxpayers are to disregard any instructions or items in regulatory documents, indicating substantially (1) that IRS will return one stamped (receipted) copy of the tax return to the taxpayer and (2) that copies in excess of an original tax return form shall be prepared and submitted to the district director, director of the service center, or a designated ATF officer, as the case may be. Toward this purpose, the following regulatory documents will be revised accordingly:

1. ATF F 5110.32, Prepayment Return—Distilled Spirits Tax.
2. ATF F 5110.35, Distilled Spirits Tax Return—Deferred Payment.
3. ATF F 2050 (5120.27), Wine Tax Return.
4. ATF F 2052, Prepayment Return—Wine Tax.
5. ATF F 2034 (5130.7), Beer Tax Return.
6. ATF F 3071 (5210.7), Tax Return—Manufacturer of Tobacco Products.
7. ATF F 2617 (5210.11), Prepayment Tax Return—Manufacturer of Tobacco Products.
8. ATF F 2137 (5230.1), Monthly Tax Return—Manufacturer of Cigarette Papers and Tubes.

Compliance with Executive Order 12291

This final rule is not classified as a "major rule" under the terms of Executive Order 12291, because this final rule will not result in an annual effect on the economy of 100 million dollars or more, will not result in a major increased cost to the public or private sector, and will not create a significant adverse effect on competition.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 603 and 604), relating to a regulatory flexibility analysis, are not applicable, because neither 5 U.S.C. 553 nor any other law requires the publication of a notice of proposed rulemaking for this final rule.

List of Subjects

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Custom duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting requirements, Research and security measures, Spices and flavorings, Surety bonds, Transportation, U.S. possessions, Warehouses, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Vinegar, Warehouses, Wine.

27 CFR Part 245

Administrative practice and procedure, Authority delegations, Beer, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Reporting requirements, Research, Surety bonds, Transportation.

27 CFR Part 270

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, U.S. possessions, Warehouses.

27 CFR Part 285

Administrative practice and procedures, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Excise taxes, Packaging and containers, Penalties, Seizures and forfeitures, Surety bonds, Reporting requirements.

Drafting Information

The principal author of this final rule is Armida N. Stickney of the Research and Regulations Branch of ATF. Other personnel of ATF and of the Department of the Treasury participated in developing this final rule, both as to matters of substance and style.

Notice of Public Procedure

Because this amendment involves a matter of internal agency practice and procedure and merely simplifies agency procedure by discontinuing the requirement for copies of various forms no longer needed, it is unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b). Furthermore, since this paperwork burden on the regulated industry should be eliminated as soon as possible, the effective date limitation of 5 U.S.C. 553(d) is found to be unnecessary and contrary to the public interest.

Authority and Issuance

This Treasury decision is issued under the authority of 26 U.S.C. 7805 (68A Stat. 917, as amended). Accordingly, 27 CFR Parts 19, 240, 245, 270, and 285 are amended as indicated below.

PART 19—DISTILLED SPIRITS PLANTS

1. Section 19.524 is revised to read as follows:

§ 19.524 Manner of filing returns.

(a) All returns on Form 5110.32 and Form 5110.35 will be filed with the district director, the director of the service center, or an ATF officer designated by the regional regulatory administrator in accordance with the instructions on the form. Where the remittance is in cash, the return and remittance shall be filed directly with the district director. Where the remittance is by check or money order, the remittance and tax return shall be filed with the district director or the director of the service center, as the case may be, in accordance with the instructions on the form. Where the remittance is to be effected by electronic fund transfer under § 19.523a, the return shall be filed with the director of the service center. Where the return and remittance are to be filed with a designated ATF officer, the proprietor shall file the return and remittance no later than 2 p.m. on the date the return is required to be filed.

(b) When the proprietor sends the return on Form 5110.32 or Form 5110.35 by U.S. mail, the official postmark of the U.S. Postal Service stamped on the cover in which the return was mailed shall be considered the date of delivery of the tax return and, if accompanied, the date of delivery of the remittance. When the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the proprietor. When the proprietor sends the return with or without remittance by registered mail or by certified mail, the date of registry or the date of the postmark on the sender's receipt of certified mail, as the case may be, shall be treated as the date of delivery of the return and, if accompanied, of the remittance.

(Aug. 16, 1954, ch. 736, 68A Stat. 775 (26 U.S.C. 6301); June 29, 1956, ch. 462, 70 Stat. 391 (26 U.S.C. 6301))

PART 240—WINE

2. The last two sentences of paragraph (a) of § 240.594 are revised to read as follows:

§ 240.594 Prepayment of tax; general.

(a) * * * The return, with remittance, shall be filed by forwarding or delivering it to the district director or the director of the service center in accordance with the instructions on the form. For the purpose of complying with this section, the term "forwarding" shall mean deposit in the U.S. mail, properly addressed to the Internal Revenue Service.

* * * * *

§ 240.901 [Amended]

3. Section 240.901 is amended by removing in the first sentence the phrase "in quadruplicate," and by amending the last sentence at the end to read as follows: "As instructed on the form, Form 2050 shall be prepared and filed with the Internal Revenue Service as provided in § 240.591 or in § 240.591a."

4. Section 240.902 is amended to read as follows:

§ 240.902 Form 2052.

(a) When a proprietor is required to prepay tax, as provided in §§ 240.594(a) and 240.595, the proprietor shall first prepare Form 2052, as instructed on the form, in an amount sufficient to cover the tax on the quantity of wine proposed to be removed that day. Prior to removal of the wine, the proprietor shall foward or deliver Form 2052 with remittance as provided in § 240.594(a).

(b) In the case of prepayment of tax by electronic fund transfer as provided in §§ 240.594(b) and 240.595, the proprietor shall (1) prepare Form 2052, and instructed on the form, in an amount sufficent to cover the tax on the quanity of wine proposed to be removed that day; (2) file Form 2052 with the director of the service center; and (3) direct his bank to effect an EFT.

PART 245—BEER

§ 245.117d [Amended]

5. Paragraph (b)(2) of § 245.117d is amended by removing the words, in the first sentence, which read "and by delivering or forwarding a copy to the regional regulatory administrator." Paragraph (b)(3) is also amended by changing the phrase "properly addressed to the district director, director of the service center, or the regional regulatory administrator" to read "properly addressed to the district director or the director of the service center in accordance with the instructions on the form".

§ 245.227 [Amended]

6. Section 245.227 is amended by removing the last sentence in the section.

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

7. Section 270.162(a) is revised to read as follows:

§ 270.162 Semimonthly tax return.

(a) *Requirement for filing.* Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 3071 for each return period, including any period during which a manufacturer begins or discontinues business. The return shall be filed with the district director or the director of the service center in accordance with the instructions on the form. The manufacturer shall file the return at the time specified in § 270.165 regardless of whether cigars or cigarettes are removed or whether tax is due for that particular return period. However, when the manufacturer requests by letter and the regional regulatory administrator grants specific authorization, the manufacturer need not during the term of such authorization file a tax return for which tax is not due or payable.

* * * * *

§ 270.165 [Amended]

8. Paragraph (c) of § 270.165 is amended by changing the introductory clause of the first sentence "When the manufacturer sends the tax return by U.S. mail with remittance to the director or the district director or without remittance to the director of the service center," to read "When the manufacturer sends the tax return with or without remittance by U.S. mail to the district director or the director of the service center in accordance with the instructions on the form,".

9. Section 270.167(a) is revised to read as follows:

§ 270.167 Prepayment tax return.

(a) To prepay the tax on cigars and cigarettes, a manufacturer shall file a prepayment tax return on Form 2617, showing the tax to be paid on the cigars and cigarettes prior to removal. The manufacturer shall serially number each return on Form 2617, commencing with the number "1" on the first return filed in any calendar year, show therein his employer identification number as required by § 270.169 and shall verify by a written declaration that the return is made under penalties of perjury. The return shall be filed, prior to the removal of such products, with the district director or the director of the service center in accordance with the instructions on the form. A manufacturer prepaying the taxes on cigars and cigarettes under the provisions of this section shall continue to file semimonthly returns as required by § 270.162. Such semimonthly returns shall contain a statement, in Schedule B, that taxes have been prepaid by

remittance with Form(s) 2617, and the statement shall indicate the serial number of Form(s) 2617 filed and the amount of taxes prepaid.

* * * * *

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

§ 285.25 [Amended]

10. Section 285.25 is amended by changing in the first sentence the phrases, "in triplicate, with remittance, with the district director of the Internal Revenue district in which the factory is located" to read, "with the district director or the director of the service center in accordance with the instructions on the form" and by removing the last sentence in the section.

Signed: August 4, 1982.

Stephen E. Higgins,

Acting Director.

Approved: August 16, 1982.

J. M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-23984 Filed 8-31-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 890

Filling Positions; Civilian Personnel

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its civilian personnel regulations by removing Part 890 of Chapter VII, Title 32 relating to filing positions. The source document, Air Force Regulation (AFR) 40-300, has been revised. It is intended for internal guidance and has limited applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Peter J. Sharp, AF/MPKS, Pentagon, Washington, D.C., telephone (202) 694-2630.

SUPPLEMENTARY INFORMATION:

PART 890—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 890.

List of Subjects in 32 CFR Part 890

Government employees.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-23947 Filed 8-31-82; 8:45 am]

BILLING CODE 3910-01-M

32 CFR Part 989

Environmental Impact Analysis Process

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending 32 CFR by adding new Part 989. This final rule provides policy and guidance for consideration of environmental matters in the Air Force decision-making process. It implements the Council on Environmental Quality Regulations (43 FR 55990-56007, November 29, 1978) and DODD 6050.1.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Russell R. Rudolph, Lt. Col., USAF, HQ USAF, AF/LEEV, Washington, DC 20330, telephone (202) 697-6244.

SUPPLEMENTARY INFORMATION: In accordance with the Council on Environmental Quality (CEQ) Regulation (40 CFR Parts 1500-1508) and Department of Defense Directive 6050.1, this rule was published as proposed for public review and comment in the **Federal Register** (46 FR 41527-41533, August 17, 1981). No public comments were received. Executive Order 12291, February 17, 1981, does not apply to this rule (see Section 1(a)(3)) of the Executive Order. The rule does not have significant economic impact and does not meet the criteria for a "major" rule as defined in Executive Order 12291. Part 989 is derived from Air Force Regulation (AFR 19-2, Environmental Impact Analysis Process (EIAP), 10 August 1982.

List of Subjects in 32 CFR Part 989

Environmental protection, Environmental impact statements.

Accordingly, 32 CFR is amended by adding Part 989 to read as follows:

SUBCHAPTER T—ENVIRONMENTAL PROTECTION

PART 989—ENVIRONMENTAL IMPACT ANALYSIS PROCESS

Sec.

989.1 Purpose.
989.2 Responsibilities.
989.3 Command support.
989.4 Budgeting and funding.
989.5 Base closures and realignments.
989.6 Public notification.
989.7 Classified actions.
989.8 Tiered and generic environmental documents.
989.9 Planning considerations.
989.10 Consideration of environmental documents.
989.11 The finding of no significant impact.
989.12 Preparing and processing an environmental impact statement.
989.13 Reporting requirements.
989.14 Disposal of documentation.
989.15 Procedures for holding informal public hearings on draft environmental impact statements.
989.16 Categorical exclusions.

Authority: 10 U.S.C. 8012.

§ 989.1 Purpose.

The National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190) and the President's Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500 through 1508) require federal agencies to analyze the potential environmental impacts of proposed actions and alternatives and use those analyses in making decisions or recommendations on whether and how to proceed with those actions. The Air Force environmental impact analysis process (EIAP) provides a process for making decisions based on an understanding of the potential environmental consequences of proposed actions and alternatives. This part gives specific procedural requirements for Air Force implementation of the NEPA. In order to comply with the NEPA and complete the EIAP, the CEQ regulations and this part must be used together. Detailed definitions of many of the terms used in this part are available in the CEQ regulations.

§ 989.2 Responsibilities.

(a) The Deputy for Environment and Safety (SAF/MIQ) serves as the Air Force's responsible official for environmental matters and:

(1) Maintains liaison on environmental matters with federal agencies and national level public interest organizations.

(2) Is the Air Force Secretariat point of contact for information about the Air Force EIAP or particular analyses performed as required by this part.

(3) Formulates Air Force environmental policy with NEPA, CEQ regulations, and this part.

(b) The Director of Engineering and Services (HQ USAF/LEE) has primary staff responsibility for coordinating and monitoring EIAP activities within the Air Force. The Environmental Division

(HQ USAF/LEEV) is the staff point of contact for environmental matters and:

(1) Provides assistance to and advice on preparing and processing environmental documentation.

(2) Monitors proposed Air Force policies and programs that have environmental implications to determine which environmental analyses and documents are required and to make sure that environmental considerations are integrated into the decision process.

(3) Obtains detailed information in response to public inquiries about particular environmental analyses.

(4) Makes sure that environmental documents sent to the Air Staff for approval are adequate.

(5) Retains a copy of each draft and final environmental impact statement (EIS) prepared by the Air Force and filed with the Environmental Protection Agency.

(c) HQ USAF staff elements:

(1) Apply the policies and procedures in this part to programs and actions within their areas of staff responsibility.

(2) On HQ USAF/LEEV request, assist in making sure that the environmental documents sent to the Air Staff for approval are adequate.

(3) Set procedures to ensure proposed regulations, directives, instructions, and other major policy publications for which they are the proponent are evaluated for environmental consequences before they are published.

(d) *Air Force Engineering and Services Center, Environmental Planning Directorate (HQ AFESC/DEV).* (1) Evaluates environmental documents for technical sufficiency as requested by major commands (MAJCOM) or Headquarters United States Air Force (HQ USAF).

(2) Provides guidance and assistance for conducting environmental analyses and preparing environmental documents.

(3) Obtains and coordinates Air Force comments and responds to other agency EISs that are national in scope or of particular interest to the Air Force.

(e) *Air Force Commanders.* (1) Make sure that actions are planned and carried out in a manner reasonably designed to limit adverse effects on the quality of the human environment according to mission requirements.

(2) Make sure that EIAP is started at the earliest practicable time so that appropriate environmental documents are available for decision-makers at key decision points.

(3) Establish environmental protection committees (EPC) according to AFR 19–8 to assist in managing the EIAP.

(f) *Major Commands (MAJCOMs).* Each MAJCOM, the National Guard Bureau (NGB), the Air Force Reserve, and separate operating agency (SOA) set procedures for analyzing environmental consequences of proposed actions and programs for which they are the host unit according to policies in this part. They also set procedures for preparing, coordinating, and using required environmental documentation for making decisions concerning proposed actions and programs within their commands.

(g) *Environmental Planning Functions (EPF).* At the installation level, the base civil engineer (BCE) provides EPF; at the MAJCOM level the Deputy Chief of Staff, Engineering and Services, provides EPF. EPF for the Air Staff is HQ USAF/LEEV, supported by HQ AFESC/DEV and the Air Force Regional Civil Engineers (AFRCE). At Air National Guard (ANG) installations, BCE provides EPF, and at the NGB it is provided by the Air Directorate, Civil Engineering Division, Environmental Protection Branch. Organizations that do not have a civil engineering function use the EPF at the host base or next higher command. The EPFs:

(1) Manage the EIAP.

(2) Evaluate and complete Air Force (AF) Forms 813, Request for Environmental Analysis as initiated by the proponent activity.

(3) Get technical analyses necessary to support the EIAP.

(4) Identify and document, with technical advice from the bioenvironmental engineer, environmental quality standards that relate to the action being evaluated.

(5) Prepare AF Forms 814, Preliminary Environmental Survey.

(6) Prepare environmental documents, or in the case of proposed actions outside their areas of expertise, oversee and assist other staff organizations or contractors in preparing them.

(7) Complete AF Forms 815, Environmental Assessment Certificate for environmental assessments.

(h) *Proponents.* Each office, unit, or activity that initiates Air Force actions:

(1) Consults with EPF and helps prepare environmental documents during all phases of the EIAP.

(2) Provides a complete description of the proposed action and alternatives (DOPAA) and other pertinent information on AF Form 813.

(3) Identifies key decision points and assists in making sure that EIAP is properly phased so that environmental documents are available to the decision-maker.

(4) Advises public affairs officers of proposed action.

(i) *Environmental Protection Committees (EPCs).* During the EIAP, EPCs review and approve or disapprove environmental documents prepared by the EPF. A subcommittee or working group may be designated by the chairperson to review specific environmental documents. Approvals are shown on AF Form 815.

(j) *Staff Judge Advocates.* (1) Advise their EPF and the EPC on legal questions, including the legal sufficiently of environmental documents.

(2) Advise the EPF during the scoping process of issues that should be addressed in EISs.

(3) Generally, conduct public hearings. However, an independent hearing officer (appointed by the Office of the Judge Advocate General) presides at and makes final decisions regarding procedures for all hearings. See § 989.15.

(4) Make sure that all matters that cause or that are likely to cause substantial public controversy or litigation are referred promptly through channels to HQ USAF/JACL according to AFR 110–24.

(k) *Public Affairs Officers.* (1) Advise EPF, EPC, and proponents on public affairs implications, including reviewing environmental documents for public affairs sufficiency.

(2) Advise EPF during the scoping process of issues that should be addressed in EISs.

(l) *Air Force Regional Civil Engineers (AFRCE).*

(1) Assist the EPF during scoping and coordinate with state and federal agencies.

(2) Review other agency environmental documents that have only regional, state, or local significance. Other Air Force organizations that receive requests for review of such statements should send the request to the proper AFRCE; AFRCE notifies the proponent that it is coordinating the US Air Force review. AFRCE requests comments from the potentially affected installations by the MAJCOMs or NGB, HQ AFESC and HQ USAF/LEEV, as required, coordinate the comments, and provide a response to the proponent. AFRCE provides HQ USAF/LEEV, HQ AFESC/DEV, the proper MAJCOM (or MAJCOMs), and affected installations a brief summary of substantive comments on draft EISs it reviews.

(m) *Medical Service.* As represented by the bioenvironmental engineer, provides technical assistance to EPF in the areas of environmental standards, effects, and monitoring capabilities.

§ 989.3 Command support.

EIAP often involves many functional activities, scientific disciplines and

public agencies. Although the EIAP is conducted under the management of EPF, it requires a team approach. This is especially important for host-tenant proposed action evaluations, because the host command conducts the EIAP for tenant proposed actions related to the host installation. DOPAA development is best accomplished by a team led by the proponent, but a team managed by the host EPF is often required for scientific, interdisciplinary analysis and review, and interagency and intergovernmental coordination. To be effective, EIAP requires command direction and support to establish these teams. Specific host-tenant relationships for conducting the EIAP may be established according to AFR 11–4 agreements.

§ 989.4 Budgeting and funding.

(a) Budgeting and funding for contract EIAP efforts are proponent MAJCOM, NGB, Air Force Reserve, and SOA responsibilities. In HQ Air Force Systems Command (AFSC), the system program office or project office is responsible for budgeting and funding EIAP efforts related to research, development, testing, and evaluation activities.

(b) HQ AFESC budgets and funds for selected sources of technical and scientific expertise for environmental studies. HQ AFESC contractors are usually reserved for time critical studies. HQ AFESC can advise EPFs on obtaining contractor support to prepare environmental documents.

(c) A non-Air Force agency or entity may request the Air Force to undertake an action, such as the outlease of Air Force property, which may ultimately benefit another agency or the requester. The Air Force may require the requester to prepare, at the requester's expense, an analysis of environmental impacts (see 40 CFR 1506.5). The fact that such documents have been prepared at a requester's expense does not commit the Air Force to undertake the proposed action or its alternatives, and does not entitle the party involved to any preference over other potential parties with whom the Air Force might contract or make similar arrangements. In such cases, the requester who prepared or funded for the environmental documentation preparation is not entitled to reimbursement in any form from the Air Force. Environmental documentation prepared by requesters outside the Air Force is subjected to independent evaluation and judgment by the Air Force before being used in the EIAP.

§ 989.5 Base closures and realignments.

Base closures or realignments may present a special requirement for environmental analysis. According to 10 U.S.C. 2687, a report must be made to Congress when an installation of particular size becomes a candidate for closure or realignment. Congressional limitations in military authorization or appropriation acts sometimes create special requirements for preparing an EIS before any closure or realignment. These requirements supersede normal standards for which an EIS is legally required. Such provisions also may add requirements not necessarily encompassed by standard NEPA procedures (for example, the study of the socioeconomic effects of the proposed action on a particular community). When base closures or realignments are contemplated, legal advice should be obtained regarding any special congressional requirements that apply. In addition, contact HQ USAF/PRP (the focal point for the realignment study process, decision documents, and congressional requirements).

§ 989.6 Public notification.

Public notification may be required for various aspects of EIAP. For actions of local concern, the list of possible methods in 40 CFR 1506.6 is only illustrative. All of those steps need not be taken, and other equally effective local means of notification may be used. Because Air Force installations assess many actions of limited interest to persons or organizations outside the Air Force, local notifications may often be limited to notifying the OMB Circular A–95 Clearinghouse, local government representatives, and news media. If the local news media fail to carry the story because it is not considered sufficiently newsworthy, EPF may arrange to purchase an advertisement in the news section of the local newspaper (or newspapers) of general circulation (not "legal" newspapers or "legal section" of general newspapers). Advertisements may be purchased only if the action is one where, after public notice of a finding of no significant impact, 30 days must pass before a decision can be made and the action undertaken (§ 989.11(f)). Authority to approve the publication of notices in newspapers is delegated as specified in the Secretary of the Air Force Order 650.5. When approved, operations and maintenance (O&M) funds are used for payment.

§ 989.7 Classified actions. (40 CFR 1507.3)

The fact that a proposed action is classified does not relieve the proponent from complying with NEPA. In such cases, necessary classified environmental documents must be prepared, safeguarded, and disseminated to the decision-maker or others according to requirements that apply to classified information.

§ 989.8 Tiered and generic environmental documents.

Tiered (40 CFR 1502.20) or generic US Air Force environmental documents and documents prepared by other organizations may be used to eliminate repetitive discussions of the same issues and to focus on the issues of specific projects. Consult HQ USAF/LEEV when tiering or the use of a generic EIS is considered.

§ 989.9 Planning considerations.

The proponent must integrate the EIAP into the early planning stages of a proposed action and, with the EPF, determine as early as possible whether to prepare an EIS.

(a) The following criteria are provided to help identify actions that usually require preparing an EIS:

(1) Potential for significant degradation of environmental quality.

(2) Potential for significant threat or hazard to the public health or safety.

(3) Public controversy concerning significance or nature of the biophysical environmental impact of an action.

(4) Potential for significant impact on protected natural or historic resources.

(b) In any case that involves a proposed action that usually requires an EIS, the EPF responsible for preparing the documentation may prepare an environmental assessment to determine if an EIS is required based on the analysis of environmental impacts.

(c) CEQ regulations allow categorical exclusions (40 CFR 1507.3(b)) for those classes of actions that do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an EIS is required. Characteristics of categories of actions that usually do not require either an EIS or an environmental assessment include:

(1) Minimal adverse effect on environmental quality.

(2) No significant change to existing environmental conditions.

(3) No significant cumulative environmental impact.

(4) Social and economic effects only.

(5) Similarity to actions previously assessed and found to have no significant environmental impacts.

(d) The current Air Force list of approved categorical exclusions is presented in § 989.16. This list can only be modified by revising this part.

Subordinate commands may send proposed changes to HQ USAF/LEEV for consideration. SAF/MIQ must approve proposed changes before they become effective. Modifications must be announced in the **Federal Register** before they are adopted.

(e) When a proposed action is one that does not usually require an EIS and is not categorically excluded, an environmental assessment (EA) as described in 40 CFR 1508.9(b) must be prepared. Every EA must lead to a decision to prepare a finding of no significant impact (FONSI), an EIS, or to take no action on the proposal.

(f) Reasonable alternatives and the no action alternative are explained in paragraphs (f)(1) and (f)(2) of this section:

(1) "Reasonable" alternatives are methods for meeting the underlying purpose and need that would cause reasonable minds to inquire further before choosing a course of action. Alternatives to be considered in an EIS are not limited to methods that are directly within the power of the Air Force to implement. They may involve calling on another government agency or military service to assist in the project or even to become the lead agency for another method of fulfilling the need. Alternatives raised in scoping or suggested by others and combinations of alternatives should be fairly considered, along with the proponent's and EPF's suggestions. Highly speculative alternatives or those that would require a major, unlikely change in law or governmental policy need not be analyzed. Alternatives may be expressly eliminated from detailed analysis, based on reasonable selection standards, (for example, operational, technical, or environmental standards suitable to a particular project). Selection standards should be in writing by the proponent to make more concrete what will be considered a "reasonable alternative" for a particular project, but they must not be so narrowly drawn as to unnecessarily limit consideration to the proposal initially favored by proponents.

(2) The no action alternative must always be considered. "No action" may mean either no change from current management direction or that the proposed activity would not take place. If "no action" would result in other predictable actions, these actions should be discussed in the "no action" alternative.

§ 989.10 Consideration of environmental documents.

Air Force personnel must:

(a) Consider environmental documents (including AF Forms 813, 814, and 815 and associated environmental analyses) when evaluating proposed Air Force actions.

(b) Make environmental documents, comments, and responses part of the record available for review and use at all levels of decision-making, including those of other federal agencies.

(c) Consider the specific alternatives analyzed when evaluating the proposal to reach a decision.

§ 989.11 The finding of no significant impact.

(a) The finding of no significant impact (FONSI) (40 CFR 1508.13) briefly describes why a action does not have a significant effect on the human environment and thus will not be the subject of an EIS. The FONSI must include a summary of the environmental assessment (EA) or have the EA attached. The FONSI must include:

(1) The name of the action.

(2) A brief description of the action (including any alternatives considered).

(3) A short discussion of anticipated environmental effects.

(4) The conclusions that have led to the FONSI.

(5) The date of approval and EPC chairperson's signature.

(b) The FONSI should usually not exceed two typewritten pages.

(c) As a rule the FONSI is reviewed and recommended for approval by the EPC at the same organizational level that prepared the EA. Exception: Waivers for supersonic flight below 30,000 feet are approved by HQ USAF/LEEV. Consequently, related environmental documentation is also approved by HQ USAF/LEEV. The environmental assessment and recommended FONSI must be sent to HQ USAF/LEEV for review and approval. If an EIS is prepared, it must be processed as described in § 989.12.

(d) The FONSI must be made known to the affected public before starting the proposed action, unless notification is excluded for security reasons. A FONSI proposed to be announced in the **Federal Register** must be sent through command channels to HQ USAF/LEEV. Local announcement of such FONSIs must not precede **Federal Register** publication. The text of these local announcements should be identical to the **Federal Register** publication.

(e) For actions of only regional or local interest, the information about the FONSI must be disseminated according to § 989.6. The appropriate AFRCE must receive a copy of all FONSI releases. The appropriate AFRCEs release FONSIs of regional interest to federal, regional, and state agencies concurrently with the local release made by the installations. The FONSI accompanied by the environmental assessment is distributed to anyone who has requested them and may also be provided to organizations and individuals to whom the proponent or the EPF feels distribution should be made.

(f) The FONSI must be made available for public review for at least 30 days before the final determination on preparing an EIS and before the action may begin under circumstances in § 989.11(f)(1) through § 989.11(f)(4):

(1) If it is an unusual case, a new kind of action, or a precedent-setting case such as a first intrusion of even a minor development into a pristine area.

(2) When there is either scientific or environmental controversy over the proposal.

(3) When it involves a proposal that is similar or is closely similar to one that usually requires preparation of an EIS (40 CFR 1508.27).

(4) If the proposed action would be located in a flood plain or wetland (E.O. 11988, Section 2(a)(4); E.O. 11990, Section 2(b)). Under the above circumstances, a copy of the FONSI and supporting environmental documents must also be sent to the next higher EPF headquarters.

§ 989.12 Preparing and processing an environmental impact statement.

(a) *Notice of Intent (NOI) (40 CFR 1508.22).* The NOI describing the proposed action must be published in the **Federal Register** and made available to newspapers and other media in the area (or areas) potentially affected by the proposed action. Copies of the notice must be provided to the proper OMB Circular A–95 Clearinghouses and may also be distributed to agencies, organizations, and individuals that the EPF feels require them. The NOI must be sent to HQ USAF/LEEV for **Federal Register** publication and to the proper Air Force Regional Civil Engineer (AFRCE) for use in notifying other agencies.

(b) *Lead and Cooperating Agency Determination (40 CFR 1501.5).* As soon as possible after the decision is made to prepare an EIS, the EPF, if necessary, contacts HQ UASF/Leev regarding lead and cooperating agency responsibilities that concern preparing EIS.

(c) *Scoping (40 CFR 1501.7).* As soon as possible after the decision is made to prepare an EIS, and after the NOI is published, the public process called "scoping" must be used to determine the scope of issues to be addressed and to

identify significant issues to be analyzed in depth related to the proposed action. This process should deemphasize insignificant issues and narrow the scope of the EIS analysis accordingly (40 CFR 1500.4(g)). Scoping results in the proponent and EPF identifying the range of actions, alternatives, and impacts to be considered in the EIS (40 CFR 1508.25).

(d) *Draft EIS.* (1) The EPF prepares a preliminary draft EIS (40 CFR 1502.10) from the scope of issues decided on in the scoping process. The EPF concurrently provides 20 copies to HQ USAF/LEEV for HQ USAF review, ten copies to HQ AFESC/DEV for technical review, and one copy to the proper AFRCE. HQ USAF-LEEV, HQ AFESC/DEV, and the AFRCE coordinate on the review and, when the review is complete, the preliminary draft EIS is revised by the EPF. Twenty revised copies are then provided to HQ USAF/LEEV for senior staff and secretariat review.

(2) When the senior staff review is complete, HQ USAF/LEEV notifies the EPF to print the draft EIS and request sufficient copies for distribution to the proper congressional delegations and other staff agencies. After congressional notification, EPF distributes the draft EIS to all others on the distribution list. HQ USAF/LEEV then files the document with the Environmental Protection Agency and provides a copy to ASD(MRA&L).

(e) *Public Review of Draft EIS (40 CFR 1502.19).*(1) The public comment period for the draft EIS is usually 45 days from publication of the notice in the **Federal Register**. If the statement is unusually long, a summary may be distributed to the public with an attached list of locations (such as local public libraries) where the entire draft EIS may be reviewed. However, EIS must be distributed to certain entities, such as agencies with jurisdiction by law or special expertise in evaluating the environmental impact involved. HQ USAF/LEEV advises EPF of special distribution requirements.

(2) Public meetings or hearings on the draft EIS should be held according to the standards in 40 CFR 1506.6(c) and (d).

(f) *Response to Comments (40 CFR 1503.4).* Responses to comments must be incorporated in the final EIS by either modifying the text or providing a written explanation in the comment section. When possible, comments of a similar nature may be grouped for a common response. Individual responses may also be made.

(g) *Preparing Final EIS.* If changes in the draft EIS are minor or limited to factual corrections, only a document that contains draft EIS comments, responses, and an errata sheet of changes may be prepared and circulated. However, the entire document with a new cover sheet must be filed with EPA (40 CFR 1503.4(c)). If more extensive modifications are required, the proponent must prepare a preliminary final EIS incorporating these modifications. The final EIS must be processed as outlined for the draft EIS except that the public need not be invited to comment during the 30-day, post-filing waiting period (40 CFR 1503.1(b)).

(h) *Revisions and Supplements (40 CFR 1502.9).* If at any time (during the planning process) there are substantial changes in the proposed action that would affect environmental concerns, or a significant new circumstance or information about environmental concerns becomes known, the proponent EPF must prepare revisions or supplements to the environmental documents to address these changes. The revisions or supplements are processed in the same way as the original document.

(i) *Mitigation.* All measures that are proposed to minimize or mitigate expected significant environmental impacts must be identified in the final EIS. The proponent is responsible for implementing measures in the mitigation plan that are approved by the decision-maker. The proponent must make available to the public, on request, the status of migitation measures associated with the action taken.

(j) *Decision (40 CFR 1506.10).* A decision on a proposed action must not be made until 30 days after the public has been notified that the final EIS has been filed with EPA.

(k) *Record of Decision (40 CFR 1505.2).* The record of decision must be in writing and may be integrated into any other document required to implement the decision. The record of decision must be announced to the affected public except for classified portions. It should be concise and should explain the conclusion reached, the reason for the selection, and the alternatives considered. The alternative considered environmentally preferable must be identified, whether or not it was the alternative selected for implementation. All major factors considered, including essential considerations of national policy, should be summarized. The document must state whether all practicable means have been adopted to avoid or minimize environmental impact from the selected alternative; if not, explain why not.

§ 989.13 Reporting requirements.

Environmental documentation prepared based on the requirements of this part are assigned RCS: DD–M(AR)1327, Environmental Impact Statements.

§ 989.14 Disposal of documentation.

All documentation is disposed of according to Air Force Manual (AFM) 12–50.

§ 989.15 Procedures for holding informal public hearings on draft environmental impact statements.

(a) *General Information.* (1) The Air Force solicits the views of the public and special interest groups and, in appropriate cases, holds informal public hearings on the draft environmental impact statement (EIS).

(2) The Office of the Judge Advocate General, and its field organization is responsible for all phases of the public hearings, from preliminary arrangements through sending the hearing transcript to the environmental planning function.

(b) *Notice of Hearing (40 CFR 1506.6):* (1) Announcement of the hearing should be distributed to all interested individuals and agencies, including the print and electronic media. Under certain circumstances, it may be necessary for the environmental planning function (EPF) to arrange for purchasing an advertisement announcing the time and place of the hearing, as well as other pertinent particulars. In the case of an action with effects of national concern, such notices must also be published in the **Federal Register** and be mailed to national organizations expected to be interested in the matter. The notice should be distributed so it will be available to recipients or published at least 15 days before the hearing date. Such notices may be distributed less than 15 days before the hearing date if there is substantial justification and if the justification for abbreviating the notice period is placed in the notice. Due to the required leadtime, proposed notices for publication in the **Federal Register** should arrive at HQ USAF/LEEV about 30 days before the hearing date.

(2) The notice should include:

(i) Date, time, place, and subject of the proposed hearing.

(ii) A description of the general format of the hearing.

(iii) The name and phone number of a person to contact for more information.

(iv) The request that speakers submit (in writing or by return call) their intention to take part with an indication of which environmental impact (or impacts) they wish to address.

(v) Any limitation on the length of oral statements.

(vi) A suggestion that statements of considerable length be submitted in writing.

(vii) A summary of the proposed action.

(viii) The offices or location where the draft EIS and appendices are available for examination.

(c) *Availability of the Draft EIS to the public.* Copies of the draft EIS should be available for distribution to the public at an Air Force installation or other suitable place in the area of the proposed action and public hearings.

(d) *Place of the Hearing.* The hearing should be held at a time and place and in an area readily accessible to military and civilian organizations and individuals interested in the proposed action. Generally, it is preferable to hold the hearing in a civilian facility where the public can reasonably be expected to attend.

(e) *Hearing Officer.* (1) Ordinarily, the Office of the The Advocate General selects a judge advocate who has experience in conducting public meetings to preside over hearings. The hearing officer need not have personal knowledge of the project, other than being familiar with the draft enviromental impact statement. In no event should the hearing officer be the Staff Judge Advocate of the proponent command, participate personally in developing the project, or render legal advice or assistance with respect to it (or be expected to do so in the future). The principal qualification of the hearing officer should be the ability to conduct a hearing.

(2) The primary duty of the hearing officer is to make sure that the hearing is orderly, is recorded, and that parties who have an interest in the matter have a reasonable opportunity to speak. The presiding officer should direct the speaker's attention to the purpose of the hearing which is to consider the environmental impacts of the proposed project. Time limitations on speakers must be reasonably exercised in order not to deny important information to the decision-makers.

(f) *Record of the Hearing.* A verbatim transcribed record of the hearing must be prepared, including all positions stated, as well as all questions raised and the responses given. All written submissions sent to the hearing officer during the hearing or received before the record is completed should be appended to the record as attachments, as well as a list of persons speaking at the hearing and submitting written comments, the organizations or interests they represent and their addresses. A verbatim transcript or summary of the hearing must be included as an appendix to the final EIS. Persons who request a copy of the transcript (subject to copying charges) should be mailed a copy when it is completed.

(g) *Hearing Format.* Use the following format as a general guideline for conducting a hearing. Hearing officers should tailor the format to meet the hearing objectives. These objectives provide information to the public and record opinions of interested persons for later evaluation along with the proposed action and alternatives.

(1) *Organizing Speakers by Subject.* If time and circumstances permit, the hearing officer should group speakers by subject matter. For example, all persons wishing to address water quality issues should make their presentations one after the other, so the EIS preparation team can review the transcript and make summaries from it more easily.

(2) *Recording of Attendees.* A list of all persons who desire to speak at the hearing should be made to help the hearing officer recognize these individuals, to ensure an accurate transcript of the hearing, and to provide a mailing address in order that any person, organization, or agency that provided substantive comments at the hearing may receive a copy of the final EIS (40 CFR 1502.19). Assistants should be stationed at the doors of the hearing room to provide cards on which individuals can voluntarily indicate their names, addresses, telephone numbers, organizations, titles, whether they desire to make a statement at the hearing, and what environmental area they wish to address. The cards can then be used by the hearing officer to call on individuals who desire to make statements. However, entry to the hearing or the right to speak will not be denied if a person declines to submit the information requested on the cards.

(3) *Introductory Remarks.* The hearing officer should first introduce himself or herself and the EIS preparation team and make a brief statement as to the purpose of the hearing, giving the general ground rules on how it is conducted. This is the proper time to welcome any dignitaries who are present. The hearing officer should explain that he or she does not make any recommendation or decision on whether the proposed project is to be continued, modified, or abandoned.

(4) *Explanation of the Proposed Action.* The Air Force EIS preparation team representative should next explain the proposed action, the alternatives, the potential environmental consequences, and how the EIAP is conducted.

(5) *Questions by Attendees.* After the proposed action, alternatives, and the consequences are explained, the hearing officer should give attendees a chance to ask questions to clarify points that may not have been understood. It may be necessary to reply in writing, at a later date, to some of the questions. While the Air Force EIS preparation team should be as responsive as possible in answering questions about the proposal, they should not become involved in debate with questioners over the merits of the proposed action. Cross-examination of speakers, either Air Force or public, is not part of an informal hearing. If necessary, the hearing officer may limit questioning or conduct portions of the hearing to ensure proper lines of inquiry are completed. However, all questions asked should be included in the hearing record.

(6) *Statement of Attendees.* The persons attending the hearing must be given a chance to present oral or written statements. The hearing officer should be sure the recorder has the name and address of each person who submits an oral or written statement. The attendees should also be permitted to submit written statements within a reasonable time, usually 2 weeks, following the hearing. A reasonable length of time at the hearing should be allotted for receiving oral statements. Any announced time limit may be waived at the discretion of the hearing officer. Those who have not previously indicated a desire to speak are invited to identify themselves and be recognized only after those who have signified their intentions to speak have spoken.

(7) *Ending or Extending the Hearing.* The hearing officer has the power to end the hearing in the event of disorder, if the speakers become repetitive, or for other good causes. In any such case, a statement must be made for the record on the reasons for termination. The hearing officer may also extend the hearing beyond the originally announced date. The extension should be announced during the meeting and appropriate notice provided.

(h) *Adjournment of the Hearing.* After all persons have had a chance to speak, when a representative view of the public has been obtained, or when the time set for the hearing has ended, the hearing officer adjourns the hearing. In certain circumstances, such as the likelihood that new and relevant information remains to be presented, an additional separate meeting may be justified. In such cases, if the intent to do so is formed at the original hearing, the

hearing officer should announce that another public hearing will be scheduled or is under consideration. An appropriate notice of a decision to continue these hearings is given in essentially the same way as the original hearing was announced. The EPF provides the required public notices, along with the Office of Public Affairs, and directs notices to interested parties in coordination with the hearing officer. Because of leadtime contraints, **Federal Register** notice requirements may be waived by HQ USAF/JA. At the conclusion of the hearing, the attendees should be informed of the deadline, usually 2 weeks, to include additional remarks in the record of the hearing. They should also be informed of the last day of the commenting period on the draft EIS.

§ 989.16 Categorical exclusions.

(a) Circumstances may arise such that usually excluded actions may have a significant effect and, therefore, generate a requirement for environmental analysis. Examples of such circumstances include:

(1) Greater scope or size than generally experienced for a particular category of action.

(2) Potential for degradation (even though slight) of already existing poor environmental conditions, or initiation of a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

(3) Employment of unproven technology.

(4) Presence of threatened or endangered species, archaeological remains, historical sites, or other protected resources.

(5) Use of hazardous or toxic substances which may come in contact with the surrounding environment. However, use of hazardous and toxic substances under adequately controlled conditions is categorically excluded.

(6) Proposed actions that affect areas of critical environmental concern such as prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, floodplains, or wild and scenic river areas.

(b) Actions that are categorically excluded in the absence of unique circumstances are:

(1) Those with an insignificant effect as established in a previously written environmental assessment and finding of no significant impact (FONSI) or in an environmental impact statement (EIS).

(2) Preparing regulations, directives, manuals, or other guidance documents that implement (without substantial change) the regulations, directives, manuals, or other guidance documents from higher headquarters or other federal agencies.

(3) Emergency activities (for example, riot control or search and rescue activities) that do not require assessments or an EIS. Emergency response by Air Force authorities which result in significant harm to the environment must be reported through command channels to SAF/MIQ officials who notify the Council on Environmental Quality of the circumstances.

(4) Supersonic flying operations above 30,000 feet mean sea level.

(5) Formal requests to the Federal Aviation Agency for establishing special-use airspace (for example, restricted areas, warning areas, military operations areas) and military training routes for subsonic operations, having a base altitude of 3,000 feet above ground level or higher.

(6) Moving aircraft and associated personnel and equipment to temporary duty at a military location other than the home station. Activities after deployment must be separately evaluated for environmental impact or excepted under the categorical exclusion list.

(7) Temporary (less than 30-day) increases in air operations up to 50 percent of the typical installation aircraft operation rate or increases of 50 operations a day, whichever is greater.

(8) Flying activity complying with the federal aviation regulations that is dispersed over a wide area, and does not frequently (greater than once a day) pass over the same ground points. (Regular activity on established routes or within military operating areas is not covered under this categorical exclusion.)

(9) Adopting approach, departure and en route procedures that do not cause traffic to be routed on a routine basis over noise sensitive areas that may include residential neighborhoods, cultural, historical, and outdoor recreational areas. Such patterns at or greater than 3,000 feet above ground level are categorically excluded regardless of underlying land use.

(10) Installing remote transmitter or receiver facilities or addition of communication channels to the existing facilities when on airport property and usually accessible only to maintenance personnel.

(11) Installing equipment on airports (for example, runway visual range equipment, visual approach slope indicators, or upgrade of such equipment).

(12) Repairing and replacing real property installed equipment (RPIE).

(13) Facility and utility system maintenance and repair.

(14) Interior and exterior construction within the five-foot line of a building and not changing land use of the existing building.

(15) Assigning workload to Air Force-owned industrial facilities.

(16) Routine manpower decreases and increases including workforce conversion to either on-base contractor operation according to AFM 26–1 and AFR 40–350 or to military operation from contractor operation (excludes base closure or reduction and mission realignment actions).

(17) Arms transfers to foreign nations which includes the grant, loan, lease, exchange, or sale of defense articles or defense services.

(18) Continuation of actions, if there is not substantial, adverse change from previously existing conditions.

(19) Minor training exercises on military property, assuming they comply with all other environmental and natural resource conservation laws.

(20) Land and facility transfers for which the General Services Administration is the action agency.

(21) Adopting or revising regulations that do not significantly affect the quality of the human environment in their implementation.

(22) Routine procurements for goods and services.

(23) Basic and applied scientific research usually confined to the laboratory and assuming it complies with all other environmental and natural resource conservation laws that apply.

(24) Study efforts that involve no commitment of resources other than manpower and funding allocations.

(25) Proposed actions that are of such environmentally insignificant nature they clearly do not meet threshold for requiring an environmental assessment or EIS.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-24082 Filed 8-31-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

33 CFR Parts 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, and 330

Interim Final Rule for Regulatory Programs of the Corps of Engineers

AGENCY: Army Corps of Engineers, DoD.

ACTION: Extension of public comment period on interim final rule.

SUMMARY: When we published the interim final rule of the Corps of Engineers' regulatory programs on July 22, 1982, we stated that all comments thereon would have to be received by August 23, 1982.

DATE: Because the interim final rule has generated more public interest and comment than anticipated, we hereby extend the comment period until September 7, 1982.

ADDRESS: Office of the Chief of Engineers, DAEN–CWO–N, 20 Massachusetts Ave. NW., Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Bernie Goode, (202) 272–0199 or Mr. Morgan Rees, (202) 697–6985.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 82–24088 Filed 8–31–82; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA No. 866; A–7–FRL–2183–6]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA is approving regulations submitted by the State of Kansas to satisfy conditions placed on that state's Part D plan revision (46 FR 20164, April 3, 1981). These regulations were submitted in draft form on October 9, 1981 and a notice of receipt was published in the **Federal Register** on March 26, 1982 (47 FR 12965). Final regulations to satisfy these remaining conditions: (1) To make certain revisions to the new source permitting regulations, and (2) to adopt a regulation controlling volatile organic compound (VOC) emissions from tank trucks serving bulk terminals were submitted on June 15, 1982. The submittal contains other revisions to the new source permitting regulations which were not required by the conditions.

The purpose of today's action is to remove the above mentioned conditions and to approve the state's submittal of June 15, 1982 as a revision of its Part D SIP.

DATE: This action is effective November 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the state submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460; and Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at (816) 374–3791; FTS 758–3791.

SUPPLEMENTARY INFORMATION: On April 3, 1981, EPA conditionally approved certain portions of the Kansas SIP with regard to the requirements of Part D of the Clean Air Act, as amended. The conditions were specific regarding Section 172(b)(2), Section 172(b)(10), and Section 173(3). A detailed discussion of that action can be found in the **Federal Register** notice published on that date (46 FR 20164). The action taken today removes the remaining conditions found at 40 CFR 52.875.

The Kansas Department of Health and Environment submitted draft revisions to the state regulations on October 9, 1981 to satisfy these conditions and other revisions which were not required by the conditions on the SIP.

To comply with one of the conditions, the state was to adopt statutory amendments to revise its new source permitting regulations to comply with Section 173(3) of the Act by April 30, 1981; file the revised regulations as temporary amendments with the Revisor of Statutes by July 1, 1981; and adopt the revised regulations as permanent amendments to the Kansas air quality regulations by May 1, 1982.

In order to comply with two other conditions, the state was to adopt and file with the Revisor of Statutes a regulation controlling volatile organic compound (VOC) emissions from tank trucks serving bulk petroleum terminals by July 1, 1981, and adopt the revised regulations as permanent amendments to the Kansas air quality regulations by May 1, 1982.

EPA published a notice in the **Federal Register** on March 26, 1982 (47 FR 12965) that regulations had been adopted after a public hearing on November 18, 1981, and that regulations satisfying the SIP conditions were submitted to the Revisor of Statutes on December 23, 1981 and to the Kansas Legislature in January 1982. These new regulations and regulatory changes became permanent regulations effective May 1, 1982, and were submitted to EPA on June 15, 1982.

The regulations which were submitted in addition to those required by the April 3, 1981 conditions are 28–19–16, 28–19–16a, 28–19–16b, 28–19–16c, 28–19–16f, 28–19–16g, 28–19–16h, and 28–19–16i. These regulations contain new source permit requirements for nonattainment areas. The revisions in each of the above mentioned regulations were minor wording changes which do not substantially change the regulation. Regulation 28–19–16a(g) changes the definition of contemporaneous to be consistent with the EPA approved definition in the comparable Missouri regulations. Regulation 28–19–51 regarding fugitive dust emissions was revoked by the State because it was found to be ineffective.

Action: EPA approves Kansas regulation 28–19–70 and 28–19–62 applicable to tank truck emissions and regulation 28–19–61h applicable to new source permits as revisions to the Kansas Part D SIP. EPA is also approving regulatory amendments not required by the April 3, 1981 conditions. These are amendments to regulations 28–19–16, 28–19–16a, 28–19–16b, 28–19–16c, 28–19–16f, 28–19–16g, 28–19–16h, and 28–19–16i which are applicable to new source permits in nonattainment areas. Revocation of regulation 28–19–51 relating to fugitive dust emissions is approved.

The March 26, 1982 **Federal Register** notice (47 FR 12965) stated that EPA was reviewing the draft material submitted by the State of Kansas and implied that, if unchanged by the legislature, the regulations would be approvable in the final form. The regulations have been available for public review for more than 60 days. The EPA believes there is good cause to approve the submission without prior proposal because it has been available for public review and they are noncontroversial changes.

The public should be advised that this action will be effective November 1, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published prior to the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of action and establishing a comment period.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The reason for this is because it approves a state rule.

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

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

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

(Sec. 110 and 319 of the Clean Air, Act, as amended)

Dated: August 17, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. Section 52.870 is amended by adding a new paragraph (c)(14) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(14) New regulations 28–19–70 and 28–19–62 applicable to tank trucks operating at bulk gasoline terminals and regulation 28–19–61h applicable to new source permits were submitted by the Kansas Department of Health and Environment on June 15, 1982. Revised regulations 28–19–16, 28–19–16a, 28–19–16b, 28–19–16c, 28–19–16f, 28–19–16g, 28–19–16h, and 28–19–16i, applicable to new sources in nonattainment areas were included with the June 15, 1982 submittal. State regulation 28–19–51 is revoked.

2. Section 52.875 is amended by removing (a) and reserving the section heading as follows:

§ 52.875 General requirements. [Reserved]

[FR Doc. 82-23919 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-3-FRL-2184-1; Docket No. AW008WV]

Approval and Promulgation of Implementation Plans; Approval of Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The West Virginia Air Pollution Control Commission (Commission) submitted to the U.S. Environmental Protection Agency (EPA) on July 2, 1982 a revision to its State Implementation Plan (SIP) in the form of a consent order for the Mountaineer Carbon Company located in Moundsville, Marshall County, West Virginia. The consent order will allow the company time to install control equipment to reduce particulate matter emissions from the operation of its petroleum coke calcining kilns numbers 1 and 2 in order to comply with the State's Regulation VII—To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations. This notice announces the Administrator's approval of the consent order to the West Virginia SIP. This action will be effective on November 1, 1982 unless notice is received by 30 days from the date of publication that someone wishes to submit adverse or critical comments.

In order for West Virginia's Regulation VII to reflect the requirements of the consent order, the Commission will revise the applicable emission limitations of Regulation VII to be consistent with this consent order. This action will be addressed in a separate **Federal Register** notice in the near future.

DATE: This action is effective November 1, 1982.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of the EPA, Region III address shown below. Copies of the materials submitted by the Commission may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, Attn.: Patricia Sheridan (3AW11)

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn.: Mr. Carl G. Beard

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Lillie R. Ellerbe (3AW13) 215/597–8170 at the EPA, Region III address indicated above.

SUPPLEMENTARY INFORMATION: The consent order was submitted by the Commission to EPA on July 2, 1982. This consent order will provide for the development of alternate emission limitations for the Mountaineer Carbon Company's operation of their two calcining kilns. In addition to the consent order, an air quality demonstration has been submitted by West Virginia and it indicates that as a result of the proposed emission reductions an improvement in air quality is anticipated.

The Commission has shown that, after adequate public notice, a public hearing was held with regard to this consent order. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice	Date of public hearing	Location
June 2, 1982	July 2, 1982	Charleston, WV.

There was no opposition to the consent order at the public hearing.

The Mountaineer Carbon Company operates a plant, including petroleum coke calcining kilns numbers 1 and 2 located at Moundsville, Marshall County, West Virginia. Particulate matter emissions from the operation of the two kilns currently exceed those limitations in West Virginia's existing Regulation VII. The Company has agreed to reduce such emissions in accordance with the agreed upon compliance program by the installation of incinerator control systems for the two kilns.

However, after the installation of this control equipment the emissions still will not comply with the existing Regulation VII (1980). Therefore, West Virginia will be revising its Regulation VII, Section 3.12 for particulate emission limitations to establish emission rates consistent with proper operation and maintenance of the control equipment. The control equipment required by the

consent order is considered to be representative of best available control technology economically achievable. The revision to Regulation VII by the State to incorporate these emission limitations will be proposed in a separate **Federal Register** notice.

The order provides that each such kiln be equipped with an incinerator that will be operated at a temperature of not less than 1600° F and have a residence time of twelve (12) seconds or longer when calcining regular coke and twenty-four (24) seconds or longer when calcining graphite coke, and provided further that, in the event a plant has more than one kiln, such plant shall be operated so that only one (1) of such kilns shall calcine graphite coke at any one time.

The control equipment construction program and compliance testing shall be performed in accordance with the terms specified in the consent order.

EPA has reviewed the information submitted by the State and the Administrator is today approving this consent order as a SIP revision. The public is advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Conclusion

The Administrator's decision to approve the proposed revisions was based on a determination that 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.

As a result of EPA's decision to approve this revision to the West Virginia Implementation Plan, 40 CFR 52.2520 (Identification of Plan) is being revised as shown below.

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

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

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: August 17, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended by adding a new paragraph (c)(18) to § 52.2520 as follows:

Subpart XX—West Virginia

* * * * *

§ 52.2520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(18) The consent order allowing alternative emission limitations for the Mountaineer Carbon Company, Moundsville, West Virginia, submitted on July 2, 1982 by the West Virginia Air Pollution Control Commission.

[FR Doc. 82-23838 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2F2595/R419; PH-FRL 2198-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3-(3,5-Dichlorophenyl)-5-Ethenyl-5-Methyl-2,4-Oxazolidinedione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rules establishes a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its metabolites in or on lettuce. This regulation to establish the maximum permissible level for 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on lettuce was requested by BASF Wyandotte Corp.

EFFECTIVE DATE: Effective on September 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 13, 1982 (47 FR 1408), that BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, had filed a pesticide petition (PP 2F2595). This petition proposed that 40 CFR 180.380 be amended by establishing a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites resulting from preharvest application in or on the raw agricultural commodity lettuce at 5.0 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The petitioner subsequently amended the request by revising the use pattern and increasing the requested tolerance from 5.0 ppm to 10.0 ppm. A notice of the amendment was issued in the **Federal Register** of July 14, 1982 (47 FR 30640). No comments were received in response to the amended notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a mouse teratology study (no observed teratogenic effects at 600 ppm), a 3-generation rat reproduction study (negative at 1,458 ppm, the highest dose fed), a chronic feeding 130-week oncogenic study in rats (negative oncogenic potential; NOEL was 486 ppm), a chronic feeding 26-month oncogenic study in mice (negative oncogenic potential; NOEL was 1,458 ppm), a dominant lethal assay in mice (negative at 2,000 milligrams (mg)/kilograms (kg) for 5 days), a repeated oral dosing metabolism study in rats, a 90-day rat study (NOEL was 450 ppm), and a 90-day dog study (NOEL was 300 ppm).

Based on the rat study, the NOEL is 486.0 ppm or 24.3 mg/kg of body weight (bw) per day. Using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.2430 mg/kg of bw/day, and the maximum permissible intake (MPI) is

14.58 mg/day for a 60-kg person. This tolerance and other published and approved tolerances result in a total maximum theoretical exposure of 0.3624 mg/day for a 1.5-kg diet and utilizes 2.49 percent of the ADI.

The metabolism of 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione is adequately understood for this use, and an adequate analytical method, gas chromatography, is available for enforcement purposes. There are no regulatory actions pending against the registration of this fungicide.

The fungicide is considered useful for the purpose for which the tolerance is sought. The proposed tolerance is adequate to cover residues in or on the raw agricultural commodity lettuce, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry.

Hence, the Agency has determined that establishing a tolerance for residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on lettuce at 10 ppm will protect the public health. Therefore, the regulation amending 40 CFR 180.380 is established as set forth below.

Any person adversely affected by this regulation may, on or before October 1, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

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

Effective on: September 1, 1982.

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

List of Subjects in 40 CFR Part 180

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

Dated: August 18, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.380 is amended by adding and alphabetically inserting the commodity lettuce to read as follows:

§ 180.380 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Lettuce	10
* * * * *	

[FR Doc. 82-23837 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6E1692/R470, PH-FRL 2196-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Bacillus Popilliae

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the insecticide *Bacillus popilliae* in or on the raw agricultural commodity pasture and rangeland forage. This regulation to eliminate the need to establish a maximum permissible level for residues of *B. popilliae* on pasture and rangeland forage, was submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on September 1, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, D.C. 20640.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of July 7, 1982 (47 FR 29575) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 6E1692 to EPA on behalf of the IR-4 Technical Committee.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for *B. popilliae* when used as an insecticide on pasture and rangeland forage.

A comment was received opposing the establishment of the proposed exemption and requesting a 90-day extension of the comment period. The Agency's findings remained unchanged and the request for an extension of the comment period was denied, since the commentator did not submit substantive data.

The data submitted in the petition and other relevant data have been evaluated and discussed in the notice of proposed rulemaking except that the reference to spore preparations in the proposed rulemaking which states that "Spore preparations of *Bacillus popilliae* shall be produced by pure culture fermentation procedures with adequate control measures during production to detect any changes from the characteristics of the parent strain or contamination by other microorganisms." is revised in the regulation to read "Spore preparations of *Bacillus popilliae* shall be produced by an extraction process from diseased Japanese beetles, and may contain a small percentage of the naturally occurring milky disease bacterium *Bacillus lentimorbus.*"

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the amendment to 40 CFR Part 180 would protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before October 1, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed

objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 18, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1076 to read as follows:

§ 180.1076 Viable spores of the microorganism Bacillus popilliae; exemption from the requirement of a tolerance.

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of *Bacillus popilliae* conforming to the morphological and biochemical characteristics of *Bacillus popilliae* as described in Bergey's Manual of Determinative Bacteriology, Eighth Edition.

(2) Spore preparations of *Bacillus popilliae* shall be produced by an extraction process from diseased Japanese beetles, and may contain a small percentage of the naturally occurring milky disease bacterium *Bacillus lentimorbus.*

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection of injury in the test animals when observed for 7 days following injection.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus popilliae,* as specified in paragraph (a) of this section in or on pasture and rangeland forage when it is applied to growing crops in accordance with good agricultural practices.

[FR Doc. 23678 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 763

[OPTS 61004C; TSH-FRL 2198-8]

Asbestos; Friable Asbestos-Containing Materials in Schools: Identification and Notification; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; Correction.

SUMMARY: EPA issued a regulation requiring the inspection of public and private elementary and secondary schools in the United States to identify friable asbestos-containing building materials. Each local education agency is required to inspect all areas of each school, take samples of each distinct type of friable material found, and have those samples analyzed for their asbestos content using polarized light microscopy (PLM) augmented by X-ray diffraction where necessary. This correction clarifies the rule to indicate that EPA will find it acceptable for laboratories analyzing samples under this rule to estimate the amount of asbestos in the bulk samples using methods equivalent to the point counting procedure contained in the "Interim Method for Determination of Asbestiform Minerals in Bulk Insulation Samples," published as Appendix A to the rule.

EFFECTIVE DATE: Effective on June 28, 1982.

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 USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of May 27, 1982 (47 FR 23360), which requires the inspection of all public and private elementary and secondary schools for friable asbestos-containing materials in school buildings. Samples of friable materials must be analyzed using PLM, supplemented where necessary by X-ray diffraction, in accordance with the "Interim Method for the Determination of Asbestiform Minerals in Bulk Insulation Samples," found in Appendix A of the rule. The Interim Method provides information for the proper identification of asbestos in bulk samples and includes procedures for estimating the amount of asbestos present in bulk samples.

Paragraph 1.7.2.4 of Appendix A of the rule was intended to provide for a point counting procedure or an equivalent estimation method for determining the amount of asbestos in bulk samples. The phrase "or an equivalent estimation method" was inadvertently omitted from the first sentence of paragraph 1.7.2.4 of the Appendix.

Questions concerning equivalent estimation methods should be directed to EPA's toll-free, technical assistance number (800-334-8571, extension 6741).

Appendix A—Interim Method for the Determination of Asbestos in Bulk Insulation

§ 1.7.2.4 [Corrected]

In FR Doc. 82-14477 appearing on page 23382, in the first column, the regulatory text under 1.7.2.4. *Quantitation of Asbestos Content,* is corrected by adding the phrase "or an equivalent estimation method" in line 2, at the end of the first sentence.

Dated: August 24, 1982.

Edwin L. Johnson,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-24041 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 421

Medicare Program; Assignment and Reassignment of Home Health Agencies to Designated Regional Intermediaries

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

ACTION: Final rule.

SUMMARY: We are modifying Medicare regulations to require that all freestanding home health agencies serviced by a nominated intermediary be serviced by a regional intermediary designated by HCFA.

These regulations implement section 1816(e)(4) of the Social Security Act (as added by section 930(o) of the Omnibus Reconciliation Act of 1980, Pub. L. 96-499), which requires the Secretary to designate regional agencies or organizations to perform intermediary functions for home health agencies.

EFFECTIVE DATE: These regulations are effective October 1, 1982.

FOR FURTHER INFORMATION, CONTACT:
Norman Fairhurst, (301) 594–9498.

SUPPLEMENTARY INFORMATION:

I. Background

In the Medicare program, the Secretary is responsible for making payment to a provider of services (such as a home health agency (HHA)) for the covered services it furnishes to Medicare beneficiaries, either through a fiscal intermediary or by HCFA directly through its Office of Direct Reimbursement (ODR).

The wide dispersion of HHAs, their low volume of bills and the small number of HHAs per intermediary are factors that significantly diminish optimum efficiency and effectiveness in administering the HHA part of the Medicare program. Moreover, there has been concern for some time regarding the inadequate monitoring and auditing of HHA costs. In testimony before the Senate Special Committee on Aging and the House Subcommittee on Oversight and Health on March 9, 1977, the Department took the position that the Secretary should be allowed to establish either a single national intermediary or a series of regional intermediaries to service HHAs.

Section 14 of Pub. L. 95–142, enacted as a result of these and other hearings, amended Section 1816 of the Social Security Act and authorized the Secretary to assign and reassign providers to intermediaries and to designate regional intermediaries or a national intermediary with respect to a class of providers (Section 1816(e) (1) and (2) of the Act). As a result of this legislation, HCFA developed a proposal for consolidating HHA workloads among fewer intermediaries.

Section 930(o) of the Omnibus Reconciliation Act of 1980 added a new paragraph (4) to Section 1816(e) of the Act. This section requires the Secretary to designate regional agencies or organizations (that is, fiscal intermediaries) that have entered into an agreement with the Secretary under Section 1816 of the Act to perform functions under that agreement for freestanding HHAs in the region. The statute requires that if an HHA is a subdivision of a hospital (that is, the HHA and hospital are under common control or are affiliated), the Secretary shall assign that HHA to a regional intermediary only under the following condition: The Secretary, after applying published criteria relating to administrative efficiency and effectiveness, determines that the assignment would result in the more effective and efficient administration of the Medicare program.

In late 1980, HCFA circulated its initial draft HHA intermediary consolidation proposal to providers, intermediaries, regional offices and other HCFA representatives, the National Association of Home Health Agencies, the National League for Nursing and the Fiscal Intermediary Group. After considering comments from these entities, we notified HHAs in December of 1981, through their intermediaries and the Office of Direct Reimbursement (ODR), the HCFA component that services direct-dealing providers, of the names of the designated regional intermediaries and the transition schedule.

However, on March 10, 1982, we were permanently enjoined, by the U.S. District Court for the District of Columbia, from transferring freestanding HHAs serviced by ODR to regional intermediaries. The Court also required us to publish within 30 days a proposed rule concerning the transfer of other affected HHAs to regional intermediaries.

On April 9, 1982, we published a proposed rule that would require freestanding HHA's assigned to intermediaries to be reassigned to designated regional intermediaries (47 FR 15370).

II. Final Regulations

These regulations require all freestanding HHAs that have elected to be serviced by an intermediary under 42 CFR 421.103, to be serviced by a regional intermediary designated by HCFA. We are adding a new section to Medicare regulations, 42 CFR 421.117, to state this requirement.

The major policy provisions behind these regulations are, basically, those stated in the notification to HHAs in December 1981 and in the proposed rule published on April 9, 1982. They are as follows:

A. One intermediary is designated to service freestanding HHAs in each State.

We believe the designation of statewide regional HHA intermediaries will achieve the goal of both Congress and HCFA to improve the administration of the home health benefit under the Medicare program. Consolidating the workload of freestanding HHAs under a single intermediary in each State should improve management and consistency of coverage and reimbursement determinations for HHAs. The use of statewide intermediaries will also facilitate onsite review of HHAs by the intermediaries. This review has proven to be a significant tool for assuring improved reimbursement determinations and controlling overutilization and overpayments that have been of concern to HCFA and the Congress. Consistent application of Medicare policies with respect to HHAs within each State will enhance delivery of necessary services by providing a constant approach to medical policy interpretation and reimbursement for providers, beneficiaries and the home health community.

The designation of one intermediary per State is in keeping with our long range goals of reducing the number of intermediaries in the Medicare program and of consolidating all intermediary workload in each State with one intermediary.

The criteria used for selecting intermediaries included past performance and the ability of the intermediary to assume additional workload.

Approximately 16 percent of HHAs participating in the Medicare program will be reassigned to another intermediary as a result of implementation of these regulations. The number of intermediaries servicing freestanding HHAs will be reduced from 72 to 49. (No HHA intermediary will be designated for Puerto Rico or the Virgin Islands because of the proposed competitive fixed-price experiment to select a single organization to service their entire Medicare workload.) In only 8 States will there be a major shift of the State's HHAs to a new intermediary (Arizona, California, Florida, Ohio, Pennsylvania, Texas, Washington, West Virginia). In the remaining States, the designated intermediary already services all or most of the freestanding HHAs not serviced by ODR. The implementation procedures we have developed have been designed to assure a smooth transition to the new intermediaries.

B. There will be no alternative to the designated intermediaries for freestanding HHAs. All HHAs wishing to be serviced by an intermediary, including members of HHAs chains, will be serviced by the designated intermediary. Because of a court order HHAs serviced by ODR may continue with ODR or elect to be serviced by the designated regional intermediary.

C. HHAs in multi-State chain organizations will have to deal with designated State intermediaries to assure uniform treatment of HHAs in each State. However, we recognize that there may be cases in which the degree of centralization of the chain will make such a policy less efficient in terms of

cost report settlement. We will therefore allow exceptions to the State intermediary policy for such cases. In these situations, a lead intermediary will handle the home office audit and desk review of all provider cost reports, determine the scope of provider audits, and perform final settlement of individual HHA cost reports. The local designated intermediaries will have responsibility for provider reimbursement throughout the year based on necessary input from the lead intermediary, provide input to the lead intermediary in terms of provider audit and cost report settlement, and perform actual field audit work required.

Chains wishing to avail themselves of the exception will have to present their request in writing to the regional office serving their home office. The request must provide information concerning their degree of centralization, such as is now required for a single intermediary to service an entire chain of any type. The regional office will evaluate each request and notify the chain in writing of HCFA's determination.

D. Hospital-based HHAs will continue to be serviced by the intermediary servicing the parent provider regardless of whether it is the designated intermediary. However, we are asking intermediaries servicing hospital-based HHAs to use the coverage and utilization screens of the designated State intermediary to promote statewide consistency.

E. We are also amending the definition of intermediary in § 421.3 to show that a Blue Cross Plan which has entered into a subcontract, approved by the Administrator, with the Blue Cross Association to perform intermediary functions may be designated as a regional intermediary.

F. We are also amending § 421.128 to show that, under Section 1816(e)(4) of the Act, an intermediary that loses providers to a regional intermediary does not have the right to appeal any adverse effect caused by the reassignment of HHAs to another intermediary or by the designation of regional intermediaries for HHAs.

III. Public Comments

We received 48 comments on our proposed rule. Nineteen of the comments were from individual home health agencies, 17 were from individuals, 7 were from associations representing home health agencies, 3 were from contractors and 2 were from State agencies. The specific comments received and our responses are as follows.

A. General

Comment. Two commenters felt that the regulation is not equitable because hospital-based HHAs and multi-State chains are being treated differently from freestanding home health agencies.

Response. Before hospital-based HHAs can be assigned to designated intermediaries, Section 1816(e)(4) of the Act requires that HCFA promulgate criteria establishing that it would be more effective and efficient to do so. Thus unless otherwise specified hospital-based HHAs will continue to be serviced by the intermediary servicing the parent provider. Moreover, we are asking intermediaries servicing hospital-based HHAs to use the coverage and utilization screens of the designated State intermediary to promote statewide consistency.

HHAs in multi-State chain organizations will be assigned designated intermediaries. However, we recognize that in a few instances the degree of centralization of the chain will require a lead intermediary as well as a designated intermediary. In these cases, the lead intermediary will be responsible for the home office audit and individual provider audits. The designated intermediary will have responsibility for provider reimbursement throughout the year and perform field audit work.

The use of lead intermediaries and designated intermediaries by multi-State chain organizations will be made on an exception basis. Chains wishing to avail themselves of the exception will have to present their request in writing to the regional office. The regional office will evaluate each request and notify the chain in writing of HCFA's determination.

Comment. Several commenters suggested that the regulations clearly state that providers have the option to deal directly with the Administrator through the Office of Direct Reimbursement (ODR).

Response. This is adequately covered in existing regulations. Section 421.103(a) allows all providers the option of receiving payment for covered services furnished to Medicare beneficiaries directly from the Administrator. HHAs serviced by ODR may continue with ODR or elect to be serviced by the designated regional intermediary.

Comment. One commenter questioned whether an HHA could deal with a designated intermediary other than the one assigned to its region.

Response. There will be no alternative to the designated intermediaries for freestanding HHAs. All HHAs wishing to be serviced by an intermediary, will be serviced by the designated intermediary. Allowing exceptions to the use of designated intermediaries would be contrary to the intent of the law.

Comment. Some commenters were concerned that there is no formal appeal procedure for home health agencies that are having difficulties due to the assignment of an intermediary. A few commenters were concerned that the regulations do not make provision for evaluation of an intermediary's performance on an ongoing basis. One commenter suggested that HCFA develop an objective appeal procedure as an alternative for an agency that is dissatisfied with the performance of an intermediary.

Response. An HHA which is dissatisfied with a designated intermediary's reimbursement practices may appeal these decisions to the Provider Reimbursement Review Board. If an HHA is dissatisfied with a designated intermediary the HHA may bring the issue to HCFA for consideration. HCFA will then review the issue as a part of its responsibility in assuring adequate contractor performance using the performance criteria included in current regulations at § 421.120. HCFA will be monitoring the performance of all intermediaries on an ongoing basis to assure designations are still appropriate.

Comment. Three commenters were concerned that an intermediary adversely affected by the reassignment of HHAs to another intermediary would not have the right of appeal or judicial review.

Response. Section 1816(e)(4) of the Social Security Act requires designation of regional intermediaries for freestanding HHAs. Congress has legislatively determined that these designations are in the interest of improved administration of the program. Therefore, we believe that the text of Section 1816(e)(4) evidences congressional intent that adversely affected intermediaries do not have the right to appeal the announced designations.

Comment. A few commenters were concerned that some intermediaries plan to subcontract audit functions back to the previous intermediary. They felt that this is contrary to the intent of the legislation and will not promote optimum efficiency and effectiveness in administering the HHA part of the Medicare program.

Response. In areas where HCFA has consolidated two or more intermediaries into one, a designated intermediary may

subcontract certain functions, such as beneficiary and provider relations and limited audit functions, back to the previous intermediary, subject to HCFA approval, for a predetermined period of time where this would minimize confusion in the beneficiary community, give the provider community time to adjust to a new intermediary and give the intermediary's staff time to familiarize themselves with the characteristics of the new providers. Although, the nondesignated intermediary may perform many of the intermediary duties, the designated intermediary is ultimately responsible for the manner of the nondesignated intermediary's performance, e.g., the designated intermediary will conduct medical reviews and supply audit guidelines to the subcontractor.

B. Selection of Designated Intermediaries

Comment. The majority of the comments were from providers in three States—Washington, Pennsylvania, and West Virginia—protesting HCFA's choice of intermediary for those States. Commenters for these States were opposed to the designated intermediary and requested another intermediary. They were concerned about the ability of the designated intermediaries to satisfactorily handle transition problems and additional workload. Commenters from Pennsylvania were particularly concerned about the use of State boundaries as the sole definition of a region. They felt that circumstances within Pennsylvania justify the use of "regionalization" within the State.

Response. Congress legislated the use of designated intermediaries by all freestanding home health agencies. However, the definition of boundaries was left to the discretion of the Administrator. In developing a definition we were concerned with selecting an area that was reasonable, consistent and understandable to all parties. Although it is possible for two or more intermediaries in a limited geographic area to be equally proficient and capable of accepting additional workloads, we determined that as a general proposition one intermediary within State boundaries would best achieve the goals of Congress and HCFA.

HCFA is working closely with the intermediaries and providers, and transition committees have been established to ensure that there is a smooth transition and no deterioration in the designated intermediary performance. In those States where there is provider opposition to the designated intermediary, we reevaluated that intermediary and compared its performance and potential with that of other intermediaries available in the States. As a result of this reevaluation, we have determined that for the overall effective and efficient administration of the program the designations will remain the same. However, HCFA will be monitoring the performance of all intermediaries on an ongoing basis to assure designations are still appropriate.

Comment. One commenter was concerned about including Blue Cross Plans in the definition of intermediary for the purpose of designating them as regional intermediaries. The commenter felt this practice was inconsistent with the intent of the law because the Blue Cross Plans have not entered into an agreement with the Secretary and have not been nominated by a provider or group of providers.

Response. We do not dispute the definition of an intermediary in section 421.3 of the regulation. However, to facilitate understanding and avoid repetitious phrases, HCFA often includes subcontracting Blue Cross Plans in the definition of an intermediary. For example, for purposes of designating regional intermediaries for freestanding home health agencies and for applying the performance criteria to evaluate intermediaries and any adverse action resulting from the application of such criteria, Blue Cross Plans are currently included in the definition of intermediary.

C. Implementation of Designated Intermediaries

Comment. Four commenters asked how HCFA will assure no disruption in cash flow to agencies during the transition of home health agencies to designated intermediaries. One commenter felt that delays in reimbursement would have disastrous implications for certain home health agencies.

Response. HCFA will work closely with the intermediaries and HHAs to avoid interruptions to cash flow. The outgoing intermediary will provide, among other information, the reimbursement rate and history for each HHA. Based on that record the designated intermediary will be able to determine amounts due to each HHA and assure that payments are made timely. Periodic Interim Payments (PIP) and remibursement rates will be continued without change for the initial cutover until the designated intermediary becomes familiar with the new HHAs accounting system.

Comment. Four commenters suggested that the transfer of HHAs to designated intermediaries be made based on fiscal-year ending dates. One commenter suggested that if the transfer is not made using fiscal year ending dates then the outgoing intermediary should be responsible for settling cost reports.

Response. The transfer dates will be based on provider fiscal-year ending dates with the exception of the October 1 transfer. This transfer will include those providers with year ending dates of June 30, July 31, August 31 and September 30. The outgoing intermediary will be responsible for settling the cost report and will forward all billing information accrued through September to the designated intermediary. Providers scheduled to transfer October 1 may elect to go to the designated intermediary before October.

IV. Implementation

A. Assurance of Cash Flow

HCFA will make every effort to assure that there will be no interruption of cash flow to HHAs. We will work closely with the designated intermediary and HHAs to identify and resolve problems that could potentially interrupt the HHAs' cash flow.

B. Scheduling of Reassignments

We will begin transferring freestanding HHAs to their designated intermediaries on October 1, 1982. The transfer will be based on provider cost report year ending dates with the exception of the October 1 transfer. This transfer would include those providers with year-ending dates of June 30, July 31, August 31 and September 30.

We will complete the majority of the reassignments to designated intermediaries this calendar year. Fifty-one percent of the HHAs were reassigned between January 1 and March 1; another 40 percent were scheduled to be transferred by December 1. By including the HHAs with June, July, and August year-ending dates in the October 1 reassignment we will still meet this goal. The remaining 9 percent (the 35 HHAs having fiscal year-ending dates in March through May) will be phased in next year.

The original reassignment of freestanding HHAs to the designated intermediaries (based on provider cost reporting year ending dates) began January 1, 1982. After the district court decision was announced in March, any HHA that began or completed the transfer of its workload to the regional intermediary was given the option of continuing to be serviced by the regional intermediary or transferring its workload back to its original

intermediary until the new scheduled transition date. Pending resolution of the national HHA lawsuit at the appellate level, HHAs that formerly were serviced by ODR and transferred to a regional intermediary were also given the option of transferring their workloads back to ODR or remaining with the regional intermediary.

C. Compensation for Transition Costs

Effective with cost reporting periods beginning on or after July 1, 1979, limits have been established on the reimbursable cost per visit for each type of home health service although such limits are applied to the aggregate costs of the HHA. As provided in 42 CFR 405.460(f)(2), limits may be adjusted upward for a provider that shows that it incurred higher costs due to extraordinary circumstances beyond its control. Where a HHA's costs exceed the limits as the result of the mandatory reassignment of the HHA to another intermediary, an exception may be granted under this general category, provided that the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by its intermediary.

D. List of Designated Regional Intermediaries

Below is the list of intermediaries we have designated as the regional intermediaries. Except as noted below, each HHA will be serviced by the intermediary in its State.

Alabama	Blue Cross and Blue Shield of Alabama.
Alaska	Blue Cross and Blue Shield of Washington and Alaska.
Arizona	Aetna Life and Casualty.
Arkansas	Arkansas Blue Cross and Blue Shield, Inc.
California	Blue Cross of Southern California.
Colorado	Blue Cross of Colorado.
Connecticut	Blue Cross and Blue Shield of Connecticut, Inc.
Delaware	Blue Cross of Delaware.
District of Columbia	Group Hospitalization, Inc. (Washington, D.C.).
Florida	Aetna Life and Causalty (Clearwater, Florida).
Georgia	Blue Cross of Georgia/Columbus, Inc.
Hawaii	Hawaii Medical Service Association.
Idaho	Blue Cross of Idaho Health Services.
Illinois	Health Care Service Corporation (Chicago, Ill.).
Indiana	Mutual Hospital Insurance, Inc. (Indianapolis, Ind.).
Iowa	Blue Cross of Iowa, Inc.
Kansas	Blue Cross of Kansas, Inc.
Kentucky	Blue Cross and Blue Shield of Kentucky, Inc.
Louisiana	Blue Cross of Louisiana.
Maine	Associated Hospital Service of Maine.
Maryland	Blue Cross of Maryland, Inc.
Massachusetts	Blue Cross of Massachusetts, Inc.
Michigan	Blue Cross and Blue Shield of Michigan.
Minnesota	Blue Cross of Minnesota.
Mississippi	Blue Cross and Blue Shield of Mississppi, Inc.
Missouri	Blue Cross Hospital Service, Inc., of Missouri (St. Louis, Missouri).
Montana	Blue Cross of Montana.
Nebraska	Mutual of Omaha Insurance Company.
Nevada	Aetna Life and Casualty (Reno, Nevada).
New Hampshire	New Hampshire-Vermont Health Services, Inc.
New Jersey	The Prudential Insurance Company of America.
New Mexico	New Mexico Blue Cross and Blue Shield, Inc.
New York	Blue Cross and Blue Shield of Greater New York.
North Carolina	Blue Cross and Blue Shield of North Carolina.
North Dakota	Blue Cross of North Dakota.
Ohio	Hospital Care Corporation (Cincinnati, Ohio).
Oklahoma	Blue Cross and Blue Shield of Oklahoma.
Oregon	Blue Cross of Oregon.
Pennsylvania	Blue Cross of Greater Philadelphia.
Pureto Rico	None.
Rhode Island	Hospital Service Corporation of Rhode Island.
South Carolina	Blue Cross and Blue Shield of South Carolina.
South Dakota	Blue Cross of Western Iowa and South Dakota.
Tennessee	Blue Cross and Blue Shield of Tennessee (Chattanooga, Tennessee).
Texas	Group Hospital Service, Inc. (Dallas, Texas).
Utah	Blue Cross of Utah.
Vermont	New Hampshire-Vermont Health Services, Inc.
Virginia	Blue Cross of Southwestern Virginia (Roanoke, Virginia).
Virgin Islands	None.
Washington	Blue Cross of Washington and Alaska.
West Virginia	Blue Cross Hospital Service, Inc. (Charleston, West Virginia).
Wisconsin	Blue Cross/Blue Shield United of Wisconsin.
Wyoming	Blue Cross of Wyoming.

HHAs in Puerto Rico and the Virgin Islands, as well as hospital-affiliated HHAs, are not being reassigned, as explained above in section II. In addition, certain designated intermediaries will service HHAs across State lines in keeping with their longstanding service areas in the following cases. We have added Chattanooga Blue Cross to this list because it was inadvertently omitted from the NPRM.

- Group Hospitalization, Inc.—services the District of Columbia; Prince Georges and Montgomery Counties in Maryland; Arlington County, Fairfax County, and the cities of Alexandria, Falls Church and Fairfax in Virginia.

- Blue Cross of Western Iowa and South Dakota—services all of South Dakota and 26 counties in Iowa.

- Oregon Blue Cross—services Oregon and Clark County in Washington, a suburb of Portland.

- St. Louis Blue Cross—services Missouri, and Johnson and Wyandotte Counties in Kansas.

- Chattanooga Blue Cross—services Walker, Dade and Catoosa Counties in Georgia.

These service areas do not overlap with those of other designated intermediaries and thus meet the intent of the legislative mandate in Pub. L. 96–499.

Kaiser, Inc. will continue to service its one freestanding and three hospital-affiliated HHAs pending a decision on its role as an intermediary.

V. Impact Analyses

A. Executive Order 12291

We have determined that these regulations will not result in an annual economic impact of $100 million; have significant adverse effects on competition; or, meet other threshold criteria of section 1(b) of the Order. We estimate that 404 freestanding HHAs will be assigned from their present intermediary to a regional intermediary. We further estimate one-time costs of $250,000, to the program, for the assignment of these HHAs. We assume some savings in program expenditures as a result of the consolidation of HHAs and the reduction in servicing intermediaries. Savings would be associated with economies of scale that would lower unit processing costs; with improved reimbursement determinations and with better control of overutilization and overpayments. Exact savings estimates await intermediary implementation of these provisions. However, we do not estimate that potential savings, coupled with the one-time costs, would exceed the $100 million threshold. Therefore a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Secretary certifies, under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not result in a significant impact on a substantial number of small entities.

We estimate that 404 of the 2,528 freestanding HHAs will be assigned under Section 1816(e)(4) of the Social Security Act. Fifty-one percent of the 404 HHAs have completed reassignment under earlier administration action, with the remaining 198 HHAs scheduled for assignment by the end of the calendar year. Thus, these regulations will impact only 8 percent of freestanding HHAs.

Provision has been made for minimizing the impact upon these affected HHAs. As noted in the preamble, we will attempt to assure a continued cash flow for each of the affected HHAs; will base reassignment

upon the provider cost report year ending dates; and will provide an exception for those HHAs whose costs exceed their limits as a result of transition costs incurred through the redesignation. Thus, the reassignment of these HHAs will not result in a significant impact on them.

List of Subjects in 42 CFR Part 421

Administrative practice and procedure, Contracts (agreements), Courts, Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Information (disclosure), Lawyer, Medicare, Professional Standards Review Organizations (PSRO), Reporting requirements.

PART 421—INTERMEDIARIES AND CARRIERS

42 CFR Part 421, is amended as set forth below.

1. The authority citation for Part 421 is revised to read as follows:

Authority: Secs. 1102, 1815, 1816, 1842, 1861(u), 1871, 1874 and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395u, 1395x(u). 1395hh, 1395kk, and 1395ll), and 42 U.S.C. 1395–1.

2. In the Table of Contents for Subpart B, a new § 421.117 is added as follows:

Subpart B—Intermediaries

* * * * *

Sec.

421.117 Designation of regional intermediaries for freestanding home health agencies.

* * * * *

3. Section 421.3 is amended by revising the definition of "intermediary" to read as follows:

§ 421.3 Definitions

* * * * *

"Intermediary" means an organization that has entered into an agreement with the Administrator to perform designated functions in the administration of the Medicare program.

For purposes of designating regional intermediaries for freestanding home health agencies under § 421.117 as well as for applying the performance criteria in § 421.120 and the statistical standards in § 421.122 and any adverse action resulting from such application, the term intermediary also means a Blue Cross Plan which has entered into a subcontract approved by the Administrator with the Blue Cross Association to perform intermediary functions.

* * * * *

4. Section 421.117 is added to read as follows:

§ 421.117 Designation of Regional Intermediaries for Freestanding Home Health Agencies.

(a) This section is based on section 1816(e)(4) of the Social Security Act, which requires the Secretary to designate regional intermediaries for freestanding home health agencies (HHAs).

(b) Freestanding HHAs that elect to receive payment for covered services furnished to Medicare beneficiaries through an intermediary under § 421.103(b) of this subpart must receive payment through a regional intermediary designated by HCFA.

5. Section 421.128 is amended by adding a new paragraph (f) to read as follows:

§ 421.128 Intermediary's opportunity for a hearing and right to judicial review.

* * * * *

(f) Exception. An intermediary adversely affected by the designation of a regional intermediary under § 421.117 of this subpart is not entitled to a hearing or judicial review concerning adverse effects caused by the designation of a regional intermediary.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare Hospital Insurance)

Dated: July 30, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: August 12, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-24005 Filed 8-31-82; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That Phacelia Formosula is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: *Phacelia formosula* (North Park phacelia) is highly vulnerable due to the small number of populations and their threats. Only two populations are known, five miles apart. They occur on the sides of sandy bluffs above rivers in Colorado. Threats includes motorcycle use on the hillside, potential oil and gas or coal exploration, and damage from cattle trampling. Both populations have dual land ownership: Bureau of Land Management and private on one and Jackson County and private on the other. This determination of *Phacelia formosula* to be an Endangered species implements the protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective on October 1, 1982.

ADDRESS: The complete file for this rulemaking is available for inspection by appointment during regular business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Staff Botanist, Endangered Species Staff, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234–2496).

SUPPLEMENTARY INFORMATION: *Phacelia formosula* was discovered in 1918 at North Park and published as a new species in 1919. It was collected a few times after that, but modern work on the species did not begin until 1969 when Dr. Duane Atwood, now with the U.S. Forest Service, reobserved the historical (type) locale and published an analysis of the species in this 1975 revision of the species group.

The North Park phacelia is a small biennial only 6 to 9 inches tall. In the first year, it produces a basal rosette of leaves. The following year, it sends up a flowering stem, usually branched at the base, with violet flowers in several coiled branches. This 2-year plant then sets seed and dies.

This historical population, the scientific baseline for the species, has been severely disturbed by heavy motorcycle use and some trampling by cattle; the area is between an airport and campground and picnic area and is quite degraded. Since the species is a biennial, it must have 2 favorable years to set seed. The first population has fluctuated from 22 plants in 1979 to perhaps a maximum of 200 in the very favorable season of 1981. Five miles away, a second population of the species was discovered in 1981. The population consists of five sites in 8 miles along the North Platte River: the major concentration of plants is at just one of these sites, consisting of perhaps 2,500 individuals in the very favorable 1981 season, while the other four sites consisted of only 3 to 15 plants each. The site of the North Platte population with the major concentration of plants is within a Known Recoverable Coal Resource Area (KRCRA), has been partially leased for oil and natural gas, and also is subject to cattle trampling. Thus, the North Park phacelia is

endangered because its two limited populations are in jeopardy from motorcycle activity and cattle trampling; from the potential of coal, oil, and gas development, and from the potential intensification of a given year's damage because of the species' biennial life cycle. It is not protected under any Colorado law.

Background

Section 12 of the Endangered Species Act of 1973 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 published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of this report as a petition within the context of Section 4(c)(2) of the Act, and his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (40 FR 24523–24572) to determine approximately 1,700 vascular plant taxa to be Endangered species pursuant to Section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Phacelia formosula* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments on the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909–17916).

The Endangered Species Act Amendments of 1978 (P.L. 95–632) required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals which had expired (44 FR 70796–70797).

A status report on this species was compiled in October 1979 by Karen Wiley-Eberle, Bureau of Land Management (BLM) botanist in Craig, Colorado, and received by the Service shortly thereafter. March, April, and July 1980 consultations with a number of biologists with expertise on this plant and knowledge of its habitat, and a July 1980 field survey of the species, provided new biological and economic data on *Phacelia formosula*. As detailed in the proposed rule (45 FR 58168), only 117 mature specimens and 3 seedlings in 4 small patches were found in July 1980 at the historical site. Fresh motorcycle trails ran through the population. The Service determined that sufficient new information was available to repropose *Phacelia formosula* as an Endangered species (45 FR 58168–58171) on September 2, 1980. Critical Habitat was not proposed for this species, since publication of and a public meeting on the plant's type location near a town would increase the risk of vandalism from motorcycle recreationists to this significant population.

Summary of Comments and Recommendations

In the June 18, 1980, **Federal Register** proposed rule (45 FR 58168) and associated notifcations and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. A letter was sent to the Governor of Colorado notifiying him of the proposed rule and soliciting his comments and suggestions. All comments received were considered, and are discussed below.

Comments were received from the Governor of Colorado, State of Colorado Natural Areas Program (Natural Heritage Inventory), BLM Craig District Manager, Garden Club of America, and 10 private citizens (one comment contained 18 signatures). All supported the proposal for listing this species. The Governor, the Natural Areas Program, and the BLM suggested that the known location data in the proposal was very complete and emphasized listing without Critical Habitat to lessen publicity about the plant's location. Two of the private citizens commented in favor of designating Critical Habitat because they felt this could provide more protection to the species. Since designating Critical Habitat would have required publishing a location map in the **Federal Register** and local newspapers, as is required by the Endangered Species Act, the extremely rare *Phacelia formosula* might have been additionally threatened by taking or vandalism. A greater management burden would thus have been created. Better protection as desired by the commentors is given *Phacelia formosula* by not designating Critical Habitat at this time. No public meeting was requested on this listing, nor were unfavorable comments received.

Conclusion

After a thorough review and consideration of all available information, the Secretary has determined that *Phacelia formosula* Osterhout (North Park phacelia) is an Endangered species (in danger of extinction throughout all or a significant portion of its range) due to one or more of the factors described in Section 4(a) of the Endangered Species Act. These factors and their application to *Phacelia formosula* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range. Phacelia formosula* is known from two populations five miles apart in Jackson County, Colorado, growing on sandy bluffs above rivers. In 1981, the North Platte population contained about 2,500 individuals of the biennial. In recent years, the smaller population has been as low as 22 plants. It has been severely impacted by motorcycle use on the slopes of the bluff, which causes deterioration of the habitat as well as the actual destruction of the plants. Its viability is in great jeopardy. Since the second (North Platte) population was only discovered in 1981, trend data for it is now being developed. It lies within a Known Recoverable Coal Resource Area and partially within an oil and gas lease. If there is exploration for or extraction of these resources in the future, careful consideration of this species would be necessary to avoid inadvertent destruction. Both populations have been impacted by cattle trampling.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

(3) *Disease or predation* (including grazing). Cattle grazing has occurred on the species' habitat. It is trampling rather than direct grazing that appears to impact the species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no specific State or Federal laws protecting this species or its habitat. However, the BLM has declared its portion of and containing the second population to be unsuitable for coal development in order to emphasize the need to conserve this species. The State of Colorado has strict regulations to maintain water quality in live water, and would have to evaluate any coal mining plan potentially affecting the North Platte River. Since the plant population along the bluff is within ½ mile of the river bank, it is possible that any coal mining in that immediate area would be severely limited by hydrological considerations.

(5) *Other natural or man-made factors affecting its continued existence.* Any human threats to this species would exaggerate the possibility of small populations going extinct through natural population fluctuations. Reproductive success of the historical population is reported as very poor, with low vigor. A given year's damage is potentially intensified because of the

species' biennial life cycle (2 years are needed to set seed).

Critical Habitat

Section 4(a)(1) of the Endangered Species Act of 1973, as amended, provides, in part:

> At the time any such regulation (to determine whether a species is endangered or threatened) is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

In addition, in the Section 4 regulations of February 27, 1980 (45 FR 13009) and codified at 50 CFR 424.12(a) it is stated that:

> If the Director determines that the designation of Critical Habitat is not prudent, he will state the reasons for such determination in the proposed and final rules listing a species.

If a detailed map of Critical Habitat of the species had been published in the **Federal Register** and local newspapers as is required by the Endangered Species Act, the extremely rare *Phacelia formosula* might have been additionally threatened by taking or vandalism from motorcycle recreationists, activities not directly prohibited for plants by the Endangered Species Act of 1973, as amended (see subsection 9(a)(2), 16 U.S.C. 1538(a)(2)). Since publication of a Critical Habitat map and the subsequently required public meeting would have called general attention to this species and made it more vulnerable, it was not prudent to propose Critical Habitat in this case. After management and recovery plans have been developed for this plant, Critical Habitat might be beneficial and might be proposed in the future.

Information Sources

Anderson, J. L. 1982. Update of the Status Report on *Phacelia formosula* by Karen Wiley of BLM (1979). U.S. Fish and Wildlife Service, Region 6, Endangered Species Staff, Denver, Colorado.

Atwood, N. D. 1975. A revision of the Phacelia Crenulatae group (Hydrophyllaceae) for North America. Great Basin Naturalist, Vol. 35, No. 2, pp. 161–162.

Baker, Wm. L. 1981. Site (Preserve) Summary for the North Platte Preserve. The Nature Conservancy, Colorado Field Office.

Wiley, K. L. 1979. Status Report on *Phacelia formosula* Osterhout. Prepared by the Bureau of Land Management and submitted to U.S. Fish and Wildlife Service. Report dated October 18, 1979.

Effects of this Rule

In addition to the effects discussed above, the effects of this rule include, but are not necessarily limited to, the following:

The Act and implementing regulations published in the June 24, 1977, **Federal Register** (42 FR 32373–32381) and codified in Title 50 of the Code of Federal Regulations set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations are found at §§ 17.61–17.63 of 50 CFR and are summarized below.

With respect to *Phacelia formosula*, all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61, 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 or offer for sale this species in interstate or foreign commerce. The Act and §§ 17.62 and 17.63 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. International and interstate commercial trade in *Phacelia formosula* does not exist and probably few permits ever would be requested.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered. This protection will now accrue to *Phacelia formosula*. Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. These require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Phacelia formosula*. Thus any habitat essential for its survival on BLM land can be protected. New rules implementing the amendments to Section 7 are in preparation.

This determination will have little, if any, economic impact on activities on Federal land. Priority for coal development in this area is low, the BLM has no plans to start coal leasing, and it has declared its portion of the site unsuitable for coal development to emphasize the need to conserve this species. Eighty acres of a 1,958-acre oil and gas lease overlap onto the edge of the bluffs where the major concentration of the second population occurs. The potential for exploratory drilling is considered medium to low and it is likely that the drill pad(s) would be located above and away from the bluff and the plants, where the land in the lease is more level.

Trampling damage to the plants and fragile soil on Federal land is not so severe as that at the first site. It is possible that a reduction in grazing or change in season of use is all that would be needed.

By listing this plant as an Endangered species, certain conservation authorities become available and protective measures may be undertaken for it. These could include the use of Federal and State funds for the species since Colorado has a plant cooperative agreement under section 6(c)(2) of the Act. A recovery plan for the species, as specified in section 4(g), also could be developed.

Effect Internationally

The Service will review whether this species should be considered for placement on the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file in the Service's Denver Regional Office, and Washington Office of Endangered Species. This assessment forms the basis for a decision that this is not a major Federal action which 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 and 40 CFR Parts 1500–1508.

Note.—The Department of the Interior has determined that this rule is not a major rule under Executive Order 12291. This determination is based upon the assessment that only minimal costs for fencing would be associated with protecting the plant from motorcycles and that neither oil and gas leasing nor coal mining would be significantly affected by this listing. Since 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). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Authority and Authors

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, 92 Stat. 3751, 93 Stat. 1225). The primary author of this rule is John Anderson, U.S. Fish and Wildlife Service, Endangered Species Staff, P.O. Box 25486, Denver, Colorado 80225 (303/234–2496). Dr.

Bruce MacBryde of the Service's Washington Office of Endangered Species served as editor (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, Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as set forth below:

Amend § 17.12(h) by adding in alphabetical order under Hydrophyllaceae, the following plant:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rule
Scientific name	Common name					
*	*	*	*	*		
Hydrophyllaceae Waterleaf family:						
Phacelia formosula	North Park phacelia	U.S.A. (CO)	E	120	N/A	N/A
*	*	*	*	*		

Dated: August 16, 1982.

G Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

FR Doc. 82–24025 Filed 8–31–82; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 2823–160]

Foreign Fishing

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

ACTION: Notice of determination.

SUMMARY: NOAA issues this notice of determination of shortbelly rockfish available for joint venture processing. This notice also contains the results of an in-season reassessment of that portion of the optimum yield of shortbelly rockfish which will not be used by U.S. fish processors in 1982. The reassessment is necessary to promote full utilization of the resource. It is intended to allow, within biological limits, those amounts of shortbelly rockfish harvested by U.S. fishermen but not needed by the domestic processing industry to be made available for foreign processing.

COMMENTS: Comments on the determination must be received by September 16, 1982.

EFFECTIVE DATE: September 1, 1982.

ADDRESS: Send comments to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, (206) 527–6150.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce (Secretary) is authorized under Section 204(b)(6) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) to approve applications from foreign nations to receive U.S. harvested fish in the fishery conservation zone (FCZ). After receipt of such an application, the Secretary must determine the capacity and intent of the U.S. processing industry to use all U.S.-harvested fish from the fishery concerned. The amount authorized to be received at sea by foreign vessels may not exceed that portion of the optimum yield (OY) not utilized by domestic fish processors.

In early June 1982, the Secretary of State received an application from the Soviet Union to amend its 1982 foreign fishing permits that authorize receipt of U.S.-Harvested Pacific whiting in the FCZ off Washington, Oregon, and California. The application requested permit amendments to allow Soviet vessels to receive 1,000 metric tons (mt) of shortbelly rockfish, plus by-catch, in an area near 37°00′ N. latitude. That area is now closed to foreign whiting fishing operations, but open to the U.S. fishery for shortbelly rockfish.

The Assistant Administrator for Fisheries consulted with designated representatives of the Department of State, the U.S. Coast Guard, and the Pacific Fishery Management Council (Council). Issuance of the amended permits was recommended by the Council and endorsed by the Department of State and U.S. Coast Guard subject to certain permit conditions regarding by-catch, areas of operation, and conditioned upon a Secretarial determination that U.S. processors' use of shortbelly rockfish in 1982 will be less than the estimate of domestic annual harvest (DAH).

The Regional Director conducted a survey of domestic shore-based processors and found that, although the domestic capacity existed to process the entire 10,000 mt OY of shortbelly rockfish, all of which will be harvested by U.S. fishermen, U.S. processors do not intend to use that amount, contrary to their expectations earlier in the year. Because domestic annual processing (DAP) is not expected to exceed 9,000 mt in 1982, 1,000 mt of the total DAH of shortbelly rockfish will not be used by U.S. fish processors and is available for joint venture processing (JVP). Final issuance of the amended foreign fishing permits will be subject to normal administrative procedures. Conditions governing this fishery will be stated in the amended foreign fishing permits.

List of Subjects in 50 CFR Part 611

Fish, fisheries, Foreign relations, Reporting requirements.

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

Dated: August 27, 1982.

William G. Gordon,

Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 82–23286 Filed 8–31–82; 8:45 am]

BILLING CODE 3510–22–M

50 CFR Part 652

[Docket No. 2825-161]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of area opening.

SUMMARY: A portion of the area now closed to surf clam fishing offshore of Atlantic City, New Jersey, will be reopened. Harvest of the surf clams within the area which have reached the legal minimum size will be allowed. This notice explains the location of the reopened area, the reopening schedule, and management measures which will apply in the area until further notice.

DATE: The area will be reopened on October 3, 1982.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Surf Clam Management Coordinator, National Marine Fisheries Service, Northeast Region, State Fish Pier, Gloucester, Massachusetts 01930; telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Under regulations found at 50 CFR 652.23(b)(1), an area offshore of Atlantic City, New Jersey, was closed to surf clam fishing on December 21, 1980 (46 FR 1740). Amendment 3 to the Fishery Management Plan for Surf Clam and Ocean Quahog Fisheries was implemented by final regulations published January 29, 1982 (47 FR 4268). One provision of these regulations establishes the procedures to reopen areas that have been closed to surf clam fishing because they contained a high percentage of small surf clams and a low percentage of larger surf claims. In accordance with these procedures, notices were published on May 3, 1982 (47 FR 18939) and on May 28, 1982 (47 FR 23496). These notices outlined proposed alternative areas, dates, and management measures for reopening. Public hearings were held in Pomona, New Jersey, on June 4, 1982, and in Pocomoke City, Maryland, on June 24, 1982. The Surf Clam Advisory Subpanel (Subpanel) of the Mid-Atlantic Fishery Management Council (Council) considered the matter at its meeting on June 25, 1982. The Council considered the matter at its meeting on July 14-16, 1982.

Area

The notice of proposed reopening included two alternative areas. At the public hearings, a third alternative area was developed. That area was discussed in general terms at the first public hearing, and was specifically described at the hearing in Pocomoke City, Maryland. The third alternative area was supported by the public at the hearings, and then recommended by the Subpanel and the Council. The area is triangular and is delineated by straight lines connecting the following coordinates in the order listed:

Latitude	Longitude
39°12.40' N.	74°22.30' W.
39°19.33' N.	74°22.37' W.
39°18.35' N.	74°13.60' W.
39°17.60' N.	74°14.30' W.
39°12.40' N.	74°22.30' W.

The area contains an estimated 1.5 million bushels of surf clams. The average length of the dominant (in terms of weight) size class of these surf clams is greater than 5½ inches in length, and thus meets the criteria for reopening specified in § 652.23(b)(2)(i) of the regulations. Reopening of the third alternative area is preferred over the other alternative areas because: (1) Boundaries of the area should be easier to enforce; and (2) the area contains enough surf clams of legal size to ensure that each fisherman will be able to harvest surf clams from the area. The area to be reopened is about one-quarter of the entire closed area, consistent with NOAA's intent to reopen as large an area as possible, and to allow the minimum landing size limits to become the primary management measure to protect undersized surf clams.

Opening Date

Those attending the public hearings generally supported a reopening date of October 1, 1982. Some desired a later date, but others pointed out that, as the weather is increasingly unfavorable toward the latter part of the year, the risks for vessels making lengthy trips to fish in the area would increase. An October 1 date was endorsed by the Subpanel and the Council. As specified in § 652.21(a), the first fishing week in the fourth calendar quarter begins on Sunday, October 3, 1982. This is the first fishing day on which surf clams may be taken under the fourth quarterly quota. The area will therefore be reopened on October 3, 1982.

Fishing Times

A variety of management measures for the reopened area was discussed at the public hearings. A combination of measures to restrict fishing time to provide the most efficient and effective control of harvests was developed. These measures were generally supported by the people attending the public hearings, and were recommended by the Subpanel and the Council.

I. Management measures which will be applied to control fishing times in the reopened area are as follows:

(1) Fishing is allowed in the reopened area only between 6:00 a.m. and 12:00 noon.

(2) Five-week fishing cycles will be established, with a two-week interval between cycles. The first cycle will begin on October 3, 1982. During the first week, any vessel authorized to fish on Sunday under its regular fishing time authorization may fish on that Sunday in the reopened area. In the second week of the cycle, any vessel authorized to fish on Monday may fish on that Monday in the reopened area. The cycle will continue with fishing allowed on Tuesday of the third week, Wednesday of the fourth week, and Thursday of the fifth week. Thus, the schedule for the first cycle is as follows:

Regular Fishing Period and Date of Fishing in Reopened Area, Cycle 1

Sunday—Sunday, October 3, 1982
Monday—Monday, October 11, 1982
Tuesday—Tuesday, October 19, 1982
Wednesday—Wednesday, October 27, 1982
Thursday—Thursday, November 4, 1982

If the allowable fishing time during the cycle is two days per week for the fishery outside the reopened area, each vessel will have the opportunity to fish on two days in the reopened area.

The second five-week cycle will start on November 14, 1982; this is an exception to having a two-week interval between cycles. Thereafter a new cycle will start every seven weeks.

Immediately following each cycle, area harvest, total harvest, and progress toward the quarterly and annual surf clam harvest quotas will be evaluated. If a quota is in danger of being exceeded, overall fishing hours may be reduced. If a quota is not likely to be achieved, fishing hours may be increased by the Regional Director.

II. The following provisions also will apply, to ensure effective administration of the program and equal access for all interested fishermen:

(1) To monitor the surf clams in the reopened area, NMFS will sample fishermen harvesting there. Any fishermen wishing to fish in this reopened area must so notify the Regional Director, in writing, 15 days before the beginning of the first cycle

during which he wishes to fish. Once a fisherman notifies the Regional Director, he need not send a new letter to fish in later cycles. To participate in the reopened area during the first cycle, letters must be received by September 15, 1982. Fishermen are not committed to fishing in the reopened area if they have sent a letter.

(2) No changes in regular fishing periods for surf clam vessels in the Mid-Atlantic Area will be allowed, once a five-week cycle for fishing in the reopened area has begun. Changes may be made only during the two-week intervals between cycles.

(3) Vessels may fish both inside and outside of the reopened area on the same day, but may make only one fishing trip per day.

(4) Vessels may not claim a make-up period in the reopened area. A make-up period for time lost due to bad weather on the vessel's fishing day must be taken outside the reopened area, according to the procedures and conditions established in § 652.22(a)(4).

The provisions listed above will be applied in the reopened area in addition to the other management measures in 50 CFR Part 652, including the minimum size limit. When the catch per unit of effort in the reopened area reaches the level of the catch per unit of effort in the fishery outside the reopened area, the area will be managed under the same measures as apply to the fishery outside the reopened area at the time. A notice will be published when that determination is reached.

Other Matters

This action is taken under the authority of 50 CFR 652.23 and is taken in compliance with Executive Order 12291. The action is covered by the certification for Amendment 3 to the Fishery Management Plan for Surf Clam and Ocean Quahog Fisheries, under the Regulatory Flexibility Act, that the authorizing regulations do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 652

Administrative practice and procedure, Fish, Fisheries, Reporting requirements.

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

Dated: August 27, 1982.

William G. Gordon,

Assistant Administrator, NOAA, National Marine Fisheries Service.

[FR Doc. 82-23946 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 2818-155]

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

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California that apply to the ocean commercial troll salmon fishery from Cape Blanco, Oregon, south to the U.S.-Mexico international boundary. These rules specify management measures which vary by area, but generally establish fishing seasons and gear restrictions. The intended effect of these regulations is to prevent overfishing, to allow more salmon to survive the ocean fisheries and reach the Indian subsistence fisheries in internal waters, and to achieve spawning escapement requirements.

EFFECTIVE DATE: 0001 hours Pacific Daylight Time, August 30, 1982.

ADDRESS: Copies of the final supplemental regulatory flexibility analysis are available from the Director, Northwest Region, National Marine Fisheries Service, (NMFS), 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS), 206-527-6150; or A. W. Ford (Regional Director, NMFS), 213-548-2575.

SUPPLEMENTARY INFORMATION:

Background

A Secretarial Amendment of the fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California was approved by the Assistant Administrator for Fisheries, NOAA, on May 26, 1982. The Secretarial Amendment provided management measures that replaced the disapproved portion of the 1982 FMP amendment prepared by the Pacific Fishery Management Council (Council) (see 47 FR 21256, May 18, 1982). The Secretarial Amendment established season and gear restrictions for the commercial ocean salmon fisheries south of Cape Blanco, Oregon. On June 3, 1982, NOAA published emergency interim rules under the authority of section 305(e)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) which implemented management measures identical to those contained in the Secretarial Amendment (47 FR 24134).

The emergency interim rule was effective from June 1, 1982, through July 15, 1982, and was extended for an additional 45-day period from July 16, 1982, through August 29, 1982 (47 FR 30994). The preamble to the emergency interim rule discussed the background and objectives of the Secretarial Amendment, the management measures that were selected, and the classification of the rulemaking.

On July 2, 1982 (47 FR 28971), NOAA proposed rules to implement the Secretarial Amendment. Those rules were identical to the emergency interim rules published at 47 FR 30994. Public comments were invited on the Secretarial Amendment and the proposed rules for 45 days, through August 16. No public comments were received. However, the Council submitted three specific comments on the Secretarial Amendment to the Secretary. Those comments are summarized below, together with NOAA's responses thereto.

The Assistant Administrator has reviewed the 1982 Secretarial Amendment and implementing regulations in light of the Council's comments. He has determined that the FMP, as amended, is consistent with the Magnuson Act and other applicable law and now adopts as final, with one exception, those regulations proposed at 47 FR 28971 (which were identical to the emergency interim rules published at 47 FR 24134) without republishing them to save public expense and to reduce the volume of printed matter. Certain sections of the rule proposed at 47 FR 28971, paragraphs (b)(2) and (b)(3) of § 661.20, were reformatted in the final rule implementing the Council's 1982 amendment (see 47 FR 35489, August 16, 1982). That reformatting of those sections is incorporated into the final rule adopted here. These final rules will remain in effect until superseded or otherwise modified.

Comments

1. The Council's first comment concerned the Secretary's acceptance of a commitment from the State of California to rear one million yearling chinook salmon from the 1982 fall run of the Klamath River brood stock to compensate for at least 5,000 adult spawners in 1982. The Council requested the Secretary to clarify the criteria used to equate the release of yearling salmon with the return of spawning adult salmon, to state whether the future

release of yearling salmon by any State could be considered as adequate compensation in lieu of possible underescapements of spawning adult salmon, and to consider the impacts of increased hatchery-produced yearling salmon on natural stocks of salmon and other hatchery stocks.

2. The Council's second comment concerned the Secretary's request to have the Council's Salmon Plan Management Team (Team) evaluate the status of the chinook fishery during the first week of August. The Council noted that the Team previously stated that it could not assess changes in estimated chinook salmon abundance during the season.

3. The Council's third comment concerned the economic analysis that was contained in the supplemental regulatory impact review (SRIR) filed along with the Secretarial Amendment. Specifically, the Council stated that the "output multiplier" (a factor which calculates the value added throughout the economy) from the California Inter-Industry Fisheries Model seriously overstated the probable increase in gross national product (or national income) due to an increased 1982 ocean salmon harvest. The Council also stated that the economic analysis presented an unbalanced treatment of 1982 benefits from increased ocean salmon harvests versus future costs as a result of reduced spawning escapements to the Klamath River and other California river systems.

Responses

1. The Secretary considered both the depressed condition of the Klamath River chinook stock and the serious economic condition of the California commercial troll fisherman and the coastal communities that depend on the income from the salmon fisheries. Thus, the Secretary believed that it was necessary to balance the conservation needs of the salmon resource against the economic needs of resource harvesters, processors, and related industries. For the 1982 fishing season, the Secretary determined that the commitment of the California Department of Fish and Game to rear and release one million yearling chinook salmon from the 1982 fall run of Klamath River chinook would be compensation for an additional harvest of five thousand adult chinook by the ocean fishery this year. The Secretary believes that the impact of a reduction of five thousand adult spawners from the 1982 fall run in the Klamath River will be partially offset by the estimated increases in future chinook production from the Klamath River system resulting from the release of the one million yearling chinook. The short-term benefits to the commercial fishermen and coastal communities from the increased harvest will help relieve the economic stress in local communities of northern California.

It should be emphasized that the Secretary's decision to accept the enhanced yearling production program to compensate for reduced adult spawning escapement should not be considered a precedent to be applied generally in salmon management. Rather, the Secretary's decision was based upon the complex of biological and socioeconomic conditions that existed in this area this season. The reoccurrence of such unusual conditions in a specific area which would again justify such a tradeoff appears unlikely.

Finally, the Secretary believes that the one-time release of hatchery-produced yearling chinook salmon will have no impact on the long-term productivity of natural chinook stocks or other hatchery stocks.

2. The Secretary recognized that the scientific expertise to assess the abundance of chinook salmon during the fishing season has not yet been adequately developed. The Team was asked to note any aberrations in the 1982 fishery and to recommend measures to protect immature Klamath River chinook salmon if the situation warranted such action. The Secretary asked the Team to evaluate "the fishery," meaning the total harvest, the rate of harvest, and the composition of the catch, particularly north of Point Arena, California. Since the commercial troll fishery for chinook salmon north of Point Arena has been about what was expected, the Secretary has concluded that no inseason management action is necessary.

3. The economic analysis in the SRIR used "output multipliers" derived from the California Inter-Industry Fisheries Model to demonstrate the magnitude of impacts in California related to the Secretarial Amendment. The Council correctly pointed out that the total output generated by salmon landings does include costs which should be subtracted from the total output in determining the net benefits from the Secretarial action. However, the relative impacts of the alternatives considered remain unchanged.

Costs, in terms of future reductions in chinook stocks, were included in the analysis in an attempt to account for the long-run impacts of salmon management decisions. The apparent imbalance in the bases on which short-term benefits and long-term costs were projected is in great part caused by the nature of the fishery and the resource. The total increased value of the chinook harvest off Northern California during 1982 is included appropriately in the benefits. During the additional fishing time, trollers were allowed to fish on a mixture of salmon stocks in the ocean between Point Arena, California, and Cape Blanco, Oregon. If that area had been closed to trolling during that period, the fishermen would have lost an opportunity to harvest not only Klamath River chinook but also other stocks in the area. It was pointed out in the SRIR that a portion of these fish would be caught later in the season in that area or in other areas.

In its reports of March 16, 1982, the Team stated that fishing seasons more liberal than those in the Secretarial Amendment would meet the chinook escapement goals for Oregon coastal rivers and that a combination of seasons similar to the Secretarial Amendment would meet the total spawning escapement goal for chinook in the Sacramento River system but not the upper Sacramento goal. Since the spawning goals for these systems are expected to be met, no reduction in future runs would be expected to result from the Secretarial Amendment. Therefore, the long term costs of the Secretarial Amendment, in terms of reduced future runs, would result from the spawning shortfall in the Klamath system only.

The Council is correct in its observation that the reduction in future chinook harvests in southern Oregon was not counted as a cost of the additional harvest in 1982. Using the same assumptions as applied to Northern California in the SRIR and assuming a 40-percent contribution of Klamath River chinook to the southern Oregon fishery, the cost in 1981 dollars of the reduced 1985–86 chinook landings in Southern Oregon would be projected at $111,000 (4,800 chinook x $23.00). If this estimate were added to the projected cost of reduced chinook landings in Northern California, the total reduction would amount to $476,000. The short-term benefit ($2,257,000 ex-vessel value greater than taking no action) would still exceed the long-term costs of the Secretarial Amendment.

Classification

The Assistant Administrator has determined that the 1982 Secretarial Amendment is consistent with the Magnuson Act, including the national standards, and other applicable law.

The NOAA Administrator has determined that the rules implementing the 1982 Secretarial Amendment are not

"major" rules under Executive Order (E.O.) 12291 requiring a regulatory impact analysis. A supplementary regulatory impact review/initial regulatory flexibility analysis (SRIR/IRFA) was prepared. This review focused on the issues and problems in the fishery and analyzed the impacts of the adopted management measures and alternative management options. Some issues could only be partially analyzed because of data limitations. The review supports the determination that these rules are not "major" under the criteria of E.O. 12291.

The NOAA Administrator also has determined that the rules implementing the 1982 Secretarial Amendment have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601–12. The SRIR/IRFA was summarized in the preamble to the proposed rule and was made available to the public. Now, a final supplemental regulatory flexibility analysis has been prepared and is available at the address noted above.

The final supplement to the Environmental Impact Statement (FSEIS) for the 1982 FMP amendment was filed with the Environmental Protection Agency; a notice of availability of the FSEIS was published on April 30, 1982 (47 FR 18652). The action that is represented by these regulations was within the range of alternatives analyzed in the FSEIS for the 1982 amendment. Therefore an additional supplement is not required.

The Agency has determined that it is urgent to have regulations in place when the 90-day period of the section 305(e)(2) emergency interim rules expires, to protect the resource from overfishing and eliminate any late-season disruption of the ocean salmon fisheries. In addition, the public has had ample opportunity to comment on and prepare for final implementation of these rules. For these reasons, then, the Agency finds for good cause that it is unnecessary and contrary to the public interest to delay for 30 days the effective date of these final regulations, under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

List of Subjects in 50 CFR Part 661

Fish, fisheries, fishing, Indians.

Dated: August 30, 1982.

William G. Gordon,

Assistant Administrator, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

1. The authority citation for 50 CFR Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. For the reasons described in the preamble, the revisions to Part 661 as set forth in the interim rule published at 47 FR 24134 on June 3, 1982, are adopted as a final rule with one exception. Paragraphs (b)(2) and (b)(3) of § 661.20 are revised to read as follows:

§ 661.20 Commercial fishing.

* * * * *

(b) * * *

(2)(i) No person shall engage in commercial salmon fishing in the Fishery Management Area using other than single barbless hooks as defined in § 661.3; or bait hooks with whole natural bait attached as the primary bait; or hooks on artificial salmon plugs at least five (5) inches long in the following areas during the periods specified below.

(A) *Subarea and Season*

Subarea and Season

A May 1–31

B May 1–31

C May 1–31 and after September 5 during the season specified in § 661.20(a)(3)(iv)

(B) *Subarea and Season*

Subarea and Season

D May 1–31 and after September 5 during the season specified in § 661.20(a)(4)(iv)

E May 1–24 (subsequent to the 1982 season)

F April 22–May 24 (subsequent to the 1982 season)

(ii) Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures are not considered artificial salmon plugs and must be equipped with barbless hooks during the seasons described above.

(3)(i) No person shall engage in commercial salmon fishing using other than hooks with whole natural bait or salmon plugs at least five (5) inches long during the periods specified below.

(A) *Subarea C*

June 1–15, and from the date the commercial coho quota is reached in subareas C and D to September 5.

(B) *Subarea D*

June 1–8, and from the date the commercial coho quota is reached in subareas C and D to September 5.

(ii) Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures are not considered salmon plugs and are prohibited during the times specified in this § 661.20(b)(3).

* * * * *

[FR Doc. 82–24154 Filed 8–30–82; 4:40 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 47, No. 170
Wednesday, September 1, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0413]

Truth in Lending; Treatment of Seller's Points; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of comment period.

SUMMARY: On July 27, 1982, the Board of Governors proposed for comment two methods for the treatment of seller's points under revised Regulation Z (47 FR 32433). The 30-day comment period ended on August 27, 1982. The Board has received numerous requests for extension of the comment period. In light of the Board's desire to encourage public participation in this matter, the comment period is extended to September 27, 1982.

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

ADDRESS: Comments (which should refer to Docket No. R-0413) may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays. All material submitted should refer to Docket No. R-0413.

FOR FURTHER INFORMATION CONTACT: Clarence B. Cain or Gerald P. Hurst, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551; (202) 452-2412 or (202) 452-3667.

By order of the Board of Governors, acting through its Secretary under delegated authority, August 30, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-24129 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 11

[Docket No. SD-177]

Appointment of Members of the Foreign Service

AGENCY: State Department.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to revise its regulations governing the appointment of Mid-Level Foreign Service Officer Career Candidates and to propose new regulations governing the appointment of Foreign Service Specialist Career Candidates, in furthering the implementation of the Foreign Service Act of 1980.

DATE: Written comments, to be assured of consideration, must be received no later than October 1, 1982.

ADDRESS: Written comments should be sent to Frontis B. Wiggins, Executive Director, Board of Examiners, Office of Recruitment, Examination, and Employment, Department of State, Washington D.C., 20520.

FOR FURTHER INFORMATION CONTACT: Frontis B. Wiggins, Board of Examiners, Department of State, Washington, D.C., 20520; (202) 235-9386.

SUPPLEMENTARY INFORMATION: The proposed changes govern the procedures which establish the eligibility of candidates for the Mid-Level Foreign Service Career Candidate Program and the Foreign Service Specialist Career Candidate Program, the competitive requirements for these two programs, and the terms and conditions of appointment for successful candidates.

The Mid-Level Program supplements the competitive Junior Foreign Service Officer Career Candidate Program to meet identified Mid-Level needs which cannot otherwise be met from within the ranks of the career Foreign Service. A limited number of appointments are made annually under the Mid-Level Program on a highly competitive basis.

The Foreign Service Specialist Career Candidate Program applies to professional, technical, and functional occupational categories at all levels, other than those of generalist Foreign Service officers. Appointments under the Specialist Program also are made on a competitive basis to meet identified needs of the Foreign Service.

Compliance with 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary because the revisions to 22 CFR Part 11 are beneficial to individuals applying for mid-level entry into the Foreign Service of the United States or appointment as Foreign Service Specialist Career Candidates and involve management functions which are exempt from 5 U.S.C. 553.

List of Subjects in 22 CFR Part 11

Foreign Service.

Accordingly, the Department of State proposes to revise 22 CFR Part 11 as shown:

PART 11—APPOINTMENT OF MEMBERS OF THE FOREIGN SERVICE

1. The title of Part 11 is changed to read:

Appointment of Members of the Foreign Service.

2. Section 11.11 in the table of contents is revised to read:

11.11 Mid-level Foreign Service officer career candidate appointments.

3. A new § 11.12 is added to the table of contents to read as follows:

11.12 Foreign service specialist career candidate appointments.

4. Section 11.11 is revised to read as follows:

§ 11.11 Mid-level Foreign Service officer career candidate appointments.

(a) *General considerations.*—(1) *Authority.* Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereinafter referred to as the Act), all Foreign Service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person is a citizen of the United States.

Such appointment is initially to career candidate status, with subsequent commissioning to career status governed by Volume 3 (Personnel), Foreign Affairs Manual, section 570.

(2) *Veterans' Preference.* Pursuant to section 301 of the Act, and nonwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that an applicant is a veteran or disabled veteran, as defined in section 2108 (3A), (3B), and (3C) of such title, shall be considered as an affirmative factor in the selection of candidates for appointment as Foreign Service officer career candidates (22 U.S.C. 1234).

(3) *Purpose and Policy.* The Mid-Level Career Candidate Program of the Department of State supplements the Junior Foreign Service Officer Career Candidate Program to meet total requirements for Foreign Service officers at the mid-level. The purposes of the Mid-Level Program are: (i) To provide expanded opportunities and upward mobility for outstanding members of the Foreign Service with high potential who have been serving with particular success in other occupational categories; (ii) to permit the recruitment of a limited number of highly skilled and qualified personnel from outside the Foreign Service to meet specific needs which cannot be met from within the career Service; and (iii) to assist in meeting the Affirmative Action goals of the Department of State. This section governs appointments to generalist occupational categories (that is, administrative, consular, economic and political) at classes FS–3, 2, or 1. All appointments above FS–1, regardless of occupational category, as governed by § 11.13 (to be supplied). Appointments to Specialist occupational categories below the Senior Foreign Service are governed by proposed §11.12. Successful applicants under the Mid-Level Program will be appointed to career candidate status for a period not to exceed 5 years. Under precepts of the Commissioning and Tenure Board, career candidates may be granted tenure and converted to career Foreign Service officer status. Those who are not granted tenure prior to the expiration of their career candidate appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. As provided in section 310 of the Act, such separated candidates who had originally been employed by the Department of State with the consent of the head of their agency shall be entitled to reemployment rights in their former agency under section 3597 of title 5, United States Code.

(4) *Sources of candidates.*—(i) *Department.* The great majority of mid-level entrants will be career employees of the Department of State and the Foreign Service of proven ability who possess high potential for advancement. On the basis of the needs of the Foreign Service, the Department will approve the mid-level appointment of Foreign Service and Civil Service personnel on its rolls who apply, for whom the Bureau of Personnel issues a certificate of need, and who are found qualified by the Board of Examiners for the Foreign Service.

(ii) *Other Federal Government agencies.* Personnel with similar qualifications from other Federal Government agencies may also apply for the Mid-Level Program based on agreements between the Department and those agencies.

(iii) *Other.* Other candidates may be drawn from non-Government sources, including minority and women applicants for the Department's Affirmative Action Mid-Level Program.

(b) *Eligibility requirements.*—(1) *Citizenship.* Each person appointed as a Foreign Service Mid-Level Career Candidate must be a citizen of the United States.

(2) *Service.* (i) On the date of application, a candidate must have completed a minimum of 9 years of professional work experience, including at least 3 years of service in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as one in the Foreign Service at class FS–5, in the Civil Service at GS–9, or in the Armed Forces as lieutenant or first lieutenant junior grade, or higher. Academic studies, particularly those related to Foreign Service work, may be substituted for part of the required experience. The duties and reponsibilities of the position occupied by the candidate must have been similar to or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. In addition, a candidate must currently be in, or have been in, a grade or class comparable to FS–4 or higher.

(ii) Candidates from outside the Department who at the time of application lack 3 years of service in a position of reponsibility as defined in the preceding paragraph may, however, be considered if they are found to possess a combination of educational background, employment, experience, and skills needed by the Foreign Service at the mid-level.

(3) *Age.* The maximum age for appointment under the Mid-Level Program is 59.

(4) *Certification of need.* Before the Board of Examiners may process a candidacy, the Director General of the Foreign Service must certify that there is a continuing, long-term requirement, consistent with the projections of personnel flows and needs mandated by section 601(c)(2) of the Act, for a combination of professional work experience, educational background, skills, and capabilities possessed by the applicant which cannot reasonably be met from within the ranks of the career service, including by special training of career personnel and/or limited appointments pending completion of such training, if feasible. No applicant may be appointed in an occupational category or at a class level for which the Director General has not certified a need. Such certifications shall take into full account the latest published skills resources inventory and shall be based on a written assessment of the assignment and promotion effects on career members of the Foreign Service. A separate certification of need is not required for applicants under the Mid-Level Affirmative Action Program, as the hiring goals established by the Secretary constitute the certification for applicants under that Program. The exclusive employee representative will be advised promptly in writing on request of the number, nature, and dates of the certifications of need issued since the last request, including an affirmation that each such issuance has been in accordance with the requirements of this section.

(c) *Recruitment.*—(1) *From within the Department.* It is the Department's policy to encourage eligible personnel on its rolls to apply for appointment as Mid-Level Foreign Service officer career candidates including, in particular, the following categories: (i) Members of the Foreign Service whose performance has been consistently of a high caliber, and whose background, experience, and general qualifications indicate that they can compete favorably with Foreign Service officers; and (ii) Civil Service personnel who are serving in positions to which Foreign Service officers are normally assigned, who have superior records, and whose general qualifications indicate that they can compete favorably with Foreign Service officers.

(2) *Other.* The Department also encourages highly qualified applicants from other agencies of the Federal

Government, and from outside the Federal Government, who meet the statutory and other eligibility requirements, to apply for the Mid-Level Program. Appointments from these sources for available openings are made on a highly competitive basis to fill specific needs of the Foreign Service at the Mid-Level.

(d) *Methods of application.*—(1) *Forms.* Application is made for a Mid-Level Foreign Service officer career candidate appointment but not for a specific class. Applicants for mid-level entry must complete Standard Form 171, "Personnel Qualifications Statement," and Form DSP–34, "Supplement to Application for Federal Employment," and forward them, together with an autobiography not exceeding four typewritten pages in length, to the Board of Examiners for the Foreign Service for consideration.

(2) *Qualifications evaluation panel.* The Board of Examiners establishes a file for each applicant, placing in it all available documentation of value in evaluating the applicant's potential for service as a Foreign Service officer. A Qualifications Evaluation Panel of deputy examiners of the Board of Examiners reviews the file to determine whether the applicant meets the statutory and other eligibility requirements, to assess the applicant's skills relative to the needs of the Foreign Service, and to recommend whether the applicant should be examined for possible appointment under the Mid-Level Program.

(e) *Examination for mid-level appointment.* The submission of an application to the Board of Examiners does not in itself entitle an applicant to examination. The decision whether to proceed with an examination will be made by the Board of Examiners after a thorough review of the candidate's qualifications and a determination of eligibility for appointment following receipt of a certification of need for that candidate.

(1) *Purpose.* The mid-level examination is designed to enable the Board of Examiners to determine a candidate's aptitude for the work of the Foreign Service at the mid-level and fitness for a Foreign Service career.

(2) *Class.* In determining the Foreign Service officer class for which a candidate will be examined, the Board of Examiner's presumption will be for the class which is equivalent to the candidate's current salary level. In evaluating qualifications and in conducting examinations, the Board of Examiners will determine whether the candidate's qualifications compare favorably with Foreign Service officers at the candidate's current salary level. However, the Board of Examiners, at its discretion, may certify a candidate for appointment as a career candidate at a class other than that equivalent to current salary level in those instances where the Board determines that the candidate's qualifications clearly warrant such action.

(3) *Written examination.* A written examination will not normally be required of candidates for mid-level appointment. However, if the volume of applications for a given class or classes, or a particular functional specialty, is such as to make it infeasible to examine all candidates orally within a reasonable time, such candidates may be required to take an appropriate written examination prescribed by the Board of Examiners. Candidates whose score on the written examination is at or above the passing level set by the Board of Examiners will be eligible for selection for the oral examination.

(4) *Oral examination.*—(i) *Purpose.* The oral examination will be designed to enable the Board of Examiners to determine whether candidates are functionally qualified for work in the Foreign Service at the mid-level, whether they have the potential to advance in the Foreign Service, and whether they have the background and experience to make a contribution to the Foreign Service.

(ii) *When and where given.* The oral examination is individually scheduled throughout the year and is normally given in Washington, D.C. At the discretion of the Board of Examiners, it may be given in other American cities, or at Foreign Service posts, selected by the Board.

(iii) *Examining panel.* Candidates recommended by a Qualifications Evaluation Panel for examination will be given an oral examination by a Panel of deputy examiners of the Board of Examiners. That Panel shall include at least one officer from the functional or professional specialty for which the candidate is being examined. Examining Panels shall be chaired by a career officer of the Foreign Service. Determinations of duly constituted panels of deputy examiners are final unless modified by specific action of the Board of Examiners.

(iv) *Content.* The Examining Panel will question the candidate regarding the indicated functional or professional specialty; knowledge of American history, government, and other features of American culture; familiarity with current events and international affairs; and other matters relevant to the candidate's qualifications for appointment.

(v) *Grading.* Candidates taking the oral examination will be graded numerically according to standards established by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until 1 year after that date.

(5) *Written essay.* Candidates who take the oral examination will be asked to write an essay during the examination day, on a topic related to Foreign Service work, to enable the Board of Examiners to measure the candidate's effectiveness of written expression.

(6) *Other exercises.* Candidates who take the oral examination also may be asked to complete other exercises during the examination day, to enable the Board of Examiners to measure additional aspects of performance related to Foreign Service work at the mid-level.

(7) *Background investigation.* Candidates who pass the oral examination will be eligible for selection for the background investigation. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

(8) *Medical examination.* Candidates who pass the oral examination, and their dependents, will be eligible for selection for the medical examination. The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a world-wide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a world-wide basis.

(9) *Final review panel.* The entire file of candidates who pass the oral examination will be reviewed and graded by a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners, after the results of the background investigation and the medical examination are received. The Final Review Panel will take into account the grade assigned by the oral Examining Panel, as well as all other available information concerning the candidate, and decide whether or not to recommend the candidate for appointment. The candidate's file will then be submitted to the Board of Examiners for approval. If approved by the Board, the candidate's name will be entered on the rank-order register for

the class and functional specialty for which the candidate has been qualified.

(10) *Foreign language requirement.* All candidates who pass the oral examination will be required to take a subsequent test to measure their fluency in foreign languages or their aptitude for learning them. A candidate may be appointed without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed career candidate may not be converted to career Foreign Service officer status unless, within a specified period of time, adequate proficiency in a foreign language is achieved. For limitations on promotions see Volume 3 (Personnel), Foreign Affairs Manual, section 874.

(11) *Certification for appointment.*—(i) *Departmental employees.* A candidate who is a career employee of the Department, for whom a certification of need has been issued, will be certified by the Board of Examiners for appointment after satisfactorily completing all aspects of the examination process. The appointment certification will specify the class and salary for which the candidate has been found qualified.

(ii) *Others.* Other successful candidates will, after being approved by the Board of Examiners, have their names placed on the rank-order register for the class and functional specialty for which they have been found qualified. A separate rank-order register may be established for candidates under the Affirmative Action Mid-Level Program. Appointments to available openings will be made from the registers in rank-order according to the needs of the Foreign Service.

(12) *Termination of eligibility.* Candidates who have qualified but have not been appointed because of lack of openings will be removed from the rank-order register 18 months after the date of placement on the rank-order register. The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service.

5. By adding a new § 11.12 to read as follows:

§ 11.12 Foreign service specialist appointments.

(a) *General considerations.* (1) Section 303 of the Foreign Service Act of 1980 (hereinafter referred to as the Act) authorizes the appointment of members of the Service (other than Presidential appointments).

(2) Section 306 of the Act provides that, before receiving a career appointment in the Foreign Service, an individual shall first serve under a limited appointment for a trial period of service as a career candidate.

(3) This section governs the appointment by the Department of State of Foreign Service specialist career candidates to classes FS–1 and below. Specialist candidates comprise all candidates for career appointment in all occupational categories other than generalists (that is, administrative, consular, economic, political, and program direction), who are governed by the regulations respecting Foreign Service officer career candidates. The appointment of all Senior Foreign Service career candidates regardless of occupational category is governed by § 11.13 (to be supplied). Regulations governing trial service and tenuring of specialist candidates are found in Volume 3 (Personnel), Foreign Affairs Manual, section 580.

(4) Veterans' preference shall apply to the selection and appointment of Foreign Service specialist career candidates.

(b) *Specialist career candidate appointments.*—(1) *Certification of need.* Candidates for appointment as specialist career candidates must be world-wide available and must have a professional or a functional skill for which there is a continuing need in the Foreign Service. Before an application can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant as a career candidate in the specialist category at or above the proposed class of appointment. No applicant shall be appointed at a class level for which there is no certified need. This individual certification of need is not required for those specialist occupations which the Director General determines in advance to be shortage or continuous recruitment categories, and for which the Director General has certified the need for a specific number of appointments at given levels. Such appointments, including an appointment of an individual who is the employee of any agency, may not exceed five years in duration, and may not be renewed or extended beyond five years. A specialist candidate denied tenure under Volume 3 (Personnel), Foreign Affairs Manual, section 580, may not be reappointed as a career candidate in the same occupational category.

(2) *Eligibility.* An applicant must be a U.S. citizen and at least 20 years of age. The minimum age for appointment as a career candidate is 21. The maximum age for appointment as career candidate is 59.

(3) *Selection and initial screening.* Specialist career candidates will be selected on the basis of education, experience, suitability, performance potential, and physical fitness for world-wide service. Applicants normally will be given personal interviews and will be subject to such written, oral, physical, foreign language, and other examinations as may be prescribed by the Board of Examiners for the Foreign Service and administered by the Office of Recruitment, Examination, and Employment (PER/REE). The Board of Examiners will identify and/or approve the knowledge, skills, abilities, and personal characteristics required to perform the tasks and duties of Foreign Service specialists in each functional field. PER/REE will screen applications for appointment as Foreign Service specialist career candidates under approved criteria and select those who meet the requirements for further processing under these regulations.

(4) *Oral examination.* Candidates selected through the intial screening will be eligible for an oral examination unless they are candidates for appointment in occupational categories for which the oral examination may be waived by the Director General. This waiver normally will apply only to continuous-recruitment categories and to appointments below the FS–6 level, and where such waivers occur, a thorough oral interview will be conducted. The oral examination will be given by a Panel of Deputy Examiners, at least one of whom will be a career Foreign Service specialist proficient in the functional field for which the candidate is being tested. The examination may include a writing sample. Candidates taking the oral examination will be graded numerically according to standards set by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again for 1 year.

(5) *Background investigation.* Candidates who have passed the oral examination, and candidates who have passed the initial screening if the oral examination has been waived, will be eligible for selection for the background investigation to determine their suitability for appointment to the Foreign Service.

(6) *Medical examination.* Such candidates and their dependents will be eligible for selection for the medical examination. The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service specialist on a world-wide basis and, for

candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a world-wide basis.

(7) *Final review panel.* After the results of the medical examination and background investigation have been received, a Final Review Panel, consisting of 2 or more Deputy Examiners of the Board of Examiners, or by another appropriate panel appointed for the purpose by the Director of PER/REE, will review and grade the candidate's entire file. Candidates approved by the Final Review Panel will have their names placed on a rank-order register for the functional specialty for which they are qualified. Candidates will remain eligible for appointment for 18 months from the date of placement on the rank-order register. The Board of Examiners may extend this eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service. The candidacy of anyone who is not recommended for appointment by the Final Review Board shall be terminated and the candidate so informed.

(c) *Limited non-career appointments.* Other Foreign Service specialist appointments may be made on a limited non-career basis. Before an application for a limited non-career appointment can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant. Such limited specialists must serve overseas, and they will be subject to the same conditions as those outlined in these regulations for career candidates, with the exception that the maximum age of 59 does not apply to such appointments. However, because members of the Foreign Service generally are subject to the mandatory retirement age of 65 under section 812 of the Act, limited non-career appointments normally will not extend beyond the appointee's 65th birthday. Applicants for limited non-career appointments will be subject to the same screening, medical examination, background investigation, and final review process required of career candidates, but normally they will not be subject to a written or oral examination. Their appointments will normally be limited to the duration of the specific assignment for which they are to be hired, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years. Ordinarily, no limited non-career appointee will be reappointed until at least 1 year has elapsed since the expiration of a previous appointment. However, earlier reappointment may be granted in cases of special need, provided the exclusive representative is advised in advance and is afforded an opportunity to comment. Prior to the expiration of their limited appointments, if otherwise eligible, they may elect to compete for career candidate status by qualifying at that time for and taking the examinations required of career candidates. If successful, their names would be entered on the rank-order register for their functional specialty. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted as part of the trial period of service prescribed before a candidate can receive a career appointment.

Dated: August 26, 1982.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel.

[FR Doc. 82-24100 Filed 8-31-82; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR-194-81]

Penalty for False Information With Respect to Withholding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary employment tax regulations that relate to the civil penalty for false information with respect to withholding of income tax at source on wages. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 1, 1982. The amendments to the final regulations are proposed to be effective for acts and failures to act occurring after [Date which is 30 days after the publication in the **Federal Register** of final regulations by Treasury decision].

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-194-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washinton, D.C. 20224 (Attention: CC:LR:T) (202-566-3828).

SUPPLEMENTARY INFORMATION:

Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 30 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would be incorporated as a new § 31.6682-1 in Part 31 of Title 26 in place of that § 31.6682-1 which was deleted by the Treasury decision which adopted the temporary regulations. For the text of the temporary regulations, see FR Doc. 82-23960 (T.D. 7827) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains these proposed regulations.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code (26 U.S.C. 7805; 68A Stat. 917).

List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding, Penalties.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public

hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-23961 Filed 8-31-82; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 421; Re: Notice Nos. 396 and 397]

Grape Brandy; Labeling

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Withdrawal of notices of proposed rulemaking.

SUMMARY: On November 19, 1981, ATF published notices of proposed rulemaking to allow grape brandy to be labeled with a grape variety designation, a grape vintage designation and a viticultural area designation. Nearly all of the comments received opposed allowing such designations for grape brandy. This notice withdraws the notices of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 1200 Pennsylvania Avenue, NW., Washington D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms was petitioned for a regulation change in 1978 to allow grape brandy to prominently show a grape variety and vintage year on a brandy label. ATF denied the petition because of insufficient evidence that a grape's variety or vintage year characteristics could survive the distillation process and be distinguishable in a finished brandy. After additional information was received from the petitioner, ATF published an advance notice of proposed rulemaking in the **Federal Register** on January 2, 1980, asking for comments on proposing varietal and vintage grape brandy labeling regulations. There were 427 written comments received on the advance notice of proposed rulemaking. After a review of these comments, a notice of proposed rulemaking was prepared on the varietal and vintage grape brandy labeling with special emphasis on requesting more information on the proposal.

Seven hundred and ten (710) written comments were received on the varietal and vintage grape brandy labeling notice of proposed rulemaking published in the **Federal Register** on November 19, 1981. Nearly all the comments were opposed (703) to allowing varietal and vintage labeling of grape brandy. The California Brandy Advisory Board, made up of all 12 producers of California brandy, conducted a vote at their meeting on January 8, 1982. With 11 of 12 members present, the vote on both varietal and vintage grape brandy labeling was the same, 9 opposed, 1 in favor and 1 abstention. We did not receive substantive evidence on the effect of distillation on varietal or vintage year grape characteristics, such as taste panel testing or laboratory analysis on specific varieties or vintage years of grape brandy. However, 4 wine chemists, highly respected for their expertise and year of experience, submitted comments indicating varietal and vintage grape brandy labeling would be meaningless and confusing to the consumer.

Six comments were received on the viticultural area brandy proposal. Three commenters favored the idea while three opposed the concept. The California Brandy Advisory Board meeting vote was 11 opposed and 1 absent.

Current regulations provide that brandy made from grape wine may be designated only as "brandy" or "grape brandy". Under 27 CFR 5.33(f), this designation may be followed with additional information which may include the name of a grape variety provided 100 percent of the variety is used.

ATF has decided to make no change in current regulations. ATF, in view of its initial concerns, firmly believes that the evidence presented is not sufficient to warrant an amendment to existing regulations to allow a grape variety or vintage year to be prominently displayed as proposed on a brandy label. Also, ATF did not receive the evidence and support to further consider a viticultural area grape brandy proposal. Therefore, ATF is withdrawing notice of proposed rulemaking numbers 396 and 397.

Drafting Information

The principal author of this document is James A. Hunt of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This document is issued under the authority of 27 U.S.C. 205.

Signed: July 27, 1982.

Stephen E. Higgins,

Acting Director.

Approved: August 20, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-23957 Filed 8-31-82; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 422]

Loramie Creek Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the west central region of Ohio to be known as "Loramie Creek." This proposal is in response to a petition from the Vinterra Farm Winery and Vineyard in Houston, Ohio. The establishment of the "Loramie Creek" viticultural area will allow wineries in this area to label and advertise wines as originating in this specific grape-growing area and will aid the public by identifying wines originating in this area.

DATE: Written comments must be received by October 1, 1982.

ADDRESS: Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attention: Notice No. 422).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Lori D. Weins at (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) which allows the establishment of definite viticultural areas under 27 CFR Part 4—Labeling and Advertising of Wine. This final rule also allows the

name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added 27 CFR Part 9—American Viticultural Areas—to provide for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25(e)(1) of 27 CFR Part 4 defines viticultural area as a delimited, grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Furthermore, § 4.25a(e)(2) requires any interested person to petition ATF for the establishment of a grape-growing region as a viticultural area and to provide the following information in support of the petition for viticultural area:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

Under the terms of 27 CFR 4.25a, ATF has received a petition from the Vinterra Farm Winery and Vineyard, proposing an area in Shelby County, Ohio, as a viticultural area to be known as "Loramie Creek." The proposed area is located in the west-central part of Ohio and consists of approximately 3600 acres of rolling land sloping in the southwest portion of Shelby County, Ohio, with designated boundaries partly within the Townships of Cynthian, Loramie, and Washington. At present, the area has two operating wineries with vineyards growing French hybrid grapes. These wineries comprise a total of 16 acres in production with a projection of 30 more acres to be planted within the next five years.

The petitioner furnished information that (a) the name of the viticultural area is locally known, (b) the proposed boundaries of the viticultural area are correct, and (c) the geographical features of the area have growing conditions which distinguish the proposed area from surrounding areas. The petitioner bases these claims on the following:

(a) That the name "Loramie Creek" is well known in Shelby County and counties to the north, south, and west; that it is associated with the historical significance of Fort Loramie, Lake Loramie, the Miami-Erie Canal, and surrounding places; and that it is the largest tributary in Shelby County and drains a well-defined valley.[1]

(b) That the boundaries of the proposed "Loramie Creek" viticultural area may be found on a U.S.G.S. 7.5 minute quadrangle map ["Fort Loramie Quadrangle, Ohio-Shelby Co," 7.5 Minute Series (Topographic), 1961–1973].

(c) That the elevation of the proposed viticultural area varies from 940 to 1000 feet above sea level. The entire proposed viticultural area is Glynwood-Blount Soil Association. This association is typified mostly by gently sloping to sloping topography of uplands, moderately well drained and somewhat poorly drained upland soils formed in clay loam or silty clay loam glacial till; and it is used mainly for cultivated crops and pastures. The average precipitation is 35.05 inches and the average daily temperature for the area is 51°F with a low average daily temperature of 25.5°F in January and a high average daily temperature of 73.2°F in July.

(d) That the specific boundaries of the proposed viticultural area are based on features found on the U.S.G.S. map. (A copy of this U.S.G.S. map with the boundaries prominently marked is on file with ATF.)

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Loramie Creek viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not major since it will not result in—

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

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation

ATF requests comments on this proposed viticultural area from all interested persons. Furthermore, while this document proposes certain boundaries for the "Loramie Creek" viticultural area, comments concerning other possible boundaries for this proposed viticultural area will be considered (for example, to condense the proposed viticultural area by changing the southern boundaries to Stoker Road).

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments are subject to disclosure to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is also not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed viticultural area should submit his or her request, in writing, to the Director within the 30-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Wine.

[1] A directory, entitled "Robinson's, 1979 Shelby County, Ohio Rural Directory," was submitted by the petitioner to support the statements of recognition.

Drafting Information

The principal authors of this document are E. J. Sheehan and A. N. Stickney, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.62. As amended, the table of sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.62 Loramie Creek.

2. Subpart C is amended by adding § 9.62. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

§ 9.62 Loramie Creek.

(a) *Name.* The name of the viticultural area described in this section is "Loramie Creek."

(b) *Approved map.* The approved map for the Loramie Creek viticultural area is the U.S.G.S. map entitled "Fort Loramie Quadrangle, Ohio-Shelby Co.," 7.5 minute series (topography), 1961–1973.

(c) *Boundaries.* The Loramie Creek viticultural area is located in Shelby County, Ohio. The boundaries are as follows:

(1) From the beginning point of the boundary at the intersection of State Route 47 and Wright-Puthoff Road, the boundary runs southward on Wright-Puthoff Road for a distance of 1⅜ miles to the intersection of the Wright-Puthoff Road with the Consolidated Railroad Corporation (indicated on the U.S.G.S. map as New York Central Railroad);

(2) Then along the Consolidated Railroad Corporation right-of-way in a southwesterly direction for a distance of 2⅜ miles to the intersection of the Consolidated Railroad Corporation right-of-way with Loramie Creek;

(3) Thence upstream along Loramie Creek in a northwesterly direction for a distance of approximately 3½ miles to where Loramie Creek intersects State Route 47;

(4) Thence eastward on State Route 47 for a distance of approximately 4⅛ miles to the beginning point of State Route 47 and Wright-Puthoff Road.

Signed: August 3, 1982.

Stephen E. Higgins,

Acting Director.

Approved: August 20, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-23962 Filed 8-31-82; 8:45am]

BILLING CODE Code 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Illinois Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is announcing procedures for the public comment period and for requesting a hearing on the substantive adequacy of proposed amendments to the Illinois permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice sets forth the times and locations that the Illinois program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments, and the procedures that will be followed for the public hearing, if one is held.

DATES: Written comments must be received on or before 4:00 p.m. on September 27, 1982, to be considered in the Director's decision on whether to approve or disapprove the proposed program amendments. A public hearing on the proposed amendments has been scheduled for September 23, 1982, at 1:00 p.m.

Any person interested in presenting an oral or written statement at the hearing should contact Daniel Jones at the address and phone number listed below by September 14, 1982. If no person has contacted Mr. Jones to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand-delivered to: Daniel Jones, Director, Illinois Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

The public hearing will be held at the Illinois Department of Transportation Auditorium, 2300 Dirksen Parkway, Springfield, Illinois. Copies of the Illinois program, the proposed amendments to the program, and all written comments are available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Illinois Field Office, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701

Office of Surface Mining, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240

Illinois Department of Mines and Minerals, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Jones, Director, Illinois Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701, Telephone: (217) 492–4486.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Illinois. On October 31, 1980, following a review of the proposed program as outlined in 30 CRF Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 72468–72505). The State was enjoined on December 11, 1980 from resubmitting its program. On December 11, 1981, the injunction was lifted and on December 22, 1981, Illinois resubmitted its program. The Secretary of the Interior approved the program subject to the correction of five minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the June 1, 1982 **Federal Register** (47 FR 23858–23883).

In accordance with 30 CFR 732.17, the procedures for program amendment, Illinois now seeks to amend a portion of its permanent program. Illinois proposes to amend its Rule 1823.14 regarding soil replacement on prime farmlands. The full text of the proposed Illinois amendment follows:

§ 1823.14 Prime farmland: Soil replacement.

Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

(a)(1) The minimum depth of soil material to be reconstructed for prime farmland shall be 48 inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than 48 inches, wherever necessary to restore

productive capacity due to uniquely favorable soil horizons at greater depths.

(2) Subsection 1823.14(a)(1) and (d) shall not apply to prime farmland and fragipan soils. Prime farmland fragipan soil shall be reconstructed in accordance with Section 1825.14(a)(1), (a)(2), (a)(3) and (a)(5). For the purposes of this provision, prime farmland fragipan soils are specific soils classified as prime farmland that are underlain with a diagnostic subsurface horizon designated as a fragipan by the Soil Conservation Service of the U.S. Department of Agriculture according to the criteria set in Soil Taxonomy, U.S.D.A. Handbook AH 436, including the following soils found in Illinois: Ava, Grantsburg, and Hosmer series as defined by the Soil Interpretation Sheets of the Soil Conservation Service.

* * * * *

The Director now seeks public comment on whether this regulatory amendment is consistent with SMCRA and the Federal regulations.

Additional Determinations

Executive Order 12291

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

Regulatory Flexibility Act

The Department of the Interior has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this action will not have a significant effect on a substantial number of small entities.

National Environmental Policy Act

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), this rule is not a major Federal action and therefore, no environmental impact statement, environmental assessment or FONSI, need be prepared on this rulemaking.

List of Subjects in 30 CFR Part 913

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

Dated: August 26, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-23886 Filed 8-31-82; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Parts 886 and 936

Abandoned Mine Land Reclamation Program

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

ACTION: Receipt of the Abandoned Mine Land Reclamation (AMLR) Grant Application for FY 1983 from the State of Oklahoma.

SUMMARY: On July 2, 1982, the State of Oklahoma submitted to OSM its proposed FY 1983 Abandoned Mine Land Reclamation (AMLR) grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State grant application.

DATES: Written comments on the application must be received on or before 5:00 p.m. October 1, 1982.

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

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103; and Oklahoma Conservation Commission, Abandoned Mine Lands Program, 20 State Capital Building, Oklahoma City, Oklahoma 73105.

Written comments should be sent to: Robert L. Markey, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Duane Pearce, Reclamation Specialist, Tulsa Field Office, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

SUPPLEMENTARY INFORMATION: On July 2, 1982, OSM received an AMLR grant application from the State of Oklahoma. The purpose of this submission is to implement the State reclamation program as codified in 30 CFR, Chapter VII, Subchapter T, Part 936 as published in the **Federal Register** 47 FR 2989 on January 21, 1982.

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

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan. However, grants for mine reclamation may be issued only to States with an approved Title V Regulatory Program and an approved State Reclamation Plan.

A State Reclamation Plan for Oklahoma was submitted to the Secretary on July 30, 1981, and approved on January 21, 1982, which demonstrated the capability of the State to administer and AMLR program in accordance with Title IV of SMCRA. In approving the State Plan, the Secretary determined that the State had the necessary State legislation to implement the provisions of the Plan.

This notice describes the nature of the proposed projects and sets forth information concerning public participation in the Director's determination of whether or not the submitted application should be approved.

Approval of the application would result in the implementation of approved projects for the reclamation of abandoned mine lands in Oklahoma.

All written comments must be mailed or hand carried to the Field Office above.

The comment period will close at 5:00 p.m. on October 1, 1982. Comments received after that time may not necessarily be considered. During the comment period representatives of the Field Office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AMLR application.

Persons wishing to meet with representatives of the Field Office during this time period may place such requests with Robert L. Markey, Field Office Director, telephone (918) 581-7927 at the Field Office above.

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

OSM intends to continue to discuss the State's application with

representatives of the State throughout the review process.

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

The Oklahoma AMLR grant application can be approved if:

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

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

1. Designation of authorized State Agency to administer the program,
2. Objectives and need for the assistance,
3. Project ranking and selection,
4. Coordination with other reclamation programs,
5. Results and benefits expected,
6. Plan of action pertaining to the scope,
7. Monthly or quarterly projections of accomplishments to be achieved,
8. Kinds of data to be collected and maintained,
9. Criteria used to evaluate the results and success of the projects,
10. Key individuals to be employed,
11. Precise location of the project and area to be served,
12. Budgetary calculations for each project,
13. Description of the public's participation in planning and preparation of the grant application,
14. A complete environmental assessment for each project.

Reclamation projects included in application, location and description:

Title: Nubbin Ridge 059
Location: Le Flore County
Description: Highwall adjacent to heavily traveled road.
Title: Kinta Northeast Strip Pits 142
Location: Haskell County
Description: Highwall adjacent to heavily traveled road.
Title: Keota Park east 154
Location: Haskell County
Description: Highwall adjacent to heavily traveled road.
Title: School Mine 228–29
Location: Haskell County
Description: Highwalls adjacent to heavily traveled roads.
Title: Four Mile Creek 246
Location: Rogers County
Description: Highwall and water filled pit adjacent to road.
Title: Dallas Willhoite 002
Location: Rogers County
Description: Road adjacent to highwall and water filled pit.
Title: Milby-Dow 145– $12
Location: Pittsburg County
Description: Portal and vertical openings.
Title: Drumb-Chili Underground Mines 199
Location: Latimer County
Description: Subsidence near road.

List of Subjects

30 CFR Part 886

Coal mining, Grant programs, Natural resources, Reporting requirements, Surface mining, Underground mining.

30 CFR Part 936

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

Dated: August 26, 1982.

J. Steven Griles,

Deputy Director, Office of Surface Mining.

[FR Doc. 82–24008 Filed 8–31–82; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 55 and 65

[AEN-FRL-2164-5]

Energy Related Authority and Delayed Compliance Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Agency proposes to eliminate several obsolete sections from Part 55, entitled "Energy Related Authority," and Part 65, entitled "Delayed Compliance Orders." Some sections became obsolete when the Clean Air Act was amended in 1977. Others are obsolete because they pertain to temporary orders which have expired. Because the remaining sections of both Parts are interrelated, they will be consolidated into one Part. Several sections from Part 55 will be moved to Part 65 and the remainder of Part 55 will be moved to Part 65 and the remainder of Part 55 will be eliminated.

DATE: *Comments.* Comments must be received on or before November 1, 1982.

ADDRESS: *Comments.* Comments should be submitted (in duplicate, if possible) to: Central Docket Section (A–130), Attention: Docket Number A–81–22, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Docket. Docket Number A–81–22, containing supporting information used in developing the proposed consolidation, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m. Monday–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: Libby Scopino, Division of Stationary Source Enforcement (EN–341), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone (202) 382–2874.

SUPPLEMENTARY INFORMATION: A rulemaking action dated April 28, 1975 established Part 55, entitled "Energy Related Authority," to implement section 119 of the Clean Air Act as amended in 1974. Section 119 provided temporary relief from air pollution requirements to certain fuel burning stationary sources that converted from oil or gas to coal as their primary fuel. The regulations in Part 55 became obsolete when the 1977 amendments eliminated Section 119 of the Clean Air Act. The Clean Air Act amendments continue to provide temporary relief for certain coal burning sources but utilize a new mechanism, the section 113(d)(5) Delayed Compliance Order. Delayed Compliance Orders are also available to other categories of sources, under sections 113(d) (1), (2), (3), and (4). When the Agency began issuing Delayed Compliance Orders under the authority of the 1977 Amendments, it published notices of section 113(d)(5) orders in Part 55, "Energy Related Authority." Orders issued under sections 113(d) (1), (2), (3), and (4) were published in a newly established Part 65, entitled "Delayed Compliance Orders."

In the context of a review designed to identify obsolete portions of Part 55, it was discovered that once the obsolete portions were deleted, only notices of Delayed Compliance Orders would remain. Since Parts 55 and 65 would both relate solely to Delayed Compliance Orders, it makes sense to combine those parts. This action proposes to drop the obsolete portions of Part 55 and to move the remaining sections to Part 65. Obsolete portions of Part 65 will be eliminated as well.

Elimination of Part 55. Part 55, entitled "Energy Related Authority," contains three elements. The first is a set of regulations that governs the procedures by which certain coal burning stationary sources could receive Compliance Date Extensions (CDE's), Temporary Suspensions (TS's) and one-year postponements of applicable SIP requirements under the authority of the Clean Air Act as amended in 1974. Those regulations become obsolete through the Clean Air Act Amendments of 1977 and will be rescinded by today's action. The second and third elements of Part 55 are notices of Compliance Date Extensions and Delayed Compliance Order issued to individual sources. All of the Compliance Date Extensions and many of the Delayed Compliance Orders have expired and, by this action, will be rescinded. Because the legislative authority has expired, no additional Compliance Date Extensions will be issued. The Agency does expect to continue issuing Delayed Compliance Orders, although they will be published in Part 65.

Part 65. Part 65 will be amended by making a few minor changes to the General Provisions and adding to the lists of Federal Delayed Compliance Orders those issued under section 113(d)(5). Orders that have expired will be deleted.

Classification. The Environmental Protection Agency has determined that this action will impose no burden on the economy or on individuals and, therefore, is not major for the purposes of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this revision will not have a significant economic impact on a substantial number of small entities.

Regulatory Analysis. Not required for this action.

Environmental Impact Statement. Not required for this action.

List of Subjects

40 CFR Part 55

Air pollution control, Energy.

40 CFR Part 65

Air pollution control.

Dated: August 23, 1982.

John E. Daniel,

Acting Administrator.

Accordingly, Title 40 of the CFR is amended as set forth below.

PART 55—ENERGY RELATED AUTHORITY [REMOVED]

1. Title 40 of the CFR is amended by removing Part 55.

PART 65—DELAYED COMPLIANCE ORDERS

Subpart A—General Provisions

2. Section 65.01(f) is revised.

§ 65.01 Definitions.

* * * * *

(f) The term "Federal delayed compliance order" shall mean a delayed compliance order issued by the Administrator under Section 113(d) (1), (3), (4) or (5) of the Act.

* * * * *

§ 65.02 [Amended]

3. Section 65.02(a) is amended by revising the phrase, "section 113(d) (1), (3), or (4)" to read, "section 113(d) (1), (3), (4) or (5)."

§ 65.03 [Amended].

4. Section 65.03(d) is amended by revising the phrase, "section 113(d) (1), (3), or (4)" to read, "section 113(d) (1), (3), (4) or (5)."

§§ 65.50, 65.60, 65.80, 65.120, 65.130, 65.150, 65.160, 65.170, 65.230, 65.270, 65.280, 65.290, 65.310, 65.320, 65.330, 65.340, 65.360, 65.370, 65.390, 65.410, 65.420, 65.430, 65.440, 65.450, 65.460, 65.470, 65.490, 65.500, 65.520, 65.540, 65.550, 65.570, 65.580, 65.590, 65.600 [Amended]

5. Sections 65.50, 65.60, 65.80, 65.120, 65.130, 65.150, 65.160, 65.170, 65.230, 65.270, 65.280, 65.290, 65.310, 65.320, 65.330, 65.340, 65.360, 65.370, 65.390, 65.410, 65.420, 65.430, 65.440, 65.450, 65.460, 65.470, 65.490, 65.500, 65.520, 65.540, 65.550, 65.570, 65.580, 65.590 and 65.600 are amended by revising the section headings to read "Federal delayed compliance orders issued under section 113(d) (1), (3), (4) and (5) of the Act," and replacing the word "proposal" with the word "promulgation" in the table headings.

§§ 65.51, 65.101, 65.111, 65.141, 65.171, 65.191, 65.192, 65.201, 65.211, 65.221, 65.222, 65.231, 65.251, 65.281, 65.301, 65.321, 65.361, 65.362, 65.381, 65.382, 65.391, 65.401, 65.402, 65.431, 65.432, 65.451, 65.471, 65.491, 65.511, 65.531, 65.532, 65.551 and 65.552 [Amended]

6. Sections 65.51, 65.101, 65.111, 65.141, 65.171, 65.191, 65.192, 65.201, 65.211, 65.221, 65.222, 65.231, 65.251, 65.281, 65.301, 65.321, 65.361, 65.362, 65.381, 65.382, 65.391, 65.401, 65.402, 65.431, 65.432, 65.451, 65.471, 65.491, 65.511, 65.531, 65.532, 65.551 and 65.552 are amended by removing the current entries from the tables and retaining the table headings, as shown:

Source	Location	Order No.	SIP regulation(s) involved	Date of Federal Register promulgation	Final compliance date
[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved].

§§ 65.100, 65.110, 65.140, 65.180, 65.190, 65.200, 65.210, 65.220, 65.240, 65.300, 65.380, 65.400, 65.480 and 65.530 [Amended]

7. Sections 65.100, 65.110, 65.140, 65.180, 65.190, 65.200, 65.210, 65.220, 65.240, 65.300, 65.380, 65.400, 65.480, and 65.530 are amended by revising the section heading, deleting the current entries from the table, and retaining the table headings, as shown:

Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order number	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved].

Subpart D—Arizona

8. Section 65.70 is amended by revising the section heading and table, as shown:

§ 65.70 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Phelps Dodge Co	Ajo, Ariz	9-81-27	40 CFR 51.125(d); 40 CFR 52.126(b).	Jan. 12, 1982	Dec. 31, 1985.
Phelps Dodge Co	Morenci, Ariz	9-81-28	40 CFR 51.125(d) Reg. 7-1-3.6 (Ariz. Dept. of Health).	Jan. 12, 1982	Jan. 1, 1985.

Subpart F—California

9. Section 65.90 is amended by revising the section heading and table, as shown:

§ 65.90 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
General Motors Co	Fremont, California	9-79-266	40 CFR 52.254(d)	Aug. 27, 1981	Aug. 31, 1981.

Subpart V—Maryland

10. Section 65.250 is amended by revising the section heading and table, as shown.

§ 65.250 Federal delayed compliance orders issued under section 113(d) (1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Naval Ordnance Station, Goddard Units 1-3.	Indian Head, Md	R-III-CC-007	COMAR §10.03, 40.02B, 103.03, 40.02D, 10.03. 40.02C(2).	Oct. 28, 1981	Oct. 1, 1984.

Subpart W—Massachusetts

11. Section 65.260 is amended by revising the section heading and table, as shown:

§ 65.260 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Holyoke Water Power, Mt. Tom Unit 1.	Holyoke, Mass		310CMR 7.02(8), 7.05(4) and 7.06(1).	Nov. 24, 1981	Feb. 15, 1984.
New England Power Co., Salem Harbor Units 1, 2 and 3.	Salem, Mass		310CMR 7.02(8), 7.05(4) and 7.06.	Feb. 9, 1982	No later than Dec. 31, 1985.
New England Power Co., Brayton Pt. Unit #1.	Somerset, Mass		310CMR 7.05(4), 7.06 and 71.17.	Nov. 28, 1979	July 31, 1982.

Subpart FF—New Jersey

12. Section 65.350 is amended by revising the section heading and table, as shown:

§ 65.350 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Atlantic City Electric Deepwater Unit 8.	Pennsville, N.J	00109	N.J.A.C. 7:27-3.1 et seq. and 7:27-4.1 et seq. and 7:27-8.1 et seq.	Jan. 26, 1981	Oct. 1, 1983.

Subpart KK—Ohio

13. Section 65.400 is amended by revising the section heading and table, as shown:

§ 65.400 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
The Andersons	Toledo, Ohio	EPA-5-81 A(d)-11	AP-3-07, AP-3-08, AP-3-12	Nov. 5, 1981	Apr. 15, 1982.

Subpart VV—Virginia

14. Section 65.510 is amended by revising the section heading and table, as shown:

§ 65.510 Federal delayed compliance orders issued under section 113(d)(1), (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Virginia Electric Power Co., Possum Pt. Units 2 and 3.	Possum Point, Va	R-111-CC-005	VAPCB Section IV, Rules 2 and 3.	Mar. 9, 1981	Apr. 1, 1984; Nov. 1, 1982.
Virginia Electric Power Co., Chesterfield Unit 4.	Chesterfield, Va	R-111-CC-006	VAPCB Section IV, Rules 2 and 3.	Jan. 27, 1981	June 1, 1982.
Viginia Electric Power Co., Portsmouth Units 1 and 2.	Portsmouth, Va	R-111-CC-004	VAPCB Section IV, Rules 2 and 3.	June 19, 1980	June 30, 1982.

Subpart WW—Washington

§ 65.521 [Amended]

15. Section 65.521 is amended by retaining the section heading and revising the table, as shown:

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Fletcher Oil Co	Takoma, Washington	W-13	WAC 173-490-040, WAC 173-490-201, PSAPCA 2.	May 19, 1982	Jan. 1, 1983

Subpart AAA—Guam

16. Section 65.560 is amended by revising the section heading and table, as shown.

§ 65.560 Federal delayed compliance orders issued under section 113(d) (1) (3), (4) and (5) of the Act.

* * * * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FEDERAL REGISTER promulgation	Final compliance date
Guam Power Authority	Agana, Guam	9-80-8	Section 13.4 of Chapter 13, Guam Air Pollution Standards and Regulations.	Apr. 27, 1981	Feb. 15, 1985.

[FR Doc. 82-23842 Filed 8-30-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 74, and 94

[Gen. Docket No. 82-335]

Expansion of the Frequencies Available for Use by Aural Broadcast Studio-to-Transmitter Links (STL) and Intercity Relay Stations; Order Extending Time To File Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time for filing comments and replies.

SUMMARY: An extension of time to file comments has been requested by the Association of the American Railroads, the Utilities Telecommunications Council, the American Petroleum Institute and the National Association of Broadcasters in Docket 82-335, concerning expansion of certain frequencies. Because of the importance of this proceeding the Commission is granting a 60-day extension.

DATES: Comments must be received by October 22, 1982, Reply Comments by November 8, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street , NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sam Tropea, Office of Science and Technology, Spectrum Management Division, Spectrum Utilization Branch, 2025 M Street, NW., Federal Communications Commission, Washington, D.C. 20554, (202) 653-8167.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2, 21, 74 and 94 of the Commission's rules and regulations to expand the frequencies available for use by aural broadcast STL and intercity relay stations (7-16-82; 47 FR 31170); order extending time to file comments.

Adopted: August 18, 1982.

Released: August 20, 1982.

1. A request from the Association of the American Railroads and a joint motion from the Utilities Telecommunications Council and the Central Committee on Telecommunications of the American Petroleum Institute have been filed requesting a ninety day extension of time to file comments in the above-captioned Notice of Proposed Rule Making. A statement in support of the joint motion was also filed by the National Association of Broadcasters. The parties filing the requests state that the additional time is required because of the complexity of the issues and of the need to collect and analyze the input from all their membership.

2. Many of the issues discussed in the instant proceeding have been available for public comment and evaluation for many years in connection with the petitions and Dockets referenced in the proceeding. Accordingly, the Commission is not persuaded that a ninety day extension is warranted. However, because of the importance of this proceeding and in the interest of having the most definitive responses possible, we are granting a sixty day extension of time, to allow final evaluation and submission of data and comments. Therefore, an extension of time from August 23, 1982 to October 22, 1982 for filing comments and from September 7, 1982 to November 8, 1982 for filing reply comments is hereby ordered pursuant to § 0.241(d) of the Commission's Rules.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 82-24086 Filed 8-31-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 170
Wednesday, September 1, 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

Animal and Plant Health Inspection Service Bird Quarantine Facility; Harry S Truman Animal Import Center, Fleming Key, Florida; Finding of no Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment for the conversion of a section of the Harry S Truman Animal Import Center (HSTAIC) located at Fleming Key, Florida, to serve as a bird quarantine facility. This assessment indicates that the proposed bird quarantine operation will not cause any significant local, regional or national impacts on the environment. Based upon this Finding Of No Significant Impact (FONSI), it has been determined that the preparation and review of an Enviromental Impact Statement (EIS) is not needed for this project.

Copies of the environmental assessment have been sent to the Environmental Protection Agency, private organizations, Federal, State, and local agencies.

FOR FURTHER INFORMATION CONTACT: Copies of the environmental assessment are available upon request from Mr. Frank Kotulak, Head, Energy and Environmental Staff, U.S. Department of Agriculture, APHIS, Room 267, 6505 Belcrest Road, Hyattsville, MD 20782, Area Code (301) 436–8958.

SUPPLEMENTARY INFORMATION: The environmental assessment indicates that the proposed project will have minimal impact on traffic and air quality. There will be no significant social or economic impacts. Odors and noise will not be greater than currently experienced and odors and noise currently experienced are insignificant. All wastes will be disposed of through the on-site sewage treatment plant and incinerators. Since HSTAIC is a federally owned facility, the proposed project is exempt from local zoning codes. The buildings and sewage treatment plant at HSTAIC are not located in a 100 year flood plain. No endangered species of fish, wildlife, or plants will be affected by the proposed project. There are no recorded properties in the vicinity of HSTAIC that are on or eligible to be placed on the National Register of Historic Places.

The birds arriving at this facility, will be shipped to HSTAIC in biologically secure trailers to maintain maximum quarantine conditions.

Implementation of the proposed project will not be initiated until October 1, 1982.

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

James O. Lee, Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 82-23917 Filed 8-31-82; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Request for Applications for Official Agency Weighing Designation in the States of Illinois and Indiana

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the Federal Grain Inspection Service (FGIS) is requesting applications for an official agency designation for weighing in a specified geographic area within the States of Illinois and Indiana.

DATE: Applications to be postmarked on or before October 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7A(c)(2) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, at 79a(c)(2)) (Act), specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official weighing services after a determination is made that the applicant is better able than any other applicant to provide official weighing services in an assigned geographic area.

Pursuant to Section 7A(i) of the Act, the geographic area in the States of Illinois and Indiana which may be assigned to the applicant selected for designation includes the following:

Bounded: on the North by the Iroquois County line east to Illinois State Route 1; Illinois State Route 1 south to U.S. Route 24; U.S. Route 24 east into Indiana, to U.S. Route 41;

Bounded: on the East by U.S. Route 41 south to the southern Fountain County line; the Fountain County line west to Vermillion County (in Indiana); the eastern Vermillion County line south to U.S. Route 36;

Bounded: on the South by U.S. Route 36 west into Illinois, to the Douglas County line; the eastern Douglas and Coles County lines; the southern Coles County line; and

Bounded: on the West by the western Coles and Douglas County lines; the western Champaign County line north to Interstate 72; Interstate 72 southwest to the Piatt County line; the western Piatt County line; the southern McLean County line west to a point 10 miles west of the western Champaign County line; a straight line running north and south from this point north to U.S. Route 136; U.S. Route 136 east to Interstate 57; Interstate 57 north to the Champaign County line; the northern Champaign County line the western Vermillion (in Illinois) and Iroquois County lines.

The following locations, in Illinois, are outside of the foregoing contiguous geographic area and also are part of the geographic area that may be assigned to the applicant selected for designation:

1. Moultrie Grain Association, Cadwell, Moultrie County;
2. Tabor and Company, Weedman Grain Company, and Pacific Grain Company, Farmer City, DeWitt County;
3. Moultrie Grain Association, Lovington, Moultrie County;
4. Monticello Grain Company, Monticello, Piatt County;
5. Gillespie Grain Company, Pittwood, Iroquois County.

Exceptions to the described geographic area are the following locations which have been and will continue to be serviced by the following official agencies:

Paris Illinois Grain Inspection:
1. Cargill, Inc., Dana, Vermillion County, Indiana;
2. Miller Grain Company, Newman, Douglas County, Illinois;
3. Miller Grain Company, Oakland, Coles County, Illinois. Schneider Inspection Service, Inc.:
1. Tidewater Grain Company, Ford Iroquois Supply and Service, and Summer Elevator, Sheldon, Iroquois County, Illinois.

Titus Grain Inspection:
1. Boswell Grain Company, Boswell, Benton County, Indiana;
2. Dunn Grain, Dunn, Benton County, Indiana;
3. York Richland Grain Elevator, Inc., Earl Park, Benton County, Indiana;
4. Raub Grain Company, Raub, Benton County, Raub, Indiana.

Official inspection services have been and will continue to be provided in the above described geographic area by Champaign-Danville Grain Inspection Departments, Inc., Danville, Illinois.

Section 7A(c)(2)(B) of the Act provides FGIS authority to perform official weighing services at any location other than export port locations where the Administrator determines such services are needed and there is no official agency designated. Under Section 7A(c)(2)(B), FGIS has been providing official weighing services within this area for approximately 8 months.

Under the provisions of Section 7(f) of the Act and § 800.196 of the regulations issued thereunder, interested parties are hereby given opportunity to apply for designation as the official agency to perform official weighing services in the geographic area as described above. The designation for official weighing services in the area will terminate no later than 3 years from the date of the designation. Parties wishing to apply for this designation should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than October 1, 1982, to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection services in the geographic area, consideration will be given to all applications submitted and other other information available.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: August 20, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–23823 Filed 8–31–82; 8:45 am]

BILLING CODE 3410-EN-M

Renewals of Designation of Louisville Grain Inspection Services, Inc., Minot Grain Inspection, Inc. (ND), and Tri-State Grain Inspection Service, Inc. (OH)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewal of designation of Louisville Grain Inspection Services, Inc. (Louisville), Minot Grain Inspection, Inc. (Minot), and Tri-State Grain Inspection Service, Inc. (Tri-State), as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: October 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, D.C. 20250, telephone (202) 447–8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The April 1, 1982, issue of the Federal Register (47 FR 13981) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Louisville, Minot, and Tri-State's designations would terminate on September 30, 1982, and requesting applications for designation as the agency to provide official inspection services within each specified assigned area. Applications were to be postmarked by April 30, 1982.

FGIS announced the names of the applicants for designation for each agency and requested comments on same in the June 4, 1982, issue of the Federal Register (46 FR 24374). Comments were to be postmarked by July 19, 1982. No comments were received regarding the renewals of designation of Louisville, Minot, and Tri-State (the only applicants for each respective designation) as official agencies.

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Louisville, Minot, and Tri-State are able to provide official services in the geographic area for which their designations are being renewed. Each assigned area is the entire geographic areas as described in the April 1 issue of the Federal Register.

Effective October 1, 1982, and terminating September 30, 1985, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to Louisville, Minot, and Tri-State, respectively.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons may also obtain a list of the specified service points by contacting the agencies at the following addresses:

Louisville Grain Inspection Services, Inc., 1400 Oldham Street, Louisville, KY 40210

Minot Grain Inspection, Inc., 610 Third Avenue, SW., Box B, Minot, ND 58701

Tri-State Grain Inspection Service, Inc., 3906 River Road, Cincinnati, OH 45204

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: August 12, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–23824 Filed 8–31–82; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to the Minnesota Department of Agriculture (MN) and Mississippi Department of Agriculture and Commerce (MS)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to the Minnesota Department of Agriculture (Minnesota) and Mississippi Department of Agriculture and Commerce (Mississippi). The designations terminate December 31, 1982.

DATE: Comments to be postmarked on or before October 18, 1982.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–0231. All comments received will be made available for public inspection at the above address during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The July 1, 1982, issue of the **Federal Register** (47 FR 28721) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official inspection, official weighing, and supervision of weighing services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Minnesota and Mississippi, respectively. Applications were to be postmarked by August 2, 1982.

Minnesota Department of Agriculture, the only applicant, requested designation for all of the geographic area currently assigned to Minnesota. Mississippi Department of Agriculture and Commerce, the only applicant, requested designation for all of the geographic area currently assigned to Mississippi. Minnesota and Mississippi each applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than October 18, 1982.

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: August 12, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–23825 Filed 8–31–82; 8:45 am]

BILLING CODE 3410–EN–M

Request for Applicants for Designation to Perform Official Services in the Geographic Area Currently Serviced by Frankfort Grain Inspection, Inc. (IN), and Paris Illinois Grain Inspection (IL)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures provided in the Act. This notice announces that the designations of two official agencies will terminate, in accordance with the Act and requests applications from parties, including the agencies currently designated, who are interested in being designated as official agencies to conduct official services in the geographic areas currently serviced by each of the specified agencies. The official agencies are the Frankfort Grain Inspection, Inc., and Paris Illinois Grain Inspection.

DATE: Applications to be postmarked on or before October 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, D.C. 20250, telephone (202) 447–8525. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) and 7A(c)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, at 79(f)(1) and 79a(c)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection, official weighing, and supervision of weighing services after a determination is made that the applicant is better able than any other applicant to provide official inspection, official weighing, and supervision of weighing services in an assigned geographic area.

Frankfort Grain Inspection, Inc., R.R. #2, Frankfort, Indiana 46041, was designated as an official agency under the Act for the performance of official inspection functions on August 25, 1978; for official weighing functions on October 16, 1980. Paris Illinois Grain Inspection, 1020 North Central Avenue, Paris, Illinois 61944, was designated as an official agency under the Act for the performance of official inspection functions on August 25, 1978. Frankfort's designation for performance of both inspection and weighing functions and Paris' for inspection functions only will terminate on February 28, 1983. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Frankfort in Indiana pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Fulton County line;

Bounded: on the East by the eastern Fulton County line south to State Route

19; State Route 19 south to State Route 114; State Route 114 southeast to the eastern Fulton and Miami County lines; the northern Grant County line east to State Route 221; State Route 221 south to State Route 18; State Route 18 east to the Grant County line; the eastern and southern Grant County lines; the eastern Tipton County line; the eastern Hamilton County line south to State Route 32;

Bounded: on the South by State Route 32 west to the Boone County line; the eastern and southern Boone County lines; the southern Montgomery County line; and

Bounded: on the West by the western and northern Montgomery County lines; the western Clinton County line; the western Carroll County line north to State Route 25; State Route 25 northeast to Cass County; the western Cass and Fulton County lines.

Exceptions to the described geographic area are the following locations, all in Indiana, situated inside Frankfort's area which have been and will continue to be serviced by Titus Grain Inspection, Inc.:

1. The Andersons, Delphi, Carroll County;

2. Buckeye Feed and Supply Company, Leiters Ford, Fulton County;

3. Cargill, Inc., Linden, Montgomery County, Indiana.

The geographic area presently assigned to Paris in Illinois and Indiana pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

Bound: on the North by U.S. Route 36 east across the Illinois-Indiana State Line to the western Parke County line; the northern Parke and Putnam County lines;

Bounded: on the East by the eastern Putnam, Owen, and Greene County lines;

Bounded: on the South by the southern Greene County line; the southern Sullivan County line west to U.S. Route 41 (150); U.S. Route 41 (150) south to U.S. Route 50; U.S. Route 50 west across the Indiana-Illinois State Line to Illinois State Route 33; Illinois State Route 33 north and west to the western Crawford County line; and

Bounded: on the West by the western Crawford and Clark County lines; the western Edgar County line north to U.S. Route 36.

The following locations which are outside of the foregoing contiguous geographic area and are presently assigned to Paris, are also part of the geographic area that may be assigned to the applicant selected for designation:

1. Cargill, Inc., Dana, Vermillion County, Indiana;

2. Miller Grain Company, Newman, Douglas County, Illinois;

3. Miller Grain Company, Oakland, Coles County, Illinois.

Interested parties, including Frankfort and Paris, are hereby given opportunity to apply for designation as the official agency to perform the respective official services in each geographic area, as specified above, under the provisions of Section 7(f) and 7A(c)(1) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in each specified geographic area are for the period beginning March 1, 1983, and terminating February 28, 1986. Parties wishing to apply for these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than October 1, 1982, to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official services in the geographic areas, consideration will be given to all applications submitted and all other information available.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: August 12, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–23826 Filed 8–31–82; 8:45 am]

BILLING CODE 3410–EN–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

August 27, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447–6201.

New

• Farmers Home Administration
Coordinated Financial Statements—Peliminary Plan
On occasion
Individuals, farms
Molly T. Baldridge (202) 447–7597

• Rural Electrification Administration
Summary of Construction Completed by Line Extension Contract
REA 778, 778A
On occasion
Businesses of other institutions; 400 responses; 300 hours; not applicable under 3504(h)
John D. Soma, (202) 382–8529

• Agricultural Research Service
Fruit Germplasm Resources Inventory
SEA–185
Triennially
State or local governments and businesses or other institutions: 500 responses; 3,500 hours; not applicable under 3504(h)
Miklos Faust, (301) 344–3567

• Agricultural Research Service
Survey of College and University Faculty in the Food and Agricultural Sciences
ARS–690A, 690B, 690C
Triennially
State or local governments and businesses or other institutions: 180 responses; 1,120 hours; not applicable under 3504(h)
Jane Coulter, (202) 447–7854

Revised

• Food and Nutrition Service
7 CFR Part 215—Special Milk Program for Children—RECORDKEEPING
Daily, monthly, quarterly and annually
State or local governments and businesses or other institutions: 3,302,870 responses; 452,594 hours; not applicable under 3504(h)
Chris Lipsey, (703) 756–3600

• Food and Nutrition Service
7 CFR Part 215—Special Milk Program for Children—APPLICATIONS AND AGREEMENTS

Annually
State or local governments and businesses or other institutions: 19,757 responses; 4,449 hours; not applicable under 3504(h)
Chris Lipsey, (703) 756–3600

• Food and Nutrition Service
7 CFR Part 215—Special Milk Program for Children—REPORTING
On occasion, weekly, monthly and annually
State or local governments and businesses or other institutions: 397,194 responses; 44,131 hours; not applicable under 3504(h)
Chris Lipsey, (703) 756–3600

Extension

• Forest Service
Application for Transportation and Utility Systems and Facilities on Federal Lands
SF–299
Nonrecurring
Individuals or households, state and local governments, farms, businesses or other institutions: 2,050 responses; 8,200 hours; not applicable under 3504(h)
James M. Dear, (703) 235–2410

• Food and Nutrition Service
Report of Shipment Received Over, Short and/or Damaged
FNS–57
On occasion
State or local governments and businesses or other institutions: 3,200 responses; 800 hours; not applicable under 3504(h)
Virginia Ross, (703) 756–3644

Richard J. Schrimper,

Statistical Clearance Officer.

[FR Doc. 82–23916 Filed 8–31–82; 8:45 am]

BILLING CODE 3410–01–M

Section 22 Import Fees; Adjustment of Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to decrease by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average daily (domestic) spot price quotation for raw sugar for 10 consecutive market days within any calendar quarter is in excess of the market stabilization price by more than one cent. This notice announces such adjustment.

EFFECTIVE DATE: 12:01 AM (local time at point of entry) August 28, 1982 (See Supplementary information.)

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, (202) 447–6723.

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4940, dated May 5, 1982, headnote 4 of Part 3 of the Appendix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar, and Cocoa Exchange) expressed in the United States cents per pound, in bulk, is less than the market stabilization price. However, whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

The average of the daily spot (domestic) price quotations for raw sugar (item 956.15) for the 10 consecutive market day period August 11—August 24, inclusive, within the third calendar quarter of 1982, is 22.383 cents per pound. This is more than one cent in excess of the market stabilization price of 19.88 cents. Accordingly, the fee of 1.4193 cents per pound for item 956.15 is required to be decreased by one cent, resulting in a fee for item 956.15 of 0.4193 cents per pound and a fee for items 956.05 and 957.15 of 1.4193 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjusted fees to the Secretary of the Treasury, and file notice thereof with the Federal Register within 3 market days of such determination. This notice is therefore being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(vi) of Part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fees made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in § 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the remainder of the third calendar quarter of 1982, unless further adjusted in accordance with headnote 4(c), shall be as follows:

Item and Fee

956.05—1.4193 cents per lb.
956.15—0.4193 cents per lb.
957.15—1.4193 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iv) of headnote 4.

Signed at Washington, D.C. on August 27, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82–23954 Filed 8–27–82; 2:31 pm]

BILLING CODE 3410–01–M

CIVIL RIGHTS COMMISSION

Indiana 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 Indiana Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on September 23, 1982, at the Michigan City, City Hall, 100 East Michigan Boulevard, in the Council Chambers, Michigan City, Indiana, 46360. The purpose of this meeting is to give a report on the National State advisory Committee Chairpersons Conference held on September 13–14, 1982 in Washington, D.C., report on the status of the Committee's projects and discuss the New Federalism project.

Persons desiring additional information of planning a presentation to the Committee, should contact the Chairperson, Joseph J. Russell, 4165

Gran Haven Drive, Bloomington, Indiana, 47401, (812) 337–9632 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 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–24027 Filed 8–31–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Surveys in Manufacturing Area; Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to initiate or to continue the annual surveys listed below for the year 1982 and for each year thereafter under the authority of title 13, United States Code, sections 131, 182, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area. On the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have requested such data in the interest of business efficiency and stability.

These surveys, if conducted, shall begin not earlier than 60 days after publication of this notice in the **Federal Register.**

Most of the following commodity or product surveys provide data on shipments and/or production; some provide data on stocks, unfilled orders, ordes booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys have been arranged under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal Government statistical agencies.

Major Group 20—Food and Kindred Products

Confectionery

Major Group 22—Textile Mill Products

Broadwoven goods finished
Narrow fabrics
Yarn production
Knit fabric production

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Brassiers, girdles, and allied garments
Gloves and mittens

Major Group 24—Lumber and Wood Products, Except Furniture

Hardwood plywood
Softwood plywood
Lumber

Major Group 25—Furniture and Fixtures

Office furniture

Major Group 26—Paper and Allied Products

Selected office supplies and accessories
Pulp, paper, and board

Major Group 27—Printing, Publishing and Allied Industries

Business forms, binders, carbon paper, and inked ribbon

Major Group 28—Chemicals and Allied Products

Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals
Sulfuric acid
Paints and allied products

Major Group 29—Petroleum Refining and Related Industries

Asphalt and tar roofing and siding products

Major Group 30—Rubber and Miscellaneous Plastics Products

Rubber
Plastics products
Rubber and plastics hose and belting

Major Group 31—Leather and Leather Products

Footwear (by method of construction)

Major Group 32—Stone, Clay, and Glass

Consumer, scientific, technical, and industrial glassware
Fibrous glass

Major Group 33—Primary Metal Industries

Steel mill products
Insulated wire and cable
Magnesium mill products
Nonferrous castings

Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Selected heating equipment

Major Group 35—Machinery, Except Electrical

Internal combution engines
Tractors, except garden tractors
Farm machinery and lawn and garden equipment
Mining machinery and mineral processing equipment
Air-conditioning and refrigeration equipment, including warm air furnaces
Computers and office and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery
Anti-friction bearings
Fluid power products (including aerospace)
Coin-operated vending machines

Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrial controls
Selected electronic and associated products, including telephone and telegraph apparatus
Electric housewares and fans
Electric lighting fixtures
Major household appliances
Transformers

Major Group 37—Transportation Equipment

Aircraft propellers

Major Group 38—Professional Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks

Selected instruments and related products
Atomic energy products and services

Major Group 39—Miscellaneous Manufacturing Industries

Pen, pencils and marking devices

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

Major Group 32—Stone, Clay, and Glass

Glass containers

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

Major Group 20—Food and Kindred Products

Flour milling products

Major Group 22—Textile Mill Products

Broadwoven fabric (gray)
Consumption of wool and other fibers, and production of tops and noils
Carpet and rugs

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Sheets, pillowcases, and towels

Major Group 26—Paper and Allied Products

Converted flexible packaging products

Major Group 28—Chemicals and Allied Products

Phosphatic fertilizer materials

Major Group 30—Rubber and Miscellaneous Products

Plastics bottles

Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories
Clay construction products
Flat glass

Major Group 33—Primary Metal Industries

Nonferrous castings
Iron and steel foundries
Inventories of steel mill shapes
Inventories of brass and copper wire mill shapes

Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Plumbing fixtures
Steel shipping drums and pails
Closures for containers

Major Group 35—Machinery, Except Electrical

Construction machinery

Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts
Electric lamps

Major Group 37—Transportation Equipment

Complete aircraft and aircraft engines, except military
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts
Truck trailers

The annual survey of manufactures, which is merged with the quinquennial census of manufactures for 1982, will collect industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, and so forth. This survey, while conducted on a sample basis, will cover all manufacturing industries, including data on plants under construction but not yet in operation.

A survey of research and development (R&D) activities will be conducted. The major data to be obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

A survey of shipments to the Federal Government will be conducted to provide information on the effect of federal procurement on selected industries and geographic areas by Federal Government agencies.

The annual survey of oil and gas will canvass the industry which provides most of the fuel produced in the United States as well as a substantial portion of the hydrocarbon raw material requirements of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and values; drilling activity; and assets in the crude petroleum and natural gas industry.

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. This survey will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The annual survey of plant capacity will obtain information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferred, and practical capacity operating levels; and the reasons for operating at less than capacity. The survey will be done on a sample basis and will cover all manufacturing industries.

Copies of the proposed forms will be made available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Bureau of the Census within 60 days after the date of this publication in order to receive consideration.

Dated: August 26, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-23969 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 20-82]

Foreign-Trade Zone 70, Detroit; Application for Subzone in Wayne, Michigan

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Detroit Foreign-Trade Zone, Inc. (GDFTZ), a Michigan non-profit corporation and grantee of Foreign-Trade Zone 70, requesting authority for a special-purpose subzone at a Ford Motor Corporation auto assembly plant in Wayne, Michigan, within the Detroit Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 20, 1982. The applicant is authorized to make this proposal under Chapter 447, Act 154, Michigan Public Acts of 1963 (MSA 21.302 (1)).

On July 21, 1981, the Board authorized GDFTZ to establish a foreign-trade zone project in the Detroit area (Board Order 176, 46 FR 38941, 7-30-81). General-purpose zone facilities are located at the Clark Street Port facility in downtown Detroit and at a distribution complex in Dearborn, which is to be activated soon. GDFTZ also sponsors a subzone at Ford's tractor plant in Romeo, Michigan, and a subzone at Chrysler's Jefferson Assembly Plant in Detroit, both of which began using zone procedures during the past two months.

The applicant now proposes to establish a subzone at Ford's Wayne Assembly Plant, located at 37625 Michigan Avenue in Wayne. The 141-acre facility has recently been renovated for the assembly of the company's new front-wheel drive subcompact cars. Up to 250,000 vehicles can be produced annually from foreign and domestic components. Foreign parts include transaxles, wheels, steering gears, and radios.

Zone procedures will allow Ford to export finished autos without paying duties on foreign parts and material. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished automobiles, which is lower than the rate for many components. This will assist Ford in competing with offshore assembly plants and help to restore the Wayne Plant to full operation which could add up to 1200 jobs to the current workforce of 3800 persons.

In accordance with the Board's regulations, an examiners committee

has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Louis A. Mezzano, District Director, U.S. Customs Service, Region IX, 477 Michigan Avenue, Detroit, Michigan 48226; and Colonel Raymond T. Beurket, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 30, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Federal Building, Room 445, 231 West Lafayette Street, Detroit, Michigan 48226

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, Room 3721, Washington, D.C. 20230

Dated: August 25, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-23980 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Initiation of Antidumping Investigation; Greige Polyester/Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether greige polyester/cotton printcloth from the People's Republic of China is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of greige polyester/cotton printcloth are materially injuring, or are threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before September 20, 1982, and we will make ours on or before January 12, 1983.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Paul Nichols, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1768.

SUPPLEMENTARY INFORMATION:

Petition

On August 5, 1982 we received a petition filed by counsel on behalf of the American Textile Manufacturers Institute and certain member companies. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from the People's Republic of China of greige polyester/cotton printcloth are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

The petition further alleges that the People's Republic of China is a state-controlled economy country within the meaning of the Act. They allege that sales of greige polyester/cotton printcloth in the People's Republic of China do not permit a determination of foreign market value and that the Department of Commerce must choose a non-state-controlled economy country to be used as a surrogate for the purpose of determining the foreign market value of this product.

The petition suggests Taiwan and Korea as possible surrogate countries. However, it also alleged that sales by Taiwanese and Korean producers may be at prices below the fully allocated cost of production.

Initiation of Investigation

Under secton 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 greige polyester/cotton printcloth and have found that it meets these requirements.

Therefore, in accordance with secton 732 of the Act, we are initiating an antidumping investigation to determine whether greige polyester/cotton printcloth from the People's Republic of China is being, or is likely to be, sold in the U.S. at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by January 12, 1983.

Scope of the Investigation

The imports in question are unbleached and uncolored printcloth fabric (other than 80 x 80 type) in chief value of cotton, containing polyester, and provided for in items 326.26 through 326.40 of the *Tariff Schedules of the United States*. The appropriate statistical suffixes are 32 and 92. The term "printcloth" refers to plain-woven fabric, not napped, not fancy or figured, of signles yarn, not combed, of average yarn numbers 26 to 40, weighing not more than 6 ounces per square yard, having a total thread count of more than 85 yarns per square inch and with the total count of the warp yarns per inch and the total count of the filling yarns per inch each less than 62 percent of the total count of the warp and filling yarns per square inch.

Notificaton 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 informaton 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 20, 1982, whether there is a reasonable indication that imports of greige polyester/cotton printcloth from the People's Republic of China are materially injuring, or are threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: August 26, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-23976 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Roses and Other Cut Flowers From Colombia

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 manufacturers, producers, or exporters in Colombia of roses and other cut flowers receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will announce a preliminary determination on or before November 1, 1982.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Petition

On August 6, 1982, we received a petition from Mr. Weldon Burson of Acampo, CA; Mr. Bill Garner—Garner Farms of Ft. Myers, FL; Mr. Burton Hall of Olmsted Falls, OH; Mr. John Muller of Half Bay Moon, CA; Mr. Richard G. Hupfel—Monterey Flowers, Inc. of Stuart, FL; and Mr. Bob P. Nelson of Apopka, FL' on behalf of the U.S. industry producing roses and other cut flowers. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that the manufacturers, producers, or exporters of roses and other cut flowers in Colombia receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act").

Since Colombia is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the roses and other cut flowers are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition if 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 the allegations. We have examined the petition on roses and other cut flowers, and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Colombia of roses and other cut flowers receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by November 1, 1982.

Scope of Investigation

The merchandise covered by this investigation is roses and other cut flowers from Colombia. Roses and other cut flowers are used for decorative purposes. The imported merchandise is currently provided for in items 192.18 and 192.21 of the *Tariff Schedules of the United States.*

Allegations of Bounties or Grants

The petitioners allege that manufacturers, producers, or exporters in Colombia of roses and other cut flowers receive the following benefits that constitute bounties or grants: tax rebates upon export in the form of negotiable tax certificates under the Tax Reimbursement Certificate Program ("CAT"); preferential air freight rates under the Civil Air Navigation Authority; and an exchange rate advantage for exports of roses and other cut flowers.

Dated: August 26, 1982.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–23974 Filed 8–31–82; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Semiconductor Technical Advisory Committee was intially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: September 28, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: August 25, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82–23973 Filed 8–31–82; 8:45 am]

BILLING CODE 3510–25–M

Discrete Semiconductor Device Subcommittee, Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was intitially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continutation on October 5, 1981 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: September 27, 1982, at 9:30 a.m. The meeting wil take place at the Main Commerce Building, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: August 25, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82–23970 Filed 8–31–82; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Technical Advisory Committee; Microcircuit Subcommittee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: September 27, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: August 25, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82–23972 Filed 8–31–82; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Technical Advisory Committee; Semiconductor Manufacturing Materials and Equipment Subcommittee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: September 27, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal

Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: August 25, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-23971 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) The Reddy Company, Inc., P.O. Box 779, Montepelier, Vermont 05602, producer of diaper pins and other accessories for infants (accepted August 6, 1982); (2) Craig Byron Dress Company, Inc., 463 Seventh Avenue, New York, New York 10018, producer of women's dresses (accepted August 6, 1982); (3) Raymond Toto and Sons, P.O. Box 497, Hockessin, Delaware 19707, producer of mushrooms (accepted August 9, 1982); (4) Konstantin D. Frank and Sons, Route 2, Hammondsport, New York 14840, producer of wine (accepted August 9, 1982); (5) Transworld Dials Corporation, P.O. Box 338, Las Piedras, Puerto Rico 00671, producer of watch dials (accepted August 11, 1982); (6) George H. Fuller and Son Company, 151 Exchange Street, Pawtucket, Rhode Island 02682, producer of jewelry findings (accepted August 13, 1982); (7) A.L.U. Textile Combining Corporation, 208 Clinton Street, Hoboken, New Jersey 07030, converter of fabrics (accepted August 16, 1982); (8) Sue Brett, Inc., 1400 Broadway, New York, New York 10018, producer of women's dresses (accepted August 16, 1982); (9) J. Brod Company, Inc., 2021 Valetta Street, Philadelphia, Pennsylvania 19124, producer of women's blouses (accepted August 16, 1982); (10) Questar Electronic Design, Inc., 2210 Cemo Circle, Rancho Cordova, California 95670, producer of stereo amplifiers (accepted August 17, 1982); (11) Patio Knitting Company, Inc., P.O. Box 581, Burlington, New Jersey 08016, producer of knitted fabric (accepted August 19, 1982); (12) Romic Cycle Company, Inc., 4434 Steffani Lane, Houston, Texas 77041, producer of bicycle frames (accepted August 20, 1982); (13) Big Bud Tractors, Inc., P.O. Box 1111, Havre, Montana 59501, producer of tractors (accepted August 20, 1982); (14) Buitoni Foods Corporation, 450 Huyler Street, South Hackensack, New Jersey 07606, producer of foods (accepted August 23, 1982); (15) New City Sportswear Company, Inc., 40 Spring Street, Haverstraw, New York 10927, producer of women's knit tops (accepted August 23, 1982); (16) Willamette Door and Manufacturing, Inc., P.O. Box 13669, Salem, Oregon 97309, producer of wood cabinets and moulding (accepted August 23, 1982); (17) Valtex Industries, Inc., 171 Madison Avenue, New York, New York 10016, producer of women's brassieres (accepted August 23, 1982); (18) Cherokee Shoe Company, Inc., 13151 S. Western Avenue, Gardena, California 90249, producer of men's, women's and children's footwear and handbags (accepted August 23, 1982); (19) Speicher Corporation, P.O. Box 338, Celina, Ohio 45822, producer of farm machinery (accepted August 24, 1982); (20) Spring Creek Forest Products, Inc., P.O. Box 1137, Kalispell, Montana 59901, producer of softwood lumber and railroad ties (accepted August 24, 1982); (21) Dael's Casuals, Inc., 423 Kamakee Street, Honolulu, Hawaii 96814, producer of men's and women's shirts, shorts, skirts and dresses (accepted August 24, 1982); (22) Hickory Valley Originals, 911 Bryant Place, Ojai, California 93023, producer of feather hat bands and other accessories and giftware (accepted August 24, 1982); (23) Polson Stove Shop, Inc., P.O. Box 1506, Polson, Montana 59860, producer of stoves, distillation equipment and gates (accepted August 24, 1982); (24) Bates Manufacturing Company, Newburgh Road, Hackettstown, New Jersey 07840, producer of staplers and other office supplies (accepted August 24, 1982); and (25) Leadtec California, Inc., 836 Arroyo Avenue, San Fernando, California 91340, producer of men's and women's pants (accepted August 25, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-23975 Filed 8-31-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; New Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of two new systems of records.

SUMMARY: The Air Force proposes to establish two new systems of records subject to the Privacy Act of 1974. The system notice for each new system of records is published below.

DATES: These systems shall be effective as proposed without further notice on October 1, 1982, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments including written data, views or arguments concerning the proposed systems should be addressed to the system manager identified in each notice.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Updike, HQ USAF/DAAD, Room 4A1088I, the Pentagon, Washington DC 20330, telephone 202/694–3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices inventory subject to the Privacy Act of

1974 (5 U.S.C. 552a) Pub. L. 93–579 have been published to date in the Federal Register at:

FR Doc. 81–897 (46 FR 6443) January 21, 1981
FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–2886 (47 FR 5285) February 4, 1982
FR Doc. 82–4481 (47 FR 7478) February 19, 1982
FR Doc. 82–9386 (47 FR 14936) April 7, 1982
FR Doc. 82–14839 (47 FR 23968) June 2, 1982

The Department of the Air Force has submitted a new system report on July 26, 1982 under the provisions of 5 U.S.C. 552a(o) for both of the new systems.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 27, 1982.

FO35 ATC A

SYSTEM NAME:

Officer Training School Resource Management System—School Staff (OTSTRMS –SS).

SYSTEM LOCATION:

Officer Training School (OTS), Lackland AFB, TX 78236.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to the school staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Permanent party records contain name, SSN, date of birth, sex, marital status, number of dependents; local address and phone; duty section and phone, date assigned to OTS, date assigned current position, other positions held at OTS and the dates, date available for reassignment, extension indicator; college degrees, colleges attended, graduation dates, majors, currently enrolled indicator; instructor evaluations; AFSC data, pending assignment indicator, date due to depart, flight commander history showing number of flights and class numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 907—Schools and Camps as implemented by Air Force Regulation 53–27, Officer Training School USAF (TS) and Air Training Command Regulation 53–3, Administration of the Officer Training School Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Data in records is used by the OTS Commander, and his staff as he directs, to monitor instructor performance, identify trends, isolate problems, and improve the quality of instruction and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETRAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, disk units, and computer printouts.

RETRIEVABILITY:

Data on an individual is retrieved by use of the SSN.

SAFEGUARDS:

Data may only be retrieved by use of a user code for access to the terminal and a password for access to a specific record. Printed output is only distributed to authorized users. Main computer and locked history files container are in a room that has controlled access and is locked when unoccupied. Terminal keyboards have a security mechanism to preclude unauthorized use.

RETENTION AND DISPOSAL:

Permanent party individual records are destroyed upon reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Officer Training School, Lackland AFB, TX 78236.

NOTIFICATION PROCEDURE:

Request for information should be addressed to the system manager, and must contain name and address.

RECORD ACCESS PROCEDURES:

Same as procedures for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations, by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, personnel specialists and members of the registrar's office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO50 ATC A

SYSTEM NAME:

Officer Training School Resource Management System—Officer Trainees (OTSTRMS–OT)

SYSTEM LOCATION:

Officer Training School (OTS), Lackland AFB, TX 78236.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer Trainees (OTs) while attending OTS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Trainee record showing name, SSN; demographic data such as date of birth, race, sex, marital status, ethnic group; educational data such as college degree, major institution, and year awarded; OTS selection data such as recruiting detachment and AFOQT scores; performance data such as test scores, measurement evaluation, merits and demerits earned, absences from class, involvement in remedial programs; health data to include height, weight aerobic program requirements and performance; injuries that require waivers to training or delay of commissioning; student disposition indicators showing in-training, eliminated, recycled, heldover or graduated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 907—Schools and Camps as implemented by Air Force Regulation 53–27, Officer Training School USAF (OTS) and Air Training Command Regulation 53–3, Administration of the Officer Training School Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To track attrition to the OTS program by cause and type comparing that against demographic and performance data of the individual, and to monitor the progress of an individual toward completion of the program. Records may be grouped by class, squadron, flight, a demographic or performance factor in the accomplishment of evaluations of the program or the individual in relation to cohorts. Studies, analyses, and evaluations that use these records are intended to improve the quality of the training program, and develop a more accurate profile of those individuals who can be expected to accomplish the OTS program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, disk units, and computer printouts.

RETRIEVABILITY:

Data on an individual is retrieved by use of the SSN.

SAFEGUARDS:

Data may only be retrieved by use of a user code for access to the terminal and a password for access to a specific record. Printed output is only distributed to authorized users. Main computer and

locked history files container are in a room that has controlled access and is locked when unoccupied. Terminal keyboards have a security mechanism to preclude unauthorized use.

RETENTION AND DISPOSAL:

Officer Trainee records are kept in a history file for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Officer Training School, Lackland AFB, TX 78236.

NOTIFICATION PROCEDURE:

Request for information should be addressed to the system manager, and must contain name and address.

RECORD ACCESS PROCEDURES:

Same as procedures for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations, by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, flight commanders, OTS instructors, personnel specialists and members of the registrar's office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-23953 Filed 8-31-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

To Prepare Environmental Impact Statement, Washington

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Preparation of a draft environmental impact statement (EIS) for proposed construction of a small boat harbor at the diked Sea Pond on the Lummi Reservation, Whatcom County, near Bellingham, Washington.

SUMMARY: 1. *Description of Action.* The proposed action is to construct a small boat harbor in the northwest corner of the Sea Pond with navigation channel access construction in a natural river course located in the Lummi Bay tideflats. The Lummi Indian Tribe is the project local sponsor and will be responsible for construction of harbor facilities and morrage area dredging. The Corps of Engineers will be responsible for dredging of the acess channels from deep water into the marina and for construction of breakwaters as necessary.

2. *Alternatives.* Alternatives considered reasonable consist of no action, alternatives harbor locations, and alternate harbor and channel designs.

a. *No Action.* The no-action alternative would mean no project assistance by the Corps of Engineers. The responsibility for constructing the marina and channel would then be entirely with the local sponsor.

b. *Alternate Harbor Locations.* Several harbor locations were considered by the local sponsor. Based on preliminary tribal market feasibility studies, environmental elements, and land ownerships the diked Sea Pond was the site selected for detailed evaluation.

c. *Alternate Harbor and Navigation Channel Designs.* The current design proposed by the Lummi Indian Tribe consists of locating the marina in the northwest corner of the Sea Pond, closing an existing tide gate, and constructing a culvert extending between the harbor and the modified Sea Pond. Navigation channel design and location will depend on such factors as harbor entrance location, the existing natural channel location, presence of eelgrass, and soil type.

4. *Public Involvement.* The scoping process includes coordination with Federal, state, and local agencies as well as interested individuals and organizations.

5. *Significant Issues.* Major environmental concerns to be analyzed in the study include loss of fish and wildlife habitat, water quality, water circulation, disposal of dredged material, various land use changes, and potential effects of the projects on biota such as salmon, herring, flatfish, crabs, and waterfowl. The Lummi Indian Tribe and the Crops of Engineers will evaluate these concerns for presentation in the draft EIS.

6. *Draft EIS Availability.* The draft EIS for the proposed small harbor project is scheduled to be available for review in the fall of 1983.

ADDRESS: Questions and/or comments on this proposed action and draft EIS should be directed to: Ms. Gail Arnold, Environmental Resources Section, U.S. Army Corps of Engineers, Post Office Box C-3755, Seattle, Washington 98124, ATTN: NPSEN-PL-ER, Telephone: (206) 764-3624 (FTS 399-3624).

DATE: August 23, 1982.

Norman C. Hintz,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-23923 Filed 8-31-82; 8:45 am]

BILLING CODE 3710-ER-M

Military Traffic Management Command

Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 23 September 1982 at the Headquarters Military Traffic Management Command, 5611 Columbia Pike, Room 714, Falls Church, Virginia, and will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to the movement and/or household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1600 hours. Topics to be discussed should be received on or before 9 September 1982.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 82-23920 Filed 8-31-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Privacy Act of 1974; Systems of Records Amendments

AGENCY: Uniformed Services University of the Health Sciences (USUHS), DOD.

ACTION: Amendments to notices of systems of records.

SUMMARY: This notice makes several minor administrative amendments to four systems of records maintained by the Uniformed Services University of the Health Sciences (USUHS). The changes to the four systems are set forth below; followed by the system notices as amended in their entireties.

DATES: These amendments shall become effective on September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, The Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Uniformed Services University of the

Health Sciences (USUHS) system notices for system of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 *et seq.)* have been published in the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–3758 (47 FR 6462) February 12, 1982
FR Doc. 82–21537 (47 FR 34441) August 9, 1982

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 27, 1982.

WUSU01

System name:

Uniformed Services University of the Health Sciences (USUHS) Personnel Files.

Changes:

System location:

In line one, insert "Civilian" before Personnel/Manpower.

In line four, insert "Civilian" before Personnel/Manpower.

In line six, after period, insert:

"Limited h-rdcopy information files are maintained at the USUHS military personnel office."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In line three, insert "Civilian" before Personnel/Manpower.

Retrievability:

In line three, insert "Civilian" before Personnel/Manpower.

Safeguards:

Third paragraph, line one, insert "Civilian" before Personnel/Manpower.

WUSU02

System name:

Uniformed Services University of the Health Sciences (USUHS) Payroll System.

Changes:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

In line one, insert "Civilian" before Personnel/Manpower.

System manager(s) and address:

In line two, insert "Civilian" before Personnel/Manpower.

In line three, remove 202/295–2180; insert "202/295–3379."

Notification procedures:

In line one, insert "Civilian" before Personnel/Manpower.

WUSU03

System name:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

Changes:

Notification procedures:

Remove the entry under this heading, and insert:

"Information may be obtained from: Registrar, USUHS, Bethesda, Maryland 20014, Telephone: 202/295–3197".

WUSU04

System name:

Uniformed Services University of the Health Sciences (USUHS) Applicant Record System.

Changes:

Notification procedures:

Last line, remove 202/295–2125; insert "202/295–3101."

WUSU01

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Personnel Files.

SYSTEM LOCATION:

A central personnel record file will be maintained at the USUHS Civilian Personnel/Manpower Directorate, 4301 Jones Bridge Road, Bethesda, MD. 20014. Copies of 171's and curriculum vitae's of applicants and employees will be maintained in the Civilian Personnel/Manpower Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. Limited hardcopy information files are maintained at the USUHS military personnel office. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base (AFB), Washington, D.C. 20332; for military personnel assigned to USUHS; at Walter Reed Army Medical Center (WRAMC) military personnel office, National Naval Medical Center (NNMC) military personnel office, Andrews Air Force Base (AFB) personnel office and at Public Health Service (PHS) personnel office, Parklawn Bldg., Rockville, MD 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Commandant's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all personnel assigned to USUHS full-time and part-time.

CATEGORIES OF RECORDS IN THE SYSTEM:

The type of information which will be maintained on employees is as follows: Identity and demographic information (e.g., Social Security Number (SSN), name, sex, address, birth date, minority status, etc.). Academic and experience background data consisting of: (1) Schools attended; (2) Degrees earned; (3) Work experience, awards, etc.; (4) Letters of reference, performance evaluations, etc.; (5) Time and attendance cards; and (6) Biographical data file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

The System will be used for documenting the work experience of applicants and USUHS personnel and for notification of key personnel in case of emergency during nonworking hours. Biographical data file will be used for providing background information on USUHS students to lecturers.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Material stored in file folders at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Civilian Personnel/Manpower Directorate, Bethesda, MD 20014.

RETRIEVABILITY:

The system will be indexed by name and Social Security (SSN). Also, any combination of data in the file can be used to select individual data. Only Civilian Personnel/Manpower Directorate personnel will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file. Records will be available to: the individual concerned; employees of USUHS on a need-to-know basis; other agencies of the Government to satisfy requests for routine reports.

SAFEGUARDS:

The files will be maintained in securable file cabinets located in a limited access area at the University. The computer hardware, disks, tapes and other materials are secured in locked cabinets in a controlled and guarded area. Access is via controlled dial-in and is password controlled.

Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by USUHS Civilian Personnel/Manpower Directorate personnel and only those personnel will be given the password and user identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Indefinite files that are retained while the individual is employed and then retired.

SYSTEM MANAGER(S) AND ADDRESS:

The personnel office of the University will be custodian of this file (business address: 4301 Jones Bridge Road, Bethesda, Maryland 20014). Telephone: 202/295–3080.

NOTIFICATION PROCEDURE:

Inquiries regarding the personnel files should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Information on the procedures for gaining access to and contesting records will be furnished each employee by the Personnel Office upon entry into duty with USUHS.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information contained in the file is furnished by the employees, supervisors and references supplied by the employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSUO2

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Payroll System.

SYSTEM LOCATION:

Central files are maintained at Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch. Satellite file maintained at USUHS Administrative Offices at 4301 Jones Bridge Road, Bethesda, Maryland 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel paid by the USUHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the system includes: Name, SSAN, Pay Grade, Number of Withholding Exemptions, Gross and Net Pay, Other Earnings and Leave Information (including Time and Attendance Records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

The system will produce data for budget purposes and as backup information for audits.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information will be stored as computer printout.

RETRIEVABILITY:

The system will be indexed by name.

SAFEGUARDS:

The information will be available for personnel in the Civilian Personnel/Manpower Directorate of the USUHS or other personnel who have a demonstrated need to know, e.g., auditors, Congress, etc. The material will be stored in metal file containers.

RETENTION AND DISPOSAL:

The records will be maintained for one year and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

The responsible official in the USUHS for the Civilian Pay System is the Director of Civilian Personnel/Manpower, 4301 Jones Bridge Road, Bethesda, Maryland 20014. Telephone: 202/295–3379.

NOTIFICATION PROCEDURE:

Any inquiries should be directed to the Civilian Personnel/Manpower Directorate at the above address.

RECORD ACCESS PROCEDURES:

Information may be accessed in person at the above address. Requests for change to the information must be made in writing at the above address.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Computerized pay records from Bolling Air Force Base Accounting and Finance Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSU03

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

SYSTEM LOCATION:

The file will be maintained in the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Supplemental files consisting of student evaluation forms, grades, and course examinations pertaining to their Department will be maintained in each department by department chairmen, as well as in the Registrar's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all students who matriculate to the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/achievement; transcripts summarizing by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the Applicant File System, which includes records containing personal data e.g., name, rank, Social Security Number (SSN), undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work and other information as furnished by non-Government agencies such as the American Medical College Admission Service which certifies all information prior to being submitted to the University.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–426, Ch. 104, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES SUCH USES:

Internal users, uses, and purposes:

The system will be used for: recording internships, residencies, types of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the Health Sciences for official use only purposes; and providing data to the respective Surgeon General when a specific and authorized need requires it.

External users, uses, and purposes:

Academic data may be provided to other educational institutions upon the written request of a student.

For other external uses, see Uniformed Services University of the Health Sciences (USUHS) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at USUHA, supported by automated copies of subsets of each student's folder, which are maintained on magnetic tape and disk at the Air Force Data Services Center in the Pentagon, Washington, D.C.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number (SSN). Also any combination of data in the file can be used to select individual records. Only personnel in the Office of the Registrar will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file.

SAFEGUARDS:

A. Current hardcopy records, prior to processing for computer storage are retained in a safe located in a limited access area at the University. The initial source of automated data on each student is transferred directly from the admission system, WUSU04, when each new class is admitted. Only data for enrolled students is transferred. Teaching facility, instructor, course, and grade information are entered by Registrar personnel as they are received. Transcripts, Course Rosters, and Grade reports are produced at the terminal upon request by the Registrar's personnel. Approved special requests for data can be supported by ad hoc inquiry. Any combinations of data can be used to select individual records for special processing.

b. The computer facility is operated by the Air Force Data Services Center, the Pentagon, Washington, D.C. The computer hardware, disks, tapes and other materials are secured in an alarmed controlled and guarded area. Access is via access list, escort, or controlled dial-in to the the unclassified computers, located in the center. Dial-in access for all system users is password controlled.

c. All access to AFDSC computers is via user identification and sign-on password, whether from a hardwired terminal or dial-in terminal. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed semiannually, or upon the departure of any person knowing the password.

d. Hardcopy files are stored at the University, and computer files are stored on magnetic tape and disk at the Air Force Data Services Center in the Pentagon, Washington, D.C. the remote terminal retains no data.

e. The automated system is operated by Data Base Management System. In addition to the sign on password, this system allows a user to access only those specific files authorized that user. Only Registrar personnel will be given the password and identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Records will be maintained permanently.

SYSTEM MANGER(S) AND ADDRESS:

The Registrar, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

NOTIFICATION PROCEDURE:

Information may be obtained from: USUHS, Registrar's Office, 4301 Jones Bridge Road, Bethesda, Maryland 20014, Telephone: 202–295–3197.

RECORD ACCESS PROCEDURES:

Requests to review individual student's records may be made by telephone or visit to the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Written requests should include name, Social Security Number (SSN) and dates attended.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned for contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is furnished by instructor personnel; the individual concerned; the National Board of Medical Examiners; and the Applicant File system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

WUSU04

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Applicant Record System.

SYSTEM LOCATION:

A central applicant record file will be maintained at the USUHS, Admission Office, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

A supplemental file consisting of summary data on each applicant to be derived from data collected in the central file, will be stored on magnetic tape and maintained at the Pentagon Computer Center, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all individuals applying for admission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identity and demographic information (e.g., SSAN, name, sex, minority status, address, birth date, citizenship, etc.); Academic and aptitudinal background data consisting of: (1) School attended, (2) Degree earned, (3) GPA for college and graduate work, (4) Course hours completed in college and graduate school, (5) Medical College Admission Test scores and percentages; information regarding work experience, socioeconomic background hobbies, extracurricular involvements in college, community/service activities, honors and awards achieved, and professional and/or societal contributions; Letters of reference; biographies; personal statements (autobiographical in nature); service preference statement; interview evaluation; test results and personality inventory scores on instruments used to assess noncognitive potential and aptitude; official college transcripts and health data. Unsolicited information provided by applicants will also normally be retrained when such information pertains to the matters described above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–426, Ch. 104, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes.

The system will be used for selecting students to USUHS, and conducting studies of the selection process.

External users, uses and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic tape.

RETRIEVABILITY:

The central file will be indexed by name. The computer file will be sequenced by SSAN, with data retrievable by any single or combination of variables stored, e.g., sex, minority status, ranking by academic performance, ranking by test achievement, state of residence, college attended, etc.

SAFEGUARDS:

All material will be maintained in metal rotary files in a securable office; the satellite file on disks, securable stored at the Pentagon Computer Center.

RETENTION AND DISPOSAL:

Records of applicants who matriculate to the school will be converted to students records and maintained permanently. Records of applicants who do not matriculate will be retained for five years and then destroyed by burning. Portions of the record may be retained on magnetic tape for longer periods.

SYSTEM MANAGER(S) AND ADDRESS:

The USUHS officer who will be responsible for the Applicant Record System is the Assistant Dean for Academic Support (business address: 4301 Jones Bridge Road, Bethesda, Maryland 20014).

NOTIFICATION PROCEDURE:

Inquiries regarding the system should be directed to the Assistant Dean for Academic Support, 4301 Jones Bridge Road, Bethesda, Marylnad 20014). Telephone: 202–295–3101.

RECORD ACCESS PROCEDURE:

Requests for access for an individual's file should be made by either writing or calling the Assistant Dean for Academic Support.

For written requests the information should contain the full name of the individual, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

The bulk of the information in the system will be furnished by the applicants. It will be either prepared by them personally, or submitted by other individuals/agencies in their behalf at their (the applicants') specific request. The remaining elements of the system, the data not furnished by the applicants, will consist of evaluative records prepared and developed by admissions personnel based on interviews, school administered tests, and analyses of applicant records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–23956 Filed 8–31–82; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Women's Educational Programs, and its Executive, Civil Rights, Federal Policies, Practices, and Programs, and WEEA Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: September 19, 1982, 7:00 p.m. to 9:30 p.m.; September 20, 1982, 9:00 a.m. to 5:00 p.m. and September 21, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESS: The meetings will be held at the Hampshire Hotel, 1310 New Hampshire Avenue, NW., Washington, D.C. and also in the Council offices at 1832 M Street, NW., Suite 821, Washington, D.C. See below for exact locations and times of meetings.

FOR FURTHER INFORMATION CONTACT: Kathleen Dauito, Administrative Officer, National Advisory Council on Women's educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C., 20036, (202) 653–5846.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95–561. The Council is mandated to (a) advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate

information concerning the activities of the Council.

The meeting of the Executive Committee will take place on September 19, 1982, from 7:00 p.m. to 9:30 p.m., at the Hampshire Hotel, 1310 New Hampshire Avenue, NW., Washington, D.C. The agenda will include the appointment of a Secretary for the Executive Committee; report of the Executive Director; and discussion of goals, budget, and old and new business.

The meetings of the Civil Rights Committee, the Federal Policies, Practices, and Programs Committee, and the WEEA Program Committee will take place on September 20, 1982 from 9:00 a.m., to 12:00 p.m. at the Council offices at 1832 M Street, NW., Suite 821, Washington, D.C. and on September 21, 1982 from 9:00 a.m. to 11:00 a.m. at the Hampshire Hotel, 1310 New Hampshire Avenue, NW., Washington, D.C.

The agenda of the Civil Rights Committee will include a review of the Committee's Statement of Purpose; a review of prior Committee projects; and a discussion of future committee projects and budget.

The agenda for the Federal Policies, Practices, and Programs Committee will include a review of past procedures; review of the budget and time limitations; discussion of goals and objectives; and plans for future action.

The agenda for the WEEA Program Committee will include the election of Vice Chair; a review of the Committee's function, program, and budget; a review of prior business and pending projects; and plans for future activities.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 1:30 p.m. to 5:00 p.m. on September 20, 1982 and from 11:00 a.m. to 12:00 p.m. and 1:30 p.m. to 5:00 p.m. on September 21, 1982 at the Hampshire Hotel's Hickory Room at 1310 New Hampshire Avenue, NW., Washington, D.C., The agenda of the first day includes reports of the Executive Committee and Executive Director; a report on the statistical analysis of Council activities and the WEEA program; discussion and formulation of the Council budget; and review of in-house administrative procedures. The agenda for the second day includes a guest who will speak on the role of the volunteer; standing committee reports; old and new business; discussion of visitations to WEEA Demonstration Sites and Publishing Center; and planning of future goals and for future meetings.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C., 20036.

Signed at Washington, D.C. on August 27, 1982.

Martine G. Brizius,

Acting Executive Director.

[FR Doc. 82-24038 Filed 8-31-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Designation of Los Alamos Laboratory Site as Off-Limits Area; Corrections

AGENCY: Department of Energy.

ACTION: Corrections.

This document corrects errors that appeared in FR Doc. 81-31078 published in the **Federal Register** on Tuesday, October 27, 1981, pages 52411-52413 (46 FR 52411-52413). The following corrections should be made:

(1) On page 52411 (46 FR 52411), second column, second complete paragraph, delete the last sentence in its entirety and substitute the following sentence: "Pending any review of the decision of the Court, DOE in deference to the Court, has published the designation of the Los Alamos National Laboratory Site as an Off-Limits Area in accordance with the procedural requirements of 5 U.S.C. 551, et seq., and 42 U.S.C. 7191 et seq."

(2) On pages 52412 (46 FR 52412), first column, second complete paragraph, ninteenth line, insert the word "line" between the words "right-of-way" and "of."

(3) On page 52412 (46 FR 52412), first column, fourth complete paragraph, twenty-fourth line the figure "5988" should be corrected to read "5986."

(4) On page 52412 (46 FR 52412), first column, fourth complete paragraph, twenty-fifth line, the year "1968" should be corrected to read "1966."

(5) On page 52412 (46 FR 52412), first column, fourth complete paragraph, next to the last line, the word "East should be inserted between the words "of" and "Jemez."

(6) On page 52412 (46 FR 52412), second column, second complete paragraph, eleventh line, the word "northeasterly" should be corrected to read "northeasterly."

(7) On page 52412 (46 FR 52412), third column, third complete paragraph, third line, change the figure "0" following Latitude 106° 16'1" to a parenthesis.

(8) On page 52413 (46 FR 52413), first column, seventh listing under the heading "Structure or other facility," correct the words "Western pump plant" to read "Western steam plant."

(9) On page 52413 (46 FR 52413) first column, under the heading "New Mexico Principal meridian, township and range," correct "19N., 5E." to read "19N., 6E." for the "Tech Area Gas metering station (TA-0-192)."

(10) On page 52413 (46 FR 52413), first column, the third listing from the bottom, under the heading "Structure or other facility," correct the words "Trailer Court meeting station" to read "Trailer Court metering station."

(11) On page 52413 (46 52413), first column, last listing under the heading "Structure or other facility", correct the words "DOE Building sewage" to read "DOE Building sewage lift station."

Dated in Washington, D.C., this 19th day of August 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

FR Doc. 82-23909 Filed 8-31-82; 8:45 am]

BILLING CODE 6450-01-M

San Francisco Operations Office; Trespassing on DOE Property

AGENCY: Department of Energy.

ACTION: Designation of San Francisco Operations Office as Off-Limits Area.

SUMMARY: The Department of Energy hereby designates the San Francisco Operations Office an Off-Limits Area in accordance with 10 CFR Part 860, making it a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the San Francisco Operations Office. If unauthorized entry into or upon the site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT: William Luck, (202) 252-6975.

Notice

Pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that the San Francisco

Operations Office is designated an Off-Limits Area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the San Francisco Operations Office of the Department of Energy. The San Francisco Office consists of the following specifically described areas in the structure commonly known as the Wells Fargo Building, located at 1333 Broadway, Oakland, in Alameda County, State of California.

Basement level: 3,378 net usable square feet of space located in the north corner of the Basement Level of the Wells Fargo Building. The basement corner is bounded by chain link fence with a U.S.D.O.E. sign affixed to the entrance gate.

2nd Floor: 2,354 net usable square feet of space located in the east corner of the second floor of the Wells Fargo Building. The floor corner is bounded by interior walls with U.S.D.O.E. signed affixed to entrance doors to rooms numbers 240 and 240A.

5th Floor: 19,688 net usable square feet of space encompassing the entire fifth floor of the Wells Fargo Building.

6th Floor: 19,688 net usable square feet of space encompassing the entire sixth floor of the Wells Fargo Building.

7th Floor: 12,122 net usable square feet of space located in the southeast side of the seventh floor of the Wells Fargo Building. The side of the floor is bounded by interior walls with a U.S.D.O.E. sign affixed to the entrance door to room number 750.

Notice stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and penalties of 10 CFR 860.5 will be posted at all entrances of said areas and at intervals along its perimeters as provided in 10 CFR 860.6.

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

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-23912 Filed 8-31-82; 8:45 am]

BILLING CODE 6450-01-M

Savannah River Plant Site; Trespassing on DOE Property

AGENCY: Energy Department.

ACTION: Amendment of Legal Description of Savannah River Plant Site.

SUPPLEMENTARY INFORMATION: The amended Notice concerning unauthorized entry into and upon the Savannah River Plant Site dated November 21, 1975, appearing at pages 56716-56718 of the **Federal Register** of December 4, 1975 (40 FR 56716-56718, FR Doc. 75-32541), is hereby further amended to redefine and correct a surveying error in the legal description of that portion of the western boundary alongside SRP Road 1, beginning at concrete monument SRO 23 near SRP Road A and ending at a point in the centerline of SRP Road 2 near its intersection with SRP Road 1.

In the second paragraph of the legal description in said notice after the reference to concrete monument SRO 23, there is deleted beginning with the line "thence S. 60° 11' E., 2,190.62 feet to a point on SRP Road A" through the line "thence S. 52° 31' E., 259.73 feet to a point in the centerline of SRP Road 2" and the following is substituted therefore:

"Thence S. 60° 11' 20" E., 2,201.34 feet to a point on SRP Road A; thence N. 46° 40' 05" E. 64.52 feet to a fence corner; thence N. 46° 40' 05" E. 1,669.85 feet to a fence corner; thence S. 89° 52' 50" E., 7,102.52 feet to a fence corner; thence N. 77° 59' 40" E., 1,158.50 feet to a fence corner; thence S. 89° 57' 40" E., 340.54 feet to a fence corner; thence N. 78° 05' 00" E., 157.51 feet to a concrete monument; thence N. 89° 59' 05" E., 3,456.42 feet to a concrete monument; thence with a curve to the left with a radius of 2,892.43 feet and chord of N. 82° 08' 30" E., 789.37 feet, and arc length of 79.185 feet to a concrete monument; thence N. 74° 17' 55" E., 2,445.73 feet to a concrete monument; thence N. 83° 07' 40" E., 211.87 feet to a fence corner; thence N. 74° 17' 30" E., 6,400.95 feet to a fence corner; thence N. 85° 20' 55" E., 371.72 feet to a fence corner; thence S. 84° 34' 35" E., 191.41 feet to a fence corner; thence S. 81° 40' 15" E., 4,581.93 feet to a fence corner; thence S. 85° 06' 35" E., 958.46 feet to a fence corner; thence S. 86° 42' 55" E., 1,959.00 feet to a fence corner; thence N. 88° 00' 15" E., 516.15 feet to a fence corner; thence N. 85° 28' 10" E., 2,300.59 feet to a fence corner; thence N. 84° 35' 50" E., 600.26 feet to a fence corner; thence S. 82° 55' 55" E., 403.94 feet to a fence corner; thence S. 70° 15' 05" E., 286.49 feet to a fence corner; thence S. 17° 18' 20" W., 1,829.79 feet to a fence corner; thence S. 52° 33' 25" E., 259.34 feet to a point in the centerline of SRP Road 2;"

Except as amended herein, all other provisions on the Notice of November 21, 1975, remain in full force and effect.

Dated in Washington, D.C. this 19th day of August, 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-23910 Filed 8-31-82; 8:45 am]

BILLING CODE 6450-01-M

Waste Isolation Pilot Plant; Trespassing on DOE Property

AGENCY: Energy Department.

ACTION: Designation of Waste Isolation Pilot Plant as Off-Limits Area.

SUMMARY: The Department of Energy hereby designates part of the Waste Isolation Pilot Plant (WIPP) site near Carlsbad, New Mexico, an Off-Limits Area in accordance with 10 CFR Part 860, making it a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon that part of the WIPP site. If unauthorized entry into or upon the site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT: William Luck, (202) 252-6975.

NOTICE: Pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (47 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that part of the WIPP Site is designated an Off-Limits Area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon that part of the WIPP site in Eddy County, New Mexico, which was reserved for the exclusive use of the Department of Energy by the public land order issued by the Secretary of Interior on March 30, 1982 (47 FR 13340), as more particularly described as follows:

Township 22 South, Range 31 East: SE-¼SE-¼ of Section 20; SW-¼SW-¼ of Section 21; NW-¼NW-¼ of Section 28; and NE-¼NE-¼ of Section 29.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and penalties of 10 CFR 860.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 860.6.

Dated this 19th day of August 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-23911 Filed 8-31-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4153-001]

City of Bedford, et al.; Surrender of Preliminary Permit

August 30, 1982.

Take notice that the City of Bedford, et al. (City) Permittee for the proposed Fishtrap Project No. 4153 has requested that its preliminary permit be terminated. The preliminary permit was issued on December 31, 1981, and would have expired on December 1, 1983. The proposed project would have utilized an existing U.S. Army Corps of Engineers dam on the Levisa Fork of the Big Sandy River in Pike County, Kentucky. City indicates that the project would not appear to be an economic source of energy and lacks public support.

City filed its request on August 6, 1982, and the surrender of its permit for Project No. 4153 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24045 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6422-000]

Harley D. Brown; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 27, 1982.

Take notice that on June 14, 1982, Harley D. Brown (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. 6422 would be located on Gorton and Grays Creeks near Cascade Locks in Hood River County, Oregon. Correspondence with the Applicant should be directed to: Mr. Harley D. Brown, 2726 S.E. 87th Avenue, Portland, Oregon 97266.

Project Description—The proposed Wyeth Hydroelectric Project would consist of: (1) Two intake structures; (2) two penstocks each about 5,000 feet long; (3) a powerhouse to contain a Pelton-type, turbine-generating unit with a rated capacity of 1,000 kW; and (4) a 0.5-mile-long, 115-kV transmission line to connect to an existing Bonneville Power Administration line. The project would produce 2.7 million kWhs annually.

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 Oregon Department of Fish and Wildlife 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 mut submit to the Commission, on or before October 18, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Eenrgy 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. 82-24042 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6523-000]

Campbell Development, Inc.; Application for Preliminary Permit

August 27, 1982.

Take notice that Campbell Development, Inc. (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. 6523 to be known as the North Lone Pine Project located on the North Lone Pine Creek in Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Fischer, Brown, Huddleson and Gunn, P.O. Box Drawer J, Ft. Collins, Colorado 80522, Steven B. Ray, Esq.

Project Description—The proposed project would consist of: (1) A new 180-foot-high earthfill dam structure; (2) a proposed reservoir with a surface elevation of 7,820 feet msl with an estimated storage of 7,000 acre-feet; (3) 4,000 feet of 15-inch black steel pipeline; (4) a new powerhouse containing one

generating unit with a rated capacity of 87 kW; (5) existing transmission lines; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 300,000 kWh. The most likely market for the energy derived at the proposed project would be the Poudre Valley Rural Electric Association. The lands affected by the proposed project are U.S. Government lands managed by the Department of Agriculture, U.S. Forest Service.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $60,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 8, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 C.F.R. § 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 Fed. Reg. 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 8, 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 C.F.R. § 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 January 8, 1983.

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. 385.211 or 385.214. 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 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. 82–24043 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6450–000]

Cogeneration, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 27, 1982.

Take notice that on June 18, 1982, Cogeneration, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6450) would be located on Rock Creek in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Mr. John J. Straubhar, President, P.O. Box 768, Borah Station, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) a 6-foot-high, 50-foot-long diversion structure; (2) a 3,500-foot-long concrete flume; (3) a 72-inch-diameter, 1,800-foot-long penstock; (4) a powerhouse containing four generating units with a combined rated capacity of 2,542 kW; and (5) appurtenant facilities.

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 Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 18, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 385.211 or 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 82-24044 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-445-000]

Columbia Gas Transmission Corp.; Application

August 27, 1982.

Take notice that on July 28, 1982, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325-1273, filed in Docket No. CP82-445-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the addition of new points of delivery for existing wholesale customers and the construction and operation of 35 interconnecting tap facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 35 interconnecting tap facilities to provide additional points of delivery to the following customers:

Columbia Gas of Maryland, Inc., 1 tap for residential service, 1 tap for commercial service, Estimated annual usage of 1,210 Mcf

Columbia Gas of Ohio, Inc., 14 taps for residential service, 1 tap for commercial service, 1 tap for combined residential and commercial service, 1 tap for industrial service, Estimated annual usage of 24,569 Mcf

Columbia Gas of Pennsylvania, Inc., 4 taps for residential service, 1 tap for commercial service, Estimated annual usage of 860 Mcf

Columbia Gas of West Virginia, Inc., 8 taps for residential service, Estimated annual usage of 1,200 Mcf

Columbia Gas of Virginia, Inc., 1 tap for residential service, 1 tap for commercial service, Estimated annual usage of 330 Mcf

Baltimore Gas & Electric Company, 1 tap for residential service, Estimated annual usage of 125 Mcf

The total cost of the interconnections proposed herein is estimated at $20,300 to be financed through internally generated funds.

It is stated that the additional volumes of gas to be provided through the new points of delivery are within Applicant's currently authorized level of sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 385.211 or .214) 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. 82-23983 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6414-000]

Douglas Water Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 27, 1982.

Take notice that on June 7, 1982, Douglas Water Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6414 would be located on Canyon Creek in Clackamas County, Oregon. Correspondence with the Applicant should be directed to: Mr. Philip P. W. Yates, Suite 500, 813 S.W. Alder Street, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) an intake structure at elevation 2,380 feet; (2) a 12-inch-diameter, 1,950-foot-long, steel penstock; (3) a powerhouse at elevation 1,975 feet containing two 60-kW generating units; and (4) associated electrical and transmission equipment. Applicant estimates that the project would have an average annual generation of 500 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 Oregon Department of Fish and Wildlife 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 18, 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 385.211 or 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 82-24046 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3030]

Elk Rapids; Application for Approval of Contract for Sale of Project Power Extending Beyond Date of Termination of License

August 26, 1982.

Take notice that an application was filed under Section 22 of the Federal Power Act (Act), 16 U.S.C. § 815, by Antrim County, Michigan (County) for Commission approval of a contract for sale of power to be generated by the Elk Rapids Project No. 3030. Correspondence concerning the application should be mailed to: Donald W. Lystra, P.E., Ayres, Lewis, Norris & May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104.

Under the proposed contract, power generated from the Elk Rapids Project would be sold to the Traverse City, Michigan Light and Power Board (Board) for 30 years, unless terminated by the mutual agreement of the County and the Board. The contract provides that the County and the Board will equally share the economic benefits or losses from the Project on an annual basis. Further, that all annual surpluses will be transferred to the County to be used to retire the County's debt incurred to develop the Project until that debt is retired.

Section 22 of the Act requires Commission approval of the execution of the contracts for the sale and delivery of power from a licensed project extending beyond the date of the license. Section 22 also provides that in the event a new license is not issued to the original licensee, the United States or the new licensee shall assume and fulfill all such contracts.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirement of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR 385.211 or 385.214. In determining the appropriate action to take the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 4, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24055 filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6300-000]

Franklin County and the Village of Malone, N.Y.; Application for Preliminary Permit

August 17, 1982.

Take notice that Franklin County and the Village of Malone, New York (Applicant) filed on May 6, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6300 to be known as the Whittelsey Hydroelectric Project located on the Salmon River in the Village of Malone, Franklin 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. Douglas P. Yando, 63 West Main Street, Malone, New York 12953.

Project Description—The proposed project would utilize existing facilities consisting of: (1) a 19-foot-high and 120-foot-long concrete gravity-type dam owned by The Village; (2) a reservoir

having a surface area of 1.8 acres and a storage capacity of 9.2 acre-feet at spillway crest elevation 662 feet m.s.l.; (3) a gated intake structure; (4) a powerhouse owned by The County along the right (east) bank and containing a turbine; (5) a ¼-mile-long 13.2-kV transmission line; and (6) appurtenant facilities.

Applicant proposes to: (1) rehabilitate the existing facilities; (2) install a 645-foot-long, 7-foot-diameter penstock; (3) install a new generator having a rated capacity of 357-kW; and (4) replace miscellaneous improvements.

Project energy would be sold to a local utility or world be consumed directly by Applicant. Applicant estimates that the average annual energy outpout would be 2,600 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would review its completed feasibility study, perform an economic cost analysis of alternatives, and would secure funding assistance.

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 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. 82-24056 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-93-000, et al.]

Gas Gathering Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

August 27, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 10, 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
5/18/82	Gas Gathering Corporation	RP82-93-000	Plan.
6/1/82	Southern Natural Gas Company	RP81-105-015	LFUT Report.
6/9/82	Tennessee Natural Gas Lines, Inc	RP81-143-005	LFUT Report.
6/10/82	East Tennessee Natural Gas Company	RP85-65-012	Report.
6/14/82	Mid-Louisiana Gas Company	RP81-106-003	LFUT Report.
7/1/82	Texas Gas Transmission Corporation	RP81-102-004	LFUT Report.
7/2/82	Transcontinental Gas Pipe Line Corporation	RP80-117-000	Report.
8/5/82	Alabama-Tennessee Natural Gas Company	RP81-128-009	LFUT Report.
8/12/82	Trunkline Gas Company	RP80-106-009	Report.
8/19/82	United Gas Pipe Line Company	RP80-121-009	Report.
8/19/82	United Gas Pipe Line Company	RP81-115-004	LFUT Report.
8/20/82	Distrigas Of Massachusetts Corporation	RP81-34-002	Report.

[FR Doc. 82-24062 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-375-001]

Gulf States Utilities Co.; Order Denying Rehearing But Clarifying Prior Order

August 25, 1982.

On August 9, 1982, Cajun Electric Power Cooperative, Inc. (Cajun) filed an application for rehearing of the Commission's order issued July 9, 1982, in this proceeding. The application for rehearing argues that the Commission's one day suspension of rates filed by Gulf State Utilities Company (GSU) was inappropriate.

Cajun argues that the Commission should grant rehearing of its suspension order and extend the suspension period to the full five months because (1) under the standards expressed in *West Texas Utilities Company*, Docket No. ER82-23-000 (February 26, 1982), intervenors have established that more than 10 percent of Gulf States' proposed increase is excessive; (2) the Commission's July 9 order improperly analyzed Gulf States' filing, by considering the rates as modified by summary disposition, rather than the rates as filed, in its determination of an appropriate suspension period, and (3) the Commission failed to adequately state the grounds for its suspension period decision.

Upon consideration of the arguments raised by Cajun, the Commission finds no new facts or arguments which would warrant reconsideration of our earlier order. The rates as modified by summary disposition are the rates which, in fact, became effective subject to refund pursuant to our order. According to our preliminary review, these rates fell within the *West Texas* standards for a one day suspension. It would indeed be anomalous for the Commission to summarily require a utility to modify its rate filing and nonetheless render a suspension decision on the basis of the originally proposed rate level. As a result we have consistently considered the revenue impact of summary dispositions in determining whether and for how long to suspend the rate which will actually be collected.[1] The punitive action which Cajun now advocates is entirely inappropriate. Accordingly, Cajun's application for rehearing with respect to the suspension period will be denied.

Cajun also seeks clarification of the Commission's decision to waive section 35.14 of the regulations in order to permit GSU to recover through its fuel adjustment clause capacity-related costs associated with economy energy purchases, pending a hearing on the question of the computation, oversight, and operation of the clause. Cajun asserts that the language in our order raises a question as to whether the Commission intended to preclude parties from litigating the basic issue concerning the propriety of the recovery of these capacity-related costs through the fuel clause. It does appear that the earlier order could have engendered some unnecessary confusion. In the interest of clarity, we note that it was not the Commission's intention to preclude parties from addressing the propriety of recovering capacity-related costs through the fuel clause under the circumstances proposed by GSU. Without prejudging the issue, we did, however, express a strong preliminary view that the objective sought to be accomplished by GSU (*viz.*, the overall reduction of energy costs) is a legitimate goal serving the interests both of the utility and its customers. Accordingly, waiver of the fuel clause regulations was granted on a preliminary basis to allow the company's proposed treatment, subject to refund protection for the affected customers.

The Commission orders:

(A) Cajun's application for rehearing, filed on August 9, 1982, is hereby denied.

(B) The Commission's order of July 9, 1982, is hereby clarified as noted in the body of this order.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24047 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[1] *See, e.g., Central Maine Power Company*, Docket Nos. ER82-155-000, ER81-188-000 (April 13, 1982, 19 FERC ¶61,041, footnote 4.

[Project No. 6419-000]

William C. Holmes; Application for Preliminary Permit

August 30, 1982.

Take notice that William C. Holmes (Applicant) filed on June 14, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6419 to be known as the Glacier Creek Project located on Glacier Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: William Holmes, Alpendorf on the Lake, P.O. Box 414, Georgetown, Colorado 80444.

Project Description—The proposed unconstructed project would affect both private lands and lands of the United States within the Pike National Forest and would consist of: (1) A proposed earthfill dam at one of three possible locations on Glacier Creek between East Squaretop Lake and Duck Lake. The dam, depending on site chosen, would range from 50-foot to 300-foot-long, and from 12-foot to 20-foot-high; (2) a proposed reservoir with a surface area of 40 feet, and a capacity of from 480 acre-feet to 800 acre-feet. Elevations of proposed sites range from 11,560 m.s.l. to 12.040 m.s.l.; (3) a proposed penstock approximately 5,000-foot-long; (4) a proposed powerhouse at one of four possible locations (on either Glacier Creek or Duck Creek) containing 2 turbine/generator units with a total generating capacity of 2.5 MW; (5) a proposed tailrace discharging into Duck Lake; (6) a proposed 5,000-foot-long underground transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 21,900,000 kWh. Project energy would be sold to Alpendorf on the Lake and Geneva Basin Ski Area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize contruction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 8, 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 appliction for license or exemption must be submitted to the Commission on or before November 8, 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 January 7, 1983.

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 385.211 or 385.214. 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 8, 1982.

Filing and Service of Responsive Documents—Any filing 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. 82-24063 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6591-000]

Hy-Tech Co.; Application for Preliminary Permit

August 27, 1982.

Take notice that Hy-Tech Company (Applicant) filed on August 12, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6591 to be known as the Boulder Creek Project located on Boulder Creek within the Payette National Forest in Adams 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. Carl W. Haywood, 2109 Broadview Drive, Lewiston, Idaho 83501.

Project Description—The proposed project would consist of: (1) a 5-foot-high diversion structure; (2) a 30-inch-diameter, 6,500-foot-long penstock; (3) a powerhouse containing generating facilities with a total rated capacity of 1,870 kW; and (4) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 8, 1982, the competing application itself, 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 8, 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 January 7, 1983.

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 385.211 or 385.214. 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 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. 82-24049 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL82-22-000]

Kansas Power and Light Co. v. Kansas Gas & Electric Co.; Filing

August 27, 1982.

The filing Company submits the following:

Take notice that on August 9, 1982, Kansas Power and Light Company (KPL) filed a complaint against Kansas Gas & Electric Company (KG&E) for an alleged violation of section 205(b) of the Federal Power Act, 16 U.S.C. § 824d(b). According to KPL, KG&E's refusal to agree to provide transmission service to KPL under terms and conditions substantially similar to those for such service to electric cooperative and municipal customers amounts to undue discrimination against KPL in violation of section 205(b).

KPL requests that the Commission order KG&E to provide transmission service to enable KPL to serve the Parsons Division in Southeastern Kansas, and further to direct KG&E to refund excess costs incurred in supplying the Parsons Division by reason of KG&E's refusal to make such service available, both as of the date of this complaint and thereafter until transmission service is made available.

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 385.211 or .214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before September 20, 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. 82-24064 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-14-001 (PGA 82-2(a))]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

August 26, 1982.

Take notice that on August 20, 1982 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) substitute gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on August 17, 1982 proposed to become effective August 1, 1982, and identified as follows:

Substitute Twenty-eighth Revised Sheet No. 4

Substitute Twenty-fifth Revised Sheet No. 18

Lawrenceburg states that its substitute tariff sheets were filed to reflect a reduction in its cost of gas purchased from Texas Gas Transmission Corporation which occurred subsequent to its PGA filing. The Commission, by letter order issued August 5, 1982, had accepted Lawrenceburg's PGA filing subject to revisions to reflect decreases in its cost of gas purchased from Texas Gas.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All such petitions or protests should be filed on or before Sept. 7, 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. 82-24048 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6514-000]

City of Marshall, Michigan; Application for License (5 MW or Less)

August 30, 1982.

Take notice that the City of Marshall (Applicant) filed on July 13, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for continued operation of a water power project to be known as the Marshall City Water and Electric Works Project No. 6514. The project would be located on the Kalamazoo River in the City of Marshall, Calhoun County, Michigan. Correspondence with the Applicant should be directed to: Mr. Chester E. Travis, City Manager, City of Marshall, 109 East Michigan Avenue, Marshall, Michigan 49068, or to Spiegel & McDiarmid, 2600 Virginia Avenue, NW., Washington, D.C. 20037.

Project Description.—The project would consist of: (1) an existing reservoir with a surface area of 130 acres and a storage capacity of 1,775 acre-feet at an elevation of 899 feet m.s.l.; (2) the existing 150-foot-long, 12-foot-high, City of Marshall Perrin No. 1 dam and the existing 90-foot-long, 12-foot-high City of Marshall Perrin No. 2 dam to divert water to the powerhouse; (3) an existing 70-foot-long concrete forebay; (4) two existing turbine/generator units with a combined installed capacity of 0.344 kW and producing an estimated average annual energy output of 1.25 GWh; and (5) appurtenant facilities. The project is a run-of-river type operation. Energy produced at the site is fed directly into the Applicant's load system. There is no switchyard or transmission line directly associated with the project since the power generated is tied into the City's diesel power plant located adjacent to the project.

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 5, 1982, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d)] or a notice of intent [See 18 C.F.R. § 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 C.F.R. 385.211 or 385.214. 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 5, 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. 82-24061 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6133-001]

Michael Earl Springer and James Baynard Boulden; Application for Preliminary Permit

August 27, 1982.

Take notice that Michael Earl Springer and James Baynard Boulden (Applicant) filed on August 11, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 6133 to be known as the Broken Dam Project located on East Carson River, near Gardenville, in Douglas County, Nevada. The proposed project would affect U.S. lands administered by the Bureau of Land Management. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. James Boulden, 729 Sexton Road, Sebastopol, California 95472.

Project Description.—The proposed project would consist of: (1) an existing 20-foot-high, 100-foot-long concrete dam; (2) a 6-foot-high, 100-foot-long concrete spillway; (3) a 78-inch-diameter, 1,000-foot-long steel pipe; (4) a powerhouse with a total installed capacity of 2,000 kW; and (5) a one-mile-long transmission line interconnecting with an existing utility transmission line. The estimated annual energy output is 12.6 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 period of 36 months during which it would conduct engineering, economic and environmental studies and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated to costs $150,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before December 6, 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 8, 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 385.211 or 385.214. 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 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. 82-24051 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-616-000]

Middle South Energy, Inc.; Order Accepting for Filing and Suspending Rates, Denying Requests for Rejection of Interventions, and Establishing Hearing Procedures

August 25, 1982.

On June 18, 1982, Middle South Energy, Inc. (MSE), a subsidiary of Middle South Utilities, Inc. (MSU), submitted for filing an executed Unit Power Sale Agreement (Agreement) [1] with MSU's wholly-owned subsidiary operating companies.[2] MSE has been established as a separate entity to own and operate a 90 percent interest in the Grand Gulf Nuclear Electric Station Project (Grant Gulf).[3] Under the Agreement, MSE will sell the entire capacity and energy output of its interest in the Grand Gulf units to LP&L, MP&L, and NOPSI.[4] MSE requests an effective date coincident with initiation of service, which MSE expects to occur on or about October 1, 1982.

The Agreement provides for a rate based on a cost of service formula. However, certain components of the cost of service formula rate may be changed only after a change of rate filing with the Commission. These components include (1) rate of return on common equity, (2) depreciation expense including nuclear plant decommissioning costs, and (3) spent nuclear fuel disposal costs. The remaining components of the rate represent actual expenses and changes therein would not be filed with the Commission.

MSE characterizes its submittal as an initial rate filing inasmuch as MSE has been established as a single purpose MSU subsidiary. The company proposes to initiate service using a rate of return on common equity of 16 percent. However, it also requests that the Commission initiate a proceeding pursuant to section 206 of the Federal Power Act to consider its request for an 18% return on common equity, to become effective prospectively. MSE

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[1] Designated as:

Middle South Energy, Inc.

(1) Rate Schedule FERC No. 1 Unit Sale Agreement.

(2) Exhibit A to Rate Schedule FERC No. 1 Billing Form.

[2] The MSU operating companies are Arkansas Power & Light Company (AP&L), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), and New Orleans Public Service, Inc. (NOPSI).

[3] The remaining 10 percent interest is held by the South Mississippi Electric Power Association.

[4] AP&L will not purchase any Grand Gulf capacity or energy, but has excuted the Agreement to acknowledge its acquiesence therein.

also states that if it believes the section 206 proceeding is unduly delayed, it reserves the right to apply an 18 percent equity return component in its billings, subject to refund, upon appropriate notice to the customers, the Commission, and any other party to the proceeding.

Notice of the filing was issued on June 30, 1982, with responses due by July 15, 1982. Timely notices of intervention were filed by the Mississippi, Louisiana, and the Arkasas Public Service Commission. The Mississippi and Louisiana Commissions have raised no specific substantive issues. The Arkansas Commission states that it has not received a copy of the filing and is concerned about the potential financial impact of the Agreement on AP&L and its customers. It wishes to examine the Agreement and supporting workpapers to satisfy itself in this regard.

A timely petition to intervene was filed by the Mississippi Legal Services Coalition (MLSC). The MLSC asserts that it is a joint venture of grantees of the Legal Services Corporation which operate in Mississippi and that it represents impoverished Mississippi residents who are or will be customers of MP&L. The MSLC questions the justness and reasonableness of the proposed rates, raising several cost of service issues.

A timely petition to intervene was also filed by the State of Mississippi (Mississippi) by its Attorney General. Mississippi alleges that the proposed rates are unjust and unreasonable and raises issues concerning return on equity, nuclear plant decommissioning, spent nuclear fuel, and investment costs. Mississippi also questions the appropriateness of MP&L's percentage entitlement in Grand Gulf Units I (31.63 percent) and II (43.97 percent).

On July 30, 1982, MSE filed answers opposing intervention by the Arkansas Commission and the State of Mississippi, as represented by its Attorney General.

Discussion

The Commission finds that participation in this proceeding by the MLSC is in the public interest. Accordingly, its petition to intervene will be granted. The timely notices of intervention filed by the Mississippi and the Louisiana Commissions are sufficient to initiate their participation as intervenors.

MSE objects to intervention by the Arkansas Commission on the ground that it does not regulate the retail rates of one of the unit power purchasers from MSE, and thus has no interest in this proceeding. Our regulations, however, do not explicitly provide an interest standard for interventions by State Commissions and would be liberally construed in this regard. In any event, as AP&L is a signatory to the Agreement, we are not convinced on the basis of the pleadings that the Arkansas Commission could have no interest in this proceeding. Thus, the timely notice of intervention remains sufficient to initiate the Arkansas Commission's participation in this proceeding.

MSE objects to the Mississippi Attorney General's participation on the ground that the Attorney General, who ordinarily represents the State Commission, may not act for both the State and the Mississippi Commission. MSE maintains that as the State Commission's attorney, the Attorney General may not assert an independent position from the Mississippi Commission in an FERC rate proceeding. It is also asserted that the interests of the Mississippi Commission and those of the State of Mississippi are one and the same. In support of its objection, MSE cites a recent Mississippi Chancery Court case holding that the Attorney General may not act as counsel for the Commission and simultaneously appear as a party before it.[5]

In our view, the authority of the Attorney General to represent the State and/or the Mississippi Commission is a matter to be challenged in a State forum. The Attorney General represents that he has authority pursuant to a constitutional grant of common law authority and statute to represent Mississippi and the interests of its citizens. He further represents that he will authorize the hiring of private counsel to represent the Mississippi Commission in this proceeding. We do not believe that it is appropriate in the context of this proceeding to go behind these representations to resolve a matter of state law. Thus, we shall grant the petition to intervene filed by the Attorney General on behalf of Mississippi.

As noted, MSE views its submittal as an initial rate schedule filing. Notwithstanding the fact that MSE has been established as a separate corporate entity, we cannot agree with this characterization of the Unit Power Sales Agreement. The sale of power and energy under the proposed Agreement, in effect, simply reflects the addition of a new generating resource and the related allocation of output among the jurisdictional susidiaries of MSU who operate under an integrated agreement providing for coordination and sale of system capacity. Although MSE has been interposed as a separate company, the transaction is wholly intra-corporate in nature with MSE acting for the sole purpose of operating a facility which would otherwise be controlled, like other system resources, by another MSU operating company; the total output of the facility available to MSE will, in turn, be sold to MSU subsidiaries. Under these circumstances, we construe MSE's executed submittal as a joint corporate submittal modifying or affecting the existing coordination arrangements among the MSU affiliates.

Our preliminary examination of MSE's filing and the issues raised by the intervenors indicates that the Agreement submitted by MSE has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend those rates as directed below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (February 26, 1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, our examination suggests that the proposed Unit Power Sales Agreement may not result in substantially excessive revenues. However, as noted above, MSE itself has requested to defer the effective date until initiation of service from the Grand Gulf generating project. As a result, we was shall suspend the operation of the proposed Agreement to become effective coincident with initiation of service.

We note with respect to MSE's statement that it reserves the right to increase the return on equity component in its rate formula, that such an increase would constitute a change in rate schedule under section 35.13 of the Commission's regulations (18 C.F.R. § 35.13), requiring timely notice and filing with the Commission.

The Commission orders:

(A) MSE's requests for rejection of the interventions of the Arkansas Commission and the State of Mississippi are denied.

(B) The petitions to intervene in this

[5] *Mississippi Power and Light Co., et al. v. Mississippi Public Service Commission;* Chancery Court, First Judicial District of Hinds County, Miss., Cause No. 115, 150 (October 30, 1981).

proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission.

(C) MSE's proposed rate schedule is hereby accepted for filing and suspended to become effective subject to refund upon initiation of service of the Grand Gulf generating project. MSE shall inform the Commission within fifteen (15) days of initiation of service under the proposed Unit Power Sales Agreement.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of MSE's rates.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of establishing a procedural schedule including a date for submission of testimony and exhibits by MSE. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24050 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6567-000]

Ossipee Hydro Associates; Application for Preliminary Permit

August 30, 1982.

Take notice that Ossipee Hydro Associates (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. 6567 to be known as the Dan Hole River Project located on the Dan Hole River in Carroll County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard A. Mauser, Governors Road, Brookfield, New Hampshire 03872.

Project Description—The proposed project would consist of: (1) The existing Center Ossipee Fire Precinct's Mill Pond Dam; (2) an existing reservoir with a crest elevation of 550 feet N.G.V.D.; (3) the abandoned powerhouse containing a new single generating unit having a rated capacity of 38 kW; (4) an existing 2,400/4,160 volt transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 190,000 kWh. The most likely market for the energy derived at the proposed project would be the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize contruction. The term of the proposed preliminary permit is 24 months. The work proposed under the prelimiary permit would include ecomic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before December 13, 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 8, 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 385.211 or 385.214. 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 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 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. 82-24065 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4885-002]

South Fork Resources, Inc.; Application for License (Over 5 MW)

August 30, 1982.

Take notice that South Fork Resources, Inc. (Applicant) filed on July 13, 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 Twin Falls Water Power Project No. 4885. The project would be located on South Fork Snoqualmie River, in King County, near North Bend, Washington. Correspondence with the Applicant should be directed to: Mr. Robert H. Campbell, Roberts & Shafelman, 4100 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington with a copy to Mr. Harry P. Hosey, President, Hosey & Associates Engineering Company, 2850 Northrup Way, Bellevue, Washington 98004.

Project Description—The Proposed run-of-the-river project would consist of: (1) A 6-foot-high by 150-foot-long diversion weir; (2) a concrete trapezoidal intake channel; (3) a 30-foot-high by 20-foot-wide by 90-foot-long intake structure; (4) a 4,182-foot-long tunnel; (5) a 420-foot-long, 8-foot-diameter steel penstock; (6) a powerhouse to contain two horizontal-shaft, Francis-type turbines with a total rated capacity of 20 MW operating under a head of 450 feet; (7) a concrete-lined tailrace channel; and (8) a 115-kV, 2,900-foot-long transmission line to connect to an existing Puget Sound Power and Light Company line.

Purpose of Project—Project energy would be sold to a Pacific Northwest utility for use in its electric service area. Applicant's proposed recreation plan includes development of the following facilities: (1) Trail Head and Parking facilities to be located in the vicinity of the Homestead interchange, in the "Oxbow" day use area; (2) Scenic Overlook and View Points to be located near the eastern boundary of the Twin Falls State Park; and (3) Scenic Trail connecting the Trail Head and Parking facilities to the Scenic Overlook and View Points.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 5, 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 385.211 or 385.214. 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 5, 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 APLICATION", "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. 82-24066 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-131-000]

Southwest Gas Corp., Proposed Changes in FERC Gas Tariff

August 26, 1982.

Take notice that Southwest Gas Corporation, on August 18, 1982 tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 to become effective October 1, 1982.

Southwest has filed proposed changes to Section 9 PGA Provision of the General Terms and Conditions of its tariff to permit it to track the cost of propane pursuant thereto. The revision expands the definition of cost of gas purchased to include propane.

Southwest was initially authorized to track the cost of propane in Docket No. CP79-286 and subsequently in Docket No. RP81-3 such authority was continued. As a result Southwest alleges that it has received authority pursuant to 18 CFR 154.38(d)(4) to treat the cost of propane as a gas cost. If it is determined such is not the case Southwest requests this filing be considered as a request for such authority.

Copies of Southwest's filing have been served on Southwest's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intevene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211, .214). All such petitions or protests should be filed on or before September 7, 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 the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-24067 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-128-000]

Texas Eastern Transmission Corp.; Petition for Advance Approval

August 26, 1982.

Take notice that on August 16, 1982, Texas Eastern Transmission Corporation (Texas Eastern) petitioned the Federal Energy Regulatory Commission (FERC) for advance approval to recover costs of transportation related to the purchase of natural gas.

Texas Eastern states that in facilitating its gas purchases with Northwest Pipeline Corporation (Northwest), it has entered into a Precedent Agreement with Continental Divide Pipeline Company (Continental Divide) which provides for the long-term transportation of up to 325,000 dths per day of natural gas from the point of interconnection between the facilities of Northwest and Continental Divide located near Ignacie, Colorado, to a point of interconnection between the facilities of Continental Divide and Transwestern Pipeline Company

(Transwestern) located at Transwestern's compressor station number 5 in McKinley County, New Mexico.

In addition, Texas Eastern has entered into long-term agreements with Transwestern and Valero Transmission Company (Valero) for transportation of the purchased quantities of natural gas from the above point of interconnection between Continental Divide and Transwestern to Texas Eastern's pipeline system.

Texas Eastern has also entered into a Gas Transportation Agreement with Valero which provides for transportation of up to 200,000 Mcf per day of natural gas from various points provided for; moreover, concurrently with the filing of this Petition, Valero will file an application with FERC requesting authorization of the herein referred to transportation service.

Furthermore, Texas Eastern asserts that the transportation agreements with Continental Divide, Transwestern and Valero will provide Texas Eastern with long-term access to committed supplies of natural gas and, further provide Texas Eastern with access to the Western Overthrust Area of the U.S. which has the potential for supplying significant additional volumes of natural gas.

Any person desiring to be heard or to protest said filing should file a petitoin to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 or 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or .214). All such petitions or protest should be filed on or before September 7, 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. 82-24068 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2153-001]

United Water Conservation District; Application for Amendment of License

August 27, 1982.

Take notice that United Water Conservation District (Licensee/Applicant) filed on March 26, 1982, as amended on June 30, 1982, an application for amendment of its license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the existing Santa Felicia Project No. 2153, located on Piru Creek in Ventura County, California. Correspondence with the Applicant should be directed to: Mr. G. I. Wilde, General Manager & Chief Engineer, United Water Conservation District, P.O. Box 432, Santa Paula, California 93060.

The Licensee seeks authorization to construct, operate and maintain a powerhouse, containing three generating units with a total rated capacity of 2,055 kW, to be located adjacent to the outlet works of the project's existing Santa Felicia Dam, and appurtenant facilities.

Purpose of Project—The proposed powerplant would generate an estimated 3.4 million kWh of energy that would be sold 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.

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 385.211 or 385.214. In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but only those who file a petition to intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR Doc. 82-24052 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-423-001]

Virginia Electric and Power Co.; Order Accepting Contested Compliance Filing

Issued: August 25, 1982.

By order issued May 28, 1982, the Commission, *inter alia*, accepted for filing a proposed rate increase for service to Virginia Electric and Power Company's) (VEPCO) ten municipal customers, eighteen cooperative customers, and the North Carolina Eastern Municipal Power Agency. Consistent with a recent Commission decision.[1] VEPCO was required to modify its proposed rates to comply with the tax normalization requirements of Order No. 144–A and § 35.25 of the Commission's regulations, and the rates, as modified by summary disposition, were suspended to become effective on September 2, 1982, subject to refund. On June 28, 1982, VEPCO filed revised rates and cost statements pursuant to the May 28 order.[2]

On July 19, 1982, ElectriCities of North Carolina and the North Carolina Eastern Municipal Power Agency (ElectriCities) filed a pleading objecting to VEPCO's compliance rates. ElectriCities contend that because no intervenor objected to a request in VEPCO's original filing for waiver of the tax normalization requirements, the Commission should construe the issue of normalization as having been settled by the parties. ElectriCities point to language in Order No. 144–A indicating that the established normalization requirements would not interfere with the ability of rate case participants to pursue

[1] *Wisconsin Electric Power Company*, Docket No. ER82-347-000 (April 13, 1982).

[2] *See* Attachment A for rate schedule designations.

settlement. Further, ElectriCities state that it is unreasonable for the Commission to require VEPCO to file rates which are higher than the rates the company itself sought to charge.

Also, on July 19, 1982, North Carolina Electric Membership Corporation and Albemarle Electric Membership Corporation (Cooperatives) protested VEPCO's revised rates and cost statements. Cooperatives state that the rate change is subject to the sixty day notice provisions of section 205 of the Federal Power Act despite the fact that the rate was in compliance with the Commission's order. In addition, Cooperatives argue that the June 28 filing violates the filed rate doctrine and amounts to retroactive ratemaking. Further, Cooperatives state that the June 28 filing is deficient since VEPCO has made no effort to trace the dollars its claims were previously flowed through to specific time periods and to specific claims of flow-through. Cooperatives request that the rate schedules included in the June 28 filing be rejected and that VEPCO's original rate schedules be made effective subject to refund, on September 2, 1982. Also, the Cooperatives request that the issue of tax normalization be treated at hearing like any other issue in this proceeding.

On August 3, 1982, VEPCO filed a response which challenges the positions of ElectriCities and Cooperatives. VEPCO states that contrary to ElectriCities' claim, tax normalization was not addressed in previous settlements which pre-dated Order No. 144–A, and the issue cannot be viewed as having been settled in this docket. Also, VEPCO asserts that the customers are in effect seeking untimely rehearing of the Commission's May 28 order, but that any requisite notice requirement has been satisfied by virtue of the fact that VEPCO's June 28 compliance filing preceded the September 2 effective date by more than sixty days.

Discussion

Upon consideration of all the arguments presented, we shall deny the requests for rejection of the compliance filing for the reasons discussed below.

Initially, we agree with VEPCO that the petitioners, in essence, are seeking to use the vehicle of a protest to advocate rehearing of our May 28 order after the time for rehearing has elapsed under section 313(a) of the Federal Power Act and § 1.34 of our Rules of Practice and Procedure. VEPCO's compliance filing satisfies the literal requirements of our directive and rehearing of the May 28 order does not lie. Furthermore, we believe that the Commission provided ample notice both to regulated utilities and to their affected customers that full tax normalization would be required uniformly. Order No. 144–A, issued after notice and comment, provided for normalization in all cases after February 26, 1982. Subsequently, in recognition of the fact that rate filings require considerable preparation time, we indicated in *Wisconsin Electric Power Company, supra*, that filings tendered before April 30, 1982, would not be rejected for non-compliance with Order No. 144–A, although refiling and strict compliance would nonetheless be required.

While VEPCO's customers should have been on notice that full normalization would be required and while it was incumbent upon them to challenge that decision in a timely manner, it is conceivable, as suggested in ElectriCities' pleading, that they were misled to some degree by a representation in VEPCO's original submittal that the effect of normalization in this case would be insignificant. Thus, we believe that it is appropriate to address their substantive challenges at this time.

In our opinion, Cooperatives' argument that acceptance of the compliance filing by the Commission would violate the filed rate doctrine and amount to retroactive ratemaking, is misplaced. The filed rate doctrine dictates that public utilities subject to the jurisdiction of the Commission may only collect rates fixed or accepted by the Commission.[3] This principle characterizes rights and obligations of the buyer and seller. In ordering VEPCO to modify its proposed rates to comply with Order No., 144–A and § 35.25 of the regulations, the Commission identified that rate which it would accept for filing and authorize the company to collect as of September 2, 1982. At no time has VEPCO billed its customers at a rate other than that accepted for filing by the Commission.

Similarly, the rule which precludes retroactive ratemaking has not been violated in the instant case. Cooperatives' argument in this regard is exceedingly vague. They contend simply that VEPCO's application of Order No. 144–A would deprive them of part of the benefits of earlier settlements. VEPCO, in turn, asserts that full tax normalization was not an issue addressed in those settlements. It appears clear that VEPCO's rates have been developed in a manner contemplated by Order No. 144-A and on the basis of an appropriate test period. We perceive no element of retroactivity. In any event, however, we note that the Commission has yet to approve any particular cost of service or rates in this docket. Because the intervenors will have the opportunity to challenge VEPCO's calculations as well as any relationship to prior settlements at hearing, and because they have been afforded refund protection, a claim of retroactive ratemaking is premature at this juncture.[4]

Additionally, Cooperatives contend that the notice provisions of the Federal Power Act are applicable to VEPCO's compliance rates, and that they have not received the required notice. Again, we disagree. It should be clear beyond peradventure that the notice and filing requirements of section 205(d) of the Federal Power Act govern the utility's obligations with respect to voluntarily-initiated rate filings. In the instant proceeding, the Commission, without finally fixing a just and reasonable rate, has directed VEPCO to revise the rates which it may collect subject to refund in order to reflect an element of established ratemaking precedent. Under these circumstances, a second sixty day notice requirement does not attach.[5] However, even if we were to accept Cooperatives' position as to notice, their pleading misstates the salient facts. Inasmuch as VEPCO's compliance rates were filed on June 28, 1982, both the Commission and the customers received actual notice of the specific rate level more than sixty days in advance of the September 2, 1982 effective date.

With respect to ElectriCities' contention that the Commission should consider the issue of tax normalization as having been settled by the parties, we are simply unwilling to construe the absence of any comment at the filing stage as a settlement. Certainly no offer of settlement has been submitted to or considered by the Commission and VEPCO, in fact, denies that a settlement has been reached on any issue.

The Commission orders:

(A) VEPCO's June 28, 1982 compliance rates are hereby accepted for filing. The compliance rates shall become effective on September 2, 1982, subject to refund in accordance with the May 28, 1982 order of the Commission.

(B) Docket No. ER82–423–001 is hereby terminated.

[3] *See Montana-Dakota Utilities Co.* v. *Northwestern Public Service Co.*, 341 U.S. 246 (1951).

[4] For the same reason, we need not now address Cooperatives' contention that VEPCO has failed to properly trace dollars associated with the use of flow-through accounting in prior periods.

[5] *See Union Electric Company*, Docket No. ER81–450–000 (September 24, 1981).

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A.—VIRGINIA ELECTRIC & POWER CO., DOCKET NO. ER82-423-001, RATE SCHEDULE DESIGNATIONS

Designations	Tariff customers
Ninth Revised Sheet Nos. 4 through 9 and 17 and Tenth Revised Sheet No. 10 to FPC Electric Tariff, First Revised Volume No. 1 (supersedes Eighth Revised Sheet Nos. 4 through 9 and 17 and Ninth Revised Sheet No. 10).	Town of Blackstone, Town of Culpepper, Town of Elkton, Town of Enfield, Town of Franklin, City of Harrisonburg, Town of Iron Gate, City of Manassas, Town of Wakefield, Town of Windsor.

Designation	Description
Supplement No. 2 to Supplement No. 3 to Rate Schedule FERC No. 102 (supersedes Supplement No. 1 to Supplement No. 3).	Schedule RS-A Interim Electric Service to North Carolina Eastern Municipal Power Agency.

Customer	Rate schedule	Supplement No.	
		RC [1]	RC-Inter [2]
B-A-R-C EC	76	42	43
Community EC	77	54	54
Craig-Botetourt EC	78	39	40
Mecklenberg EC	79	65	66
Northern Neck	80	46	47
Prince George EC	82	47	48
Prince William EC	83	68	69
Shenandoah Valley EC	84	66	67
Southside EC	85	70	71
Tri-County EC	86	45	46
Albermarle EMC	88	43	44
Cape Hatteras EMC	89	29	30
Edgecombe-Martin County EMC	90	46	47
Halifax EMC	91	38	39
Roanoke EMC	92	50	51
Tideland EMC	93	35	36
Central Virginia EC	94	55	56
Rappahannock EC	101	46	47

[1] Firm resale schedule RC.
[2] Interruptible service schedule RC-Interruptible.

[FR Doc. 82-24053 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-52-001 (PGA82-2)]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment

August 26, 1982.

Take notice that on August 19, 1982, Western Gas Interstate Company ("Western") filed herein Twenty-first Revised Sheet No. 3A and Fourth Revised Sheet No. 3B to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheets are proposed to become effective on May 1, 1982.

Western states the proposed change in rates reflected on Twenty-first Revised Sheet No. 3A is being filed in accordance with the Commission's order of April 30, 1982 which required Western to file revised rates reflecting supplier rate changes, alone with reductions to its surcharge adjustments for changes made in the methodology used to calculate these surcharges. The revised surcharge adjustment is 2.02 cents per Mcf for the Northern Division and 56.03 cents per Mcf for the Western Division. The revised Purchase Gas Cost Adjustment for the Southern Division is 33.13 cents per Mcf and the Base Tariff Rate for the Western Division has been reduced from 152.25 cents to 152.08 per Mcf.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. All such petitions or protests should be filed on or before September 7, 1982. Protests will be considered by the Commission 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 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. 82-24054 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-485-000]

Columbia Gas Transmission Corp.; Application

August 27, 1982.

Take notice that on August 13, 1982,[1] Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-485-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell to its wholesale customers certain volumes of natural gas under a special sales incentive rate schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to offer a special sales incentive service to enable Applicant's wholesale customers to regain consumers which they have lost to alternate fuels and prevent any further losses of customers to alternate fuels, thereby reducing Applicant's projected take-or-pay obligations with respect to price-regulated natural gas. Increased supplies of gas made available to Applicant from its pipeline suppliers coupled with reduced market requirements of its customers have caused Applicant to project a severe surplus of gas on its system at least through 1983. Thus, Applicant proposes to make this special sales incentive available from September 1, 1982, to October 31, 1983.

Applicant states that the gas provided to each customer under the proposed program would be based upon quantities which each customer certifies to Applicant that it would need to regain or retain consumers from the competition of alternate fuels. Applicant would then approve the information submitted with such certification. It is stated that if approved quantities exceed Applicant's projected cutbacks below the take-or-pay levels associated with its regulated supplies, each customer would receive its *pro rata* share of the approved quantities which it certified. In addition, each customer would file a monthly report to Applicant indicating the quantities actually sold to each consumer under this service and any changes in the quantities required. It is stated that increased quantities reflected in these monthly reports would not serve to reduce the allocated quantities of the other customers.

Applicant proposes to sell the gas on a best-efforts basis provided that no customer can purchase gas under this service which, when combined with its purchases from Applicant under firm rate schedules, would exceed the total daily entitlement of the customer. As of September 1982 gas would be sold under the proposed service at a rate of $3.65 per million Btu with a monthly escalation in accordance with Section 102(b)(2) of the Natural Gas Policy Act of 1978. Applicant avers that it would sell gas under this service solely to reduce its cutbacks in the purchase of quantities of regulated gas below the take-or-pay levels. Applicant further proposes to credit excess revenues attributable to the difference between

[1] The application was initially tendered for filing on August 13, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 16, 1982, thus, filing was not completed until the latter date.

the special sales incentive rate and the average cost of regulated gas that it would purchase to make these sales to its Account No. 191 and to reflect such credits in its surcharge adjustments to its semiannual purchased gas adjustment filings, thereby flowing through these revenues to its customers.

Applicant asserts that while the special sales incentive service can be use only by certain end-use consumers, all customers and consumers on Applicant's system would receive three significant benefits. First, Applicant maintains that crediting of excess revenues attributable to the difference between the special sales incentive rate and the average cost of regulated gas Applicant would purchase to make these sales would save up to $79,000,000 for the proposed term, or 7.1 cents per million Btu based on annual sales of 88,000,000 Mcf. Second, such service could alleviate Applicant's projected take-or-pay obligation associated with regulated gas by approximately $243,900,000 during the indicated period. Applicant estimates the carrying charges associated with these take-or-pay payments are approximately $44,200,000 on an annual basis, or 4.0 cents per million Btu of annual sale. Third, Applicant avers that its whoesale customers would be able to sell additional gas to industrial consumers, which would spread Applicant's fixed costs over greater volumes, thereby reducing average costs to the remaining consumers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 385.211 or 385.214) 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. 82-23984 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-146-000]

Commonwealth Edison Co.; Refund Report

August 27, 1982.

The filing Company submits the following:

Take notice that on August 12, 1982, Commonwealth Edison Company filed a revised refund report pursuant to the Commission's order issued July 23, 1982. Such refund report revises Commonwealth Edison's refund report with regard to the Village of Winnetka, dated June 8, 1982, which was filed pursuant to the Commission's order issued May 10, 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 13, 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. 82-23985 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER80-595-000, ER80-599-000, ER80-603-000, ER80-606-000, ER80-627-000, ER80-661-000, ER80-674-000, ER80-675-000, and ER80-731-000]

Illinois Power Co.; Refund Report

August 27, 1982.

The filing Company submits the following:

Take notice that on August 9, 1982, Illinois Power Company filed a refund report pursuant to the Commission's order issued June 4, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 9, 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. 82-23986 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-444-000]

J-W Gathering Co.; Application

August 27, 1982.

Take notice that on July 23, 1982, J-W Gathering Company (Applicant), 200 Mackey Office Place, 2715 Mackey Lane, Shreveport, Louisiana 71118, filed in Docket No. CP82-444-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 for authorization to transport natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on July 8, 1982, Transco and Applicant entered into an agreement whereby Applicant agreed to transport an initial maximum volume of up to 40 billion Btu equivalent of gas per day for Transco. Natural gas would be delivered to Applicant by or for the account of Transco at or near the wellheads and/or lease separator for four wells in East Baton Rouge Parish, Louisiana, and the gas would be redelivered by Applicant at a mutually agreeable point on Transco's pipelines in East Baton Rouge Parish, Louisiana. The agreement provides Transco with an additional transportation capacity of 10 billion Btu equivalent of gas per day on a firm basis, plus available excess capacity in Applicant's system. Applicant estimates that actual volumes would initially be approximately 21.9 billion Btu equivalent of gas per day and that over the 15-year term which the agreement provides an estimated 55,000 billion equivalent Btu of gas would be transported.

Transco would pay Applicant a rate

equal to 43.0 cents per million Btu, which would be subject to change from time to time upon Commission approval. Applicant asserts that such rate represents the cost of performing the transportation service and is both fair and equitable.

It is stated that the agreement grants Applicant the contractual right to increase its rates to reimburse Applicant for any increased taxes and to file with any entity or entities having jurisdiction over its rates to receive rate changes. Applicant submits that it plans to file periodically with the Commission for rate changes and would accept approval of the initial rate conditioned upon its making such rate filings at least once every three years from the date of commencement of service.

Applicant states that it intends to construct approximately 15.4 miles of 12¾-inch pipeline from the tailgate of the Evergreen Energy Company treating plant in the Comite Field to interconnect with Transco's existing pipelines in Sec. 76, T. 4 S., R. 1 W., East Baton Rouge Parish, Louisiana. It is stated that Applicant would also construct approximately 6.5 miles of 4½-inch lateral lines to connect the four existing wells to the treating plant. It is further stated that the facilities to be constructed would not be integrated with Applicant's other facilities and that the rate to be charged Transco would be based solely on the cost of the facilities utilized to perform the transportation services. The total cost of construction is estimated to be $8,011,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 385.211 or .214). 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 particiapte 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. 82-23987 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-158-000]

Wilbur Johnson; Application for Commission Certification of Qualifying Status of a Small Power Production Facility; Correction

August 27, 1982.

In Docket No. QF82-158-000 appearing in the **Federal Register** issue of July 14, 1982 on page 30572, make the following corrections: On page 30572 in the third column, in the first paragraph, lines one, two, and three, and in the third paragraph, lines one and two.

"On May 7, 1982, Dr. Wilbur Johnson, M.D., Inc. located at RR2, Elkader, Iowa 52043" is corrected to read "on June 14, 1982, Dr. Wilbur Johnson, M.D. located at RR2, Pilot Road, Galina, Illinois".

"The facility will be a 10 kW wind installation located in Elkader, Iowa." is corrected to read "The facility will be a 10 kW wind installation located in Galina, Illinois."

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23988 Filed 8-31-82; 8:45 am]

BILLION CODE 6717-01-M

[Docket Nos. RP80-100-000, RP81-61-000, and RP82-80-000]

Michigan Wisconsin Pipe Line Co.; Informal Settlement Conference

August 27, 1982.

Take notice that on September 9, 1982, at 10:00 a.m., an informal settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case and the establishment of a procedural schedule. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23989 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-468-000]

Natural Gas Pipeline Co. of America; Application

August 27, 1982.

Take notice that on August 6, 1982, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-468-000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to transport natural gas for direct sale on a limited firm basis to Southwestern Electric Power Company (SWEPCO) and the construction and operation therefor of a tap and valve assembly and a meter station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it has excess gas available for sale because it has experienced a substantial reduction in the demand for gas over the past few years and because of economic conditions and continuing conservation by end users. Thus, pursuant to a gas sales agreement dated April 23, 1982, Applicant proposes to sell natural gas on a limited firm basis to SWEPCO for use in electric generation in SWEPCO's Wilkes Power Plant through December 31, 1988. It is stated that the gas sold would replace gas which SWEPCO had purchased from Exxon under a contract which expired July 9, 1982. The proposed sales are as follows:

Year	Volumes (million Btu)
1982	6,756,700
1983	8,427,600
1984	8,427,600
1985	14,027,500
1986	14,027,500
1987	9,958,750
1988	20,692,500

Applicant states that the annual contract quantity would be sold during the primary sales period of April through September; however, at Applicant's sole discretion, sales could occur during other months in response to SWEPCO's request. In addition to the annual contract quantity, Applicant also proposes to sell up to 25 percent of the annual contract quantity on a best-efforts basis as overrun gas, which could be sold at any time of the year.

Applicant indicates that to ensure service to Applicant's existing customers continues unimpaired, deliveries to SWEPCO would be reduced or eliminated at Applicant's sole discretion during any period in which gas delivered to current or future customers under Applicant's Rate Schedules DMQ-1 or G-1 are being curtailed.

Pursuant to the agreement of April 23, 1982, Applicant would deliver the gas to Esperanza Transmission Company (Esperanza) at a proposed point of interconnection between Applicant and Esperanza in Marion County, Texas. Esperanza would then transport the gas to SWEPCO at SWEPCO's Wilkes Plant near Avenger in Marion County, Texas.

Applicant states that as of June 1982, the rate to SWEPCO would have been $3.8621 per million Btu and the rates to Applicant's DQM and G–1 customers were $2.7109 and $2.8878 per million Btu, respectively, inclusive of G.R.L. surcharge. With the escalation provisions of the agreement, the rate would continue to remain higher than Applicant's rates to its existing jurisdictional customers. Furthermore, Applicant recognizes that the gas sold hereunder may be considered in its pending rate case in Docket No. RP82–62–000.

The rate is adjusted to reflect increases in the average cost of gas and escalation in Applicant's operating costs. SWEPCO would also reimburse Applicant for all transportation charges that Esperanza charges Applicant under its August 3, 1982, agreement with Applicant, including the value of any fuel gas, line pack, and lost and unaccounted for gas consumed in such transportation service. Under the transportation agreement, Esperanza would initially charge Applicant 15 cents per million Btu.

In order to sell the gas to SWEPCO, Applicant would construct and operate a value assembly and associated flow control, telemetering and quality control instruments, and the proposed interconnection with Esperanza. In addition, Applicant would construct and operate measurement facilities at the proposed interconnection. Applicant estimates the cost of the facilities to be $463,900 which would be financed by Applicant with reimbursement by SWEPCO for all the costs except the $32,500 related to the flow control, telemetering, and quality control instruments.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 Practices and Procedure (18 CFR 385.211 or .214) 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. 82–23990 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP76–278–002 and CP77–568–013]

Natural Gas Pipeline Co. of America, et al.; Petition To Amend

August 27, 1982.

Take notice that on August 6, 1982, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77–568–013 and Natural filed in Docket No. CP76–278–002 a joint petition to amend the order of November 29, 1977, in Docket No. CP77–568,[1] as amended, and to amend the order of June 26, 1980, in Docket No. CP76–278,[1] as amended, issuing certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of natural gas from a new source of supply, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Natural requests the Commission to amend the order of June 26, 1980, in Docket No. CP76–278, as amended, so as to authorize transportation of an additional source of natural gas purchased by Texas Eastern in High Island Blocks A–289 and A–290, offshore Texas, by Natural for Texas Eastern from the interconnection of Natural's existing 16-inch pipeline in West Cameron Block 543, offshore Louisiana, and Texas Eastern's and United Gas Pipe Line Company's proposed High Island A–289 pipeline, to the interconnection of Natural's 16-inch pipeline and Stingray Pipeline Company's (Stingray) pipeline in West Cameron Block 565.

Natural and Texas Eastern further request the Commission to amend the order of November 29, 1977, in Docket No. CP77–568, as amended, so as to authorize an additional source of natural gas purchased by Texas Eastern in High Island Blocks A–289 and A–290 for transportation and exchange at the point of interconnection between Natural's 16-inch pipeline and Stingray's pipeline in West Cameron Block 565 under Natural's Rate Schedule X–89 and Texas Eastern's Rate Schedule X–85. Petitioners indicate that no increase in the volumes transported and exchanged would result from this authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 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 385.271 or .214) 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. 82–23991 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–465–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

August 27, 1982.

Take notice that on August 5, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82–465–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain sales measuring

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

facilities for the delivery of natural gas and the sale of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant has received requests for natural gas service from persons who have granted Applicant right-of-way easements to construct and operate pipeline facilities across their property. Applicant therefore proposes to construct and operate facilities to provide gas service to 43 of such right-of-way customers.

Applicant would construct 31 small volume measuring stations in Minnesota, Kansas, South Dakota, Iowa, Nebraska, and Colorado which would be used for the sale of natural gas to the right-of-way grantors through Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). The firm volumes of gas to be delivered would be provided from Peoples' presently authorized contract demand. Applicant would construct 10 small volume measuring stations in Oklahoma for the sale of natural gas to the right-of-way grantors through Southern Union Gas Company (Southern Union). Such service would result in an increase of 3,600 Mcf in annual sales of gas to Southern Union under Rate Schedule X-46. In addition, Applicant proposes to install and operate two delivery stations in order to provide natural gas service directly to two new Montana customers who are right-of-way grantors.

Specifically, the measuring station locations, the estimated peak day and annual gas requirements, the primary end-use of the natural gas service, and the estimated cost of the facilities proposed are as follows:

Right-of-way grantor	Location of facilities, county and state	Estimated sales—1,000 ft³		Primary end-use	Estimated facility costs
		Peak day	Annual		
PEOPLES NATURAL GAS CO., DIVISION OF INTERNORTH, INC.					
Anderson, Don	Fayette, IA	.5	185	Res. heat	$1,738
Boertje, Raymond	Jasper, IA	1.5	150	Res. heat	1,248
Bowden, Wm. L	Lancaster, NE	2.0	140	Res. heat	1,981
Brumbaugh, Leo L	Grundy, IA	3.0	200	Res. heat	1,531
Burdick, C. A	Worth, IA	65.0	3,000	Crop drying	2,347
Cargill Farm	Sherburne, MN	50.0	3,530	Comm. heat	2,280
Doom, Emil	Lyon, MN	55.8	1,395	Crop drying	1,653
Flickinger, Chas	Jasper, IA	1.5	150	Res. heat	936
Frahm, Virgil	Saunders, NE	40.0	3,430	Irrigation	2,200
Habrock, Mylet	Thurston, NE	1.4	221	Res. heat	1,883
Jacobson, Kenhart	Miner, SD	2.0	190	Res. heat	1,905
Johann, Joe	Mesa, CO	2.0	184	Res. heat	1,714
Knutson, John W	Mesa, CO	2.0	184	Res. heat	1,744
McBride, Earl	Edwards, KS	36.0	960	Irrigation	1,253
Meairs, Earl C	Haskell, KS	33.6	3,800	Irrigation	1,700
Minke, Janice	Chisago, MN	3.0	200	Res. heat	1,350
Murphy, James M	Winona, MN	2.0	200	Res. heat	2,044
Nabek, Lawrence, Jr	Lyon, MN	20.0	283	Crop drying	1,653
Nabek, Lawrence, Sr	Lyon, MN	31.0	1,810	Crop drying	1,653
ProVanchek, Lance	Meeker, MN	38.0	1,182	Crop drying	1,707
Reese, Donald M	Steele, MN	45.0	1,000	Crop drying	2,940
Savolt, Larry	Finney, KS	180.0	9,100	Crop drying	4,811
Speaks, Wm. T	Garfield, CO	2.0	390	Res. heat	1,714
Stephenson, Alice	Mower, MN	2.0	124	Res. heat	2,044
Story Book Lodge Ch. Camp	St. Lo, MN	3.0	200	Res. heat	1,984
Tornberg, Steve	Linc, SD	2.0	190	Res. heat	591
Trout, Wayne	Lancaster, NE	1.5	176	Grain drying	2,155
VerKinderson, Joe	Lyon, MN	55.8	322	Crop drying	1,653
Wilson, J. W	Garfield, CO	2.0	184	Res. heat	1,714
Yester Farm	Floyd, IA	40.0	1,000	Crop drying	1,747
Morris, Raymond	Finney, KS	28.8	4,292	Irrigation	2,163
NORTHERN NATURAL GAS CO.					
Donoven, Gene	Hill, MT	3.2	295	Res. heat	2,338
White, Kenneth	Hill, MT	3.2	295	Res. heat	2,400
SOUTHERN UNION GAS CO.					
Boyd, Mitch	Dewey, OK	1.0	300	Res. heat	2,000
Bridgewater, G. H	Beaver, OK	2.0	600	Res. heat	2,050
Castor, Paul Leon	Dewey, OK	2.0	600	Res. heat	2,000
Clark, Tom O	Woodward, OK	1.0	300	Res. heat	2,050
Fenton, Darrel	Dewey, OK	1.0	300	Res. heat	2,000
Hickman, Fred	Dewey, OK	1.0	300	Res. heat	2,000
Moss, Millie J	Dewey, OK	1.0	300	Res. heat	2,000
Paulson, Thelma	Dewey, OK	1.0	300	Res. heat	2,000
Pickering, Paul E	Dewey, OK	1.0	300	Res. heat	2,000
White, Millard L	Dewey, OK	1.0	300	Res. heat	2,000
Total		770.8	42,622		82,874
Commission costs					211
Total costs, all projects					83,085

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 385.211 of .214) 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. 82-23992 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-475-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

August 27, 1982.

Take notice that on August 9, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-475-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing construction to effect modifications to measurement facilities at certain existing town border stations in order to measure accurately authorized natural gas deliveries to certain of its existing utility customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it is experiencing imprecise measurements at existing meter stations because of extreme hourly fluctuations in the volumes of natural gas delivered to such stations by Applicant during summer and winter periods. These meter stations serve Iowa Public Service Company, Interstate Power Company, Minnesota Gas Company, and Peoples Natural Gas Company, Division of InterNorth, Inc.

More specifically, Applicant proposes to install two 8-inch turbine meters at the Mason City, Iowa, Town Border Station, two 4-inch turbine meters at Paynesville, Minnesota, No. 1 Town Border Station, two 6-inch turbine meters at the Orange City, Iowa, Town Border Station, one 4-inch turbine meter at the Rockford, Minnesota, Town Border Station, and one 8-inch turbine meter at the Rosemount, Minnesota, No. 2 meter station.

Applicant estimates the cost of the facilities to be $175,840 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 Procedure (18 CFR 385.211 or .214) 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. 82-23993 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-472-000]

Panhandle Eastern Pipe Line Co.; Application

August 27, 1982

Take notice that on August 9, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-472-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing construction and operation of facilities for a new point of delivery to Michigan Consolidated Gas Company (Mich Con), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to add a new point for delivery of natural gas for Mich Con at the existing Defiance interconnection with Michigan Wisconsin Pipe Line Company (Mich Wis) located in Noble Township, Ohio. Gas would be delivered at the Definance point to Mich Wis for Mich Con's account and then redelivered to Mich Con.

The total cost of the proposed facilities is estimated at $291,600 to be financed from funds on hand.

Applicant submits that the requested change in service for Mich Con would not result in any increase in peak day or annual entitlement for natural gas service, nor adversely affect Applicant's ability to meet the requirements of its other customers. Applicant states that the addition of this new delivery point would not result in any changes in entitlements to Mich Con in the event that Applicant should have to invoke Section 16.3 of Applicant's FERC Gas Tariff, Original Volume No. 1, which deals with gas supply deficiency curtailments on its system.

It is further stated that the proposed delivery point would not affect Mich Con's base period data as specified in Applicant's FERC Gas Tariff, Original Volume No. 1-A.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 Rule of Practice and Procedure (18 CFR 385.211 or .214) 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. 82-23994 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-58-000]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

August 27, 1982.

Take notice that on October 6 and 7, 1982, at 10:00 a.m., an informal settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case and the establishment of a procedural schedule. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23995 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-129-000]

Transwestern Pipeline Co.; Petition for Advance Approval

August 26, 1982.

Take notice that on August 16, 1982, Transwestern Pipeline Company (Transwestern) petitioned the Federal Energy Regulatory Commission (FERC) for advance approval to recover costs of transportation related to the purchase of natural gas.

Transwestern states that, in facilitating its gas purchases with Northwest Pipeline Corporation (Northwest) and ProGas Limited (ProGas), it has entered into a Precedent Agreement and an Amended Precedent Agreement, respectively, with Continental Divide Pipeline Company (Continental Divide). The Precedent Agreement provides for the long-term transportation of up to 325,000 dths per day of natural gas from specified points. The Amended Precedent Agreement with Continental Divide which provides for the transportation of the dekatherm equivalent of up to 66,000 Mcf per day.

Transwestern states that concurrently with the filing of this Petition, Continental Divide will amend its application filed in Docket No. CP82-174-000 for authorization to increase the quantity of natural gas transported for Petitioner in order to transport the stated additional quantities of natural gas.

In addition, Transwestern asserts that the transportation agreements with Continental Divide will provide Transwestern with long-term access to committed supplies of natural gas, further, provide Transwestern with access to the Western Overthrust Area of the U.S. which has the potential for supplying significant additional volumes of natural gas.

Furthermore, Transwestern, in addition to its request for advance approval of the above-mentioned transportation costs, requests that this Petition be consolidated with the application filed by Continental Divide in Docket No. CP82-174-000.

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 385.211 or .214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before September 7, 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. 82-23996 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-473-000]

Trunkline Gas Co.; Application

August 27, 1982.

Take notice that on August 9, 1982, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-473-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing construction and operation of facilities for a new point of delivery of natural gas to Northern Indiana Public Service Company (NIPSCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new point of delivery to NIPSCO as reflected in the gas sales contract dated June 3, 1982, between Applicant and NIPSCO for service in Pleasant Ridge, Indiana. This gas would be used for grain drying, space heating, and residential service. Applicant states that the new delivery point would be located at the discharge side of the Zionsville Compressor Station in Jasper County, Indiana.

The total cost of the proposed delivery point is estimated at $98,950 to be financed by internally generated funds and short-term bank borrowing.

Applicant submits that the proposed change in service would not result in any increase in peak day or annual entitlement for natural gas service, nor adversely affect Applicant's ability to meet the requirements of its other customers. It is further asserted that the addition of the proposed delivery point would not result in any changes in entitlements to NIPSCO in the event that Applicant should have to invoke Section 16.3 of its FERC Gas Tariff, Original Volume No. 1, which deals with gas supply deficiency curtailments on its system. It is additionally stated that the proposed delivery point would not affect NIPSCO's base period data as specified in Applicant's FERC Gas Tariff, Original Volume No. 1-A.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 385.211 or .214) 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. 82-23997 Filed 8-31-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	08/04/82	JA: ND			
8246613	536	3302500236		102-2		CARUS "A" #1	LONE BUTTE	112.0	KOCH HYDROCARBON
8246611	534	3302500247		102-2		CARUS AMOCO UNIT "A" #1	LONE BUTTE	0.0	KOCH HYDROCARBON
8246609	532	3302500263		102-2		KUDRNA "B" #1	LITTLE KNIFE	83.0	
8246612	535	3308900258		102-2		LONE BUTTE FEDERAL AMOCO "A" #1	LONE BUTTE	63.0	KOCH HYDROCARBON
8246610	533	3305301369		102-2		MONSON AMOCO "B" #1	ELK	21.0	
8246608	531	3302500212		102-2		SKACHENKO "A" #1	WILDCAT	416.0	
-CANTERRA PETROLEUM INC				RECEIVED:	08/04/82	JA: ND			
8246605	525	3302500186		102-2		BN 1-17	WILDCAT	0.0	
8246606	524	3300700663		102-2		BN 3-3	WHISKEY JOE	0.0	WESTERN GAS PROCE
-GULF OIL CORPORATION				RECEIVED:	08/04/82	JA: ND			
8246603	528	3308900256		102-2		OGRE 1-24-1C	UNDESIGNATED	449.0	MONTANA-DAKOTA UT
-MOSBACHER PRODUCTION CO				RECEIVED:	08/04/82	JA: ND			
8246601	527	3310500898		102-2		OTTO M SEEL #4-1	FORT BUFORD	88.0	
8246604	526	3302500170		102-2		THOMAS COOK 24-1	WERNER (RED RIVER)	106.0	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	08/04/82	JA: ND			
8246602	529	3310500000		102-2		BENDIXSON 1-18	GOOD LUCK	0.0	PHILLIPS PETROLEU
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	08/04/82	JA: ND			
8246607	530	3300700809		102-2		FRITZ B #1	TREETOP	156.0	KOCH HYDROCARBON
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	08/04/82	JA: NM			
8246563		3004523162		108		CHAVEZ GAS COM "C" #1R	BASIN DAKOTA	21.0	EL PASO NATURAL G
8246552		3004525253		103		STATE GAS COM "BE" #1E	BASIN DAKOTA	49.9	EL PASO NATURAL G
8246553		3004524952		103		VALENCIA GAS COM "B" #1M	BASIN DAKOTA	36.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	08/04/82	JA: NM			
8246560		3002509550		108		G W TOBY WN GAS COM #1	JALMAT (YATES GAS)	0.3	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	08/04/82	JA: NM			
8246565		3002527083		102-2		T G BATES #1	FAIRVIEW MILLS	511.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	08/04/82	JA: NM			
8246555		3002525252		108		CENTRAL DRINKARD UNIT #414	DRINKARD	3.8	EL PASO NATURAL G
8246557		3002525337		108		CENTRAL DRINKARD UNIT #420	DRINKARD	9.0	EL PASO NATURAL G
8246556		3002526450		108		CENTRAL DRINKARD UNIT #431	DRINKARD	6.1	EL PASO NATURAL G
8246590		3002504512		108		HEASLEY STATE #2	EUNICE MONUMENT	1.9	PHILLIPS PETROLEU
8246591		3002504402		108		R R BELL (NCT-I #2	EUMONT	2.5	PHILLIPS PETROLEU
8246592		3002509852		108		VINSON RAMSAY "A" #2	SCARBOROUGH YATES-SEV	21.2	EL PASO NATURAL G
-JEROME P MCHUGH				RECEIVED:	08/04/82	JA: NM			
8246558		3003922496		108		JELLY DOG JERRY #1	SOUTH BLANCO PICTURED	280.0	EL PASO NATURAL G
8246559		3003922495		108		JELLY DOG JERRY #2	SOUTH BLANCO PICTURED	280.0	EL PASO NATURAL G
-MONUMENT RESOURCES				RECEIVED:	08/04/82	JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246594		3004100000		108		CWS #1	CHAVEROO	4.1	CITIES SERVICE CO
8246600		3004100000		108		CWS #2	CHAVEROO	4.1	CITIES SERVICE CO
8246595		3004100000		108		HUMBLE TUCKER #1	CHAVEROO	2.0	CITIES SERVICE CO
8246598		3004100000		108		HUMBLE TUCKER #2	CHAVEROO	2.0	CITIES SERVICE CO
8246596		3004100000		108		HUMBLE TUCKER #3	CHAVEROO	2.0	CITIES SERVICE CO
8246597		3004100000		108		HUMBLE TUCKER #4	CHAVEROO	2.0	CITIES SERVICE CO
8246599		3002500000		108		NEW MEXICO STATE "O" #3	MALJAMAR	0.6	CITIES SERVICE CO
8246593		3004100000		108		TUCKER #1	CHAVEROO	1.6	CITIES SERVICE CO
-MESA PETROLEUM CO				RECEIVED:	08/04/82	JA: NM			
8246578		3000561527		102-2	107-TF	RIC #7	PECOS SLOPE ABO	54.0	
-MTS LTD PARTNERSHIP				RECEIVED:	08/04/82	JA: NM			
8246575		3000561249		102-2	107-TF	BLANCO #2	PECOS SLOPE ABO-GAS	700.0	
8246576		3000561541		102-2	107-TF	ROUND TOP STATE #5	UNDESIGNATED ABO	360.0	
8246577		3000561542		102-2	107-TF	ROUND TOP STATE #6	UNDESIGNATED ABO	366.0	
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	08/04/82	JA: NM			
8246587		3004510767		108		SAN JUAN 32-8 UNIT 28	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	08/04/82	JA: NM			
8246564		3002502925		108		EV GB/SA U 2913 #2	VACUUM GB/SA POOL	7.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	08/04/82	JA: NM			
8246571		3004500000		108-ER		JOHNSTON #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-POGO PRODUCING COMPANY				RECEIVED:	08/04/82	JA: NM			
8246566		3001500000		102-3		MAW STATE #1	SOUTH LOVING	1000.0	LLANO INC
-SOUTHLAND ROYALTY CO				RECEIVED:	08/04/82	JA: NM			
8246561		3004560077		108		CULPEPPER MARTIN #9	BLANCO	15.0	SOUTHERN UNION GA
8246562		3004511064		108		DUSENBERRY #1	BLANCO MESAVERDE	13.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	08/04/82	JA: NM			
8246573		3004525297		103		STATE COM 1E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8246551		3004524445		103		VALDEZ A-1E	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL G
8246574		3004524988		103		YEAGER COM A1	BASIN DAKOTA	500.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	08/04/82	JA: NM			
8246572		3002500000		103		NEW MEXICO "H" STATE NCT-2 #30	EUMONT-YATES SEVEN RI	1033.7	NORTHERN NATURAL
-WAINOCO OIL & GAS CO				RECEIVED:	08/04/82	JA: NM			
8246554		3002527575		103		AZTEC STATE COM #3	LOVINGTON NE PENN	16.0	WARREN PETROLEUM
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	08/04/82	JA: NM			
8246589		3002512161		108		VIVIAN #3	DRINKARD	2.8	EL PASO NATURAL G
8246588		3002510026		108		W M RINEWALT #2	DRINKARD	4.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	08/04/82	JA: NM			
8246586		3000561181		102-2	107-TF	BISHOP "RY" COM #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246570		3000561534		102-2	107-TF	CELESTE "TW" STATE #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246583		3000561336		102-2	107-TF	COLLINS "SW" STATE #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246569		3000561535		102-2	107-TF	GRYNBERG "LZ" STATE #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246585		3000561273		102-2	107-TF	MCCREA "SF" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
8246579		3000561429		102-2	107-TF	PAPALOTE "OI" STATE #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246584		3000561431		102-2	107-TF	REDMAN "OY" STATE #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246568		3000561498		102-2	107-TF	REDMAN "OY" STATE #6	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246580		3000561405		102-2	107-TF	ROLLA "TC" #1	PENJACK ABO	0.0	TRANSWESTERN PIPE
8246581		3000561450		102-2	107-TF	SKINK "SK" STATE #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246582		3000561269		102-2	107-TF	SMERNOFF "NL" STATE COM #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8246567		3000561504		102-2	107-TF	SPARROW "SP" STATE #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-SHELL OIL CO				RECEIVED:	08/03/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246614	19954	3501521160		107-DP		SHELL WEST #1-14	S W COTTONWOOD	278.3	TENNESSEE GAS PIP
		WEST VIRGINIA DEPARTMENT OF MINES							
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	08/04/82	JA: WV			
8246642		4708703478		107-DV		HARPER #1	WALTON DISTRICT	6.0	COLUMBIA GAS TRAN
-AMERICAN PETROEL INC				RECEIVED:	08/04/82	JA: WV			
8246616		4707321186		107-DV		CAMPBELL #1	UNION	50.0	
8246615		4707321209		107-DV		COCHRANE #1	UNION	80.0	
-ASHLAND EXPLORATION INC				RECEIVED:	08/04/82	JA: WV			
8246641		4701900154		108		POCAHONTAS LAND #19 - 166061	LOUP CREEK	15.0	ELKEM METALS CO
-BRAXTON OIL AND GAS CORP				RECEIVED:	08/04/82	JA: WV			
8246617		4704102738		108		PERRINE #1	VANDALIA	4.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	08/04/82	JA: WV			
8246618		4703903727		107-DV		C LIVELY #1	JEFFERSON	15.0	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED:	08/04/82	JA: WV			
8246649		4701702628		107-DV		BROOKS-GUM #2-A	ST CLAIR	20.0	COLUMBIA GAS TRAN
8246648		4701702845		107-DV		CARSON GUM #1	ST CLAIR	15.0	COLUMBIA GAS TRAN
8246647		4701703026		103		DROPPLEMAN #3	ST CLAIR	25.0	COLUMBIA GAS TRAN
8246624		4702103634		108		JAMES #4	BIG ELLIS	14.4	CONSOLIDATED GAS
8246619		4701702662		108		L NICHOLSON #2	LITTLE INDIAN FORK	2.2	COLUMBIA GAS TRAN
8246620		4701702779		108		SEVERIN #1B	ST CLAIR	3.5	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	08/04/82	JA: WV			
8246632		4703302448		103		BURNSIDE #1	WOLF SUMMIT	30.0	
8246633		4703302449		103		BURNSIDE #2	WOLF SUMMIT	30.0	
8246629		4708505075		107-DV		FORDHAM #1	MURPHY DISTRICT	28.0	
8246628		4708505094		107-DV		FORDHAM #2	MURPHY	29.0	
8246627		4708505161		107-DV		MCCABE #1	UNION DISTRICT	27.0	
8246634		4701703004		103		NATHAN PRIMM #1	STRAIGHT FORK OF BLUE	5.0	
8246630		4708505002		107-DV		ROYAL COX #1	UNION DISTRICT	29.0	
8246631		4708504992		107-DV		SHEPLER #1	UNION	29.0	
8246637		4708504993		107-DV		SHEPLER #2	UNION	28.0	
8246638		4708504923		107-DV		SINNETT #1	MURPHY DISTRICT	39.0	
8246636		4708504931		107-DV		TANZEY #1	MURPHY DISTRICT	28.0	
8246635		4708504967		107-DV		TANZEY #2	MURPHY DISTRICT	28.0	
-FERRELL L PRIOR				RECEIVED:	08/04/82	JA: WV			
8246639		4708505139		107-DV		BUTLER #2	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8246640		4701303356		103		GEORGE MAZE HRS #1	SHERIDAN DISTRICT	0.0	CABOT CORP
-FOUR STAR ENERGY CO				RECEIVED:	08/04/82	JA: WV			
8246625		4701303320		108		B B SHIMER 25A #1	YELLOW CREEK	12.0	ROARING FORK GAS
-MATTHEWS & PRIOR				RECEIVED:	08/04/82	JA: WV			
8246621		4708504520		108		JOHN GOFF #1	BEREA	0.0	CARNEGIE NATURAL
-PACIFIC STATES GAS & OIL INC				RECEIVED:	08/04/82	JA: WV			
8246645		4702102845		107-DV		E D FULTON #2	GLENVILLE	11.9	EQUITABLE GAS CO
8246644		4702103013		107-DV		E D FULTON #4	GLENVILLE	0.0	EQUITABLE GAS CO
8246646		4702102843		107-DV		S A HAYS #2	GLENVILLE	9.8	EQUITABLE GAS CO
8246643		4702103026		107-DV		S A HAYS #3	GLENVILLE	30.1	EQUITABLE GAS CO
-SMITH OIL & GAS CO				RECEIVED:	08/04/82	JA: WV			
8246622		4708504974		108		SMITH #2	UNION	0.0	CONSOLIDATED GAS
-SWIFT ENERGY CO				RECEIVED:	08/04/82	JA: WV			
8246626		4704103098		107-DV		HODGES #1	FINSTER-ASPINALL	50.0	
-WELCH OIL & GAS CO				RECEIVED:	08/04/82	JA: WV			
8246623		4708505055		108		WELCH #3	MURPHY	0.0	CONSOLIDATED GAS

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 by September 16, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old BSC 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. 82–23893 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********									
-ARMCLAR GAS CO				RECEIVED:	08/05/82	JA: PA			
8246650	10966	3700522613		103		SCHRECKENGOST #1 SERIAL #96A	SEMINOLE	18.3	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC				RECEIVED:	08/05/82	JA: PA			
8246651	11932	3706326584		103		MILDRED K GOSS #1 KA-102	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	08/05/82	JA: PA			
8246662	9200	3706325721		108		BYRON C FRICK #2 (48.8A)	WHITE	0.0	COLUMBIA GAS TRAN
8246664	9212	3706325092		108		FRED A MUSSER #1 (129A)	WHITE	0.0	COLUMBIA GAS TRAN
8246665	9213	3706325306		108		FRED A MUSSER #3 (129A)	WHITE	13.5	COLUMBIA GAS TRAN
8246663	9201	3706325528		108		FRED A MUSSER #4 (129A)	WHITE	0.0	COLUMBIA GAS TRAN
8246666	9264	3706521415		108		FRED BURKETT #1	WINSLOW	0.0	NATIONAL FUEL GAS
-MONROE RESOURCES LTD				RECEIVED:	08/05/82	JA: PA			
8246667	13925	3712329208		103		HERBERT GOURLEY #1	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
8246668	9259	3712329208		107-TF		HERBERT GOURLEY #1	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	08/05/82	JA: PA			
8246715	12548	3706500000		108		A & M J REITZ FARM #3117	ROSE TOWNSHIP	1.4	GENERAL SYSTEM PU
8246713	12546	3706500000		108		A A THRUSH #3052	ROSE TOWNSHIP	1.8	GENERAL SYSTEM PU
8246728	12562	3706500000		108		A B SMITH #5779	PINECREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8246732	12566	3706500000		108		A B SMITH #5784	PINECREEK TOWNSHIP	1.9	GENERAL SYSTEM PU
8246809	12645	3706500000		108		A COOK SONS CO FARM #5548	BARNETT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246830	12666	3706500000		108		A E MCNEIL #4585	ELDRED TOWNSHIP	0.8	GENERAL SYSTEM PU
8246788	12624	3712100000		108		A J BENNINGER FARM #4746	CRANBERRY TOWNSHIP	0.6	GENERAL SYSTEM PU
8246765	12600	3710500000		108		A L COLE FARM #6187	SHARON TOWNSHIP	0.6	GENERAL SYSTEM PU
8246718	12551	3706500000		108		A M WADDING #3203	KNOX TOWNSHIP	0.5	GENERAL SYSTEM PU
8246779	12615	3708300000		108		ADA S HALSEY FARM #4150	SERGEANT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246780	12616	3708300000		108		ADA S HALSEY FARM #4157	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246781	12617	3708300000		108		ADA S HALSEY FARM #4189	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246850	12686	3706500000		108		AGNES HOFFMAN #3937	ELDRED TOWNSHIP	0.8	GENERAL SYSTEM PU
8246868	12704	3704700000		108		ALGHY NATIONAL FOR #5161	MILLSTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8246869	12705	3704700000		108		ALGHY NATIONAL FOR #5172	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8246871	12707	3704700000		108		ALGHY NATIONAL FOR #5175	MILLSTONE TOWNSHIP	0.8	GENERAL SYSTEM PU
8246875	12711	3704720807		108		ALLEG NAT FOREST #5738	MILLSTONE TOWNSHIP	1.5	GENERAL SYSTEM PU
8246870	12706	3704700000		108		ALLEG NAT'L FOREST #5173	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8246837	12673	3706500000		108		AMANDA B JOHNS #2149	KNOX TOWNSHIP	1.2	GENERAL SYSTEM PU
8246778	12614	3708300000		108		ARMSTRONG FOREST CO #4136	SERGEANT TOWNSHIP	1.2	GENERAL SYSTEM PU
8246858	12694	3703100000		108		ARNOLD LEHNER #5473	MADISON TOWNSHIP	0.6	GENERAL SYSTEM PU
8246906	12744	3710500000		108		BALDWIN #6019	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8246888	12724	3705300000		108		BRADEN #4 FARM #5682	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8246889	12725	3705300000		108		BRADEN #5 FARM #5683	BARNETT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246816	12652	3706500000		108		BROSIUS #5667	BARNETT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246669	12478	3708300000		108		BUFFALO COAL CO #1375	SERGEANT TOWNSHIP	0.4	GENERAL SYSTEM PU
8246777	12613	3708300000		108		BUFFALO COAL CO #2998	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246782	12618	3708300000		108		BUFFALO COAL CO #4235	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246783	12619	3708300000		108		BUFFALO COAL CO #4268	SERGEANT TOWNSHIP	0.7	GENERAL SYSTEM PU
8246784	12620	3708300000		108		BUFFALO COAL CO #4337	SERGEANT TOWNSHIP	0.6	GENERAL SYSTEM PU
8246815	12651	3706500000		108		BUTTERFIELD #1 #5666	BARNETT TOWNSHIP	0.2	GENERAL SYSTEM PU
8246670	12479	3708300000		108		BUTTERFIELD LANDS #1431	SERGEANT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246689	12521	3708300000		108		BUTTERFIELD LANDS #2250	NORWICH TOWNSHIP	0.8	GENERAL SYSTEM PU
8246682	12514	3708300000		108		BUTTERFIELD TRACT #1560	NORWICH TOWNSHIP	1.1	GENERAL SYSTEM PU
8246685	12517	3708300000		108		BUTTERFIELD TRACT #1570	NORWICH TOWNSHIP	0.6	GENERAL SYSTEM PU
8246702	12534	3704700000		108		C H MCCAULEY #5082	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8246701	12533	3704700000		108		C H MCCAULEY JR #5081	RIDGWAY TOWNSHIP	0.6	GENERAL SYSTEM PU
8246703	12535	3704700000		108		C H MCCAULEY JR #5083	RIDGWAY TOWNSHIP	0.6	GENERAL SYSTEM PU
8246704	12536	3704700000		108		C H MCCAULEY JR #5084	RIDGWAY TOWNSHIP	0.6	GENERAL SYSTEM PU
8246744	12579	3703120892		108		C J KERR #3350	LIMESTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8246677	12509	3708300000		108		C M & C GILLETT #3120	NORWICH TOWNSHIP	0.5	GENERAL SYSTEM PU
8246849	12685	3706500000		108		CARRIER & DEEMER #3922	ELDRED TOWNSHIP	2.2	GENERAL SYSTEM PU
8246764	1599	3710500000		108		CATHERINE L HOLMES FARM #6186	SHARON TOWNSHIP	0.2	GENERAL SYSTEM PU
8246826	12662	3705300000		108		COLEMAN #11 #5677	BARNETT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246825	12661	3705300000		108		COLEMAN #9 #5676	BARNETT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246736	12570	3703100000		108		CONRAD SIVERLING #3306	MONROE TOWNSHIP	0.7	GENERAL SYSTEM PU
8246839	12675	3706500000		108		CORA A REITZ #2214	KNOX TOWNSHIP	0.8	GENERAL SYSTEM PU
8246721	12555	3703100000		108		CYPHERT HEIRS #3293	LIMESTONE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246729	12563	3706500000		108		D K BARNETT #5780	PINECREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8246730	12564	3706500000		108		D K BARNETT #5782	PINECREEK TOWNSHIP	0.7	GENERAL SYSTEM PU
8246731	12565	3706500000		108		D K BARNETT #5783	PINECREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8246751	12586	3706500000		108		DANIEL RHODES #3484	KNOX TOWNSHIP	1.2	GENERAL SYSTEM PU
8246860	12696	3703100000		108		DAVID ROBINSON #5477	MADISON TOWNSHIP	0.0	GENERAL SYSTEM PU
8246814	12650	3706500000		108		DOBSON #2 #5659	BARNETT TOWNSHIP	0.4	GENERAL SYSTEM PU
8246882	12718	3706500000		108		DOBSON #3 #5721	BARNETT TOWNSHIP	0.6	GENERAL SYSTEM PU
8246811	12647	3706500000		108		DOBSON #5654	BARNETT TOWNSHIP	1.0	GENERAL SYSTEM PU
8246859	12695	3703100000		108		DONALD MONTGOMERY #5478	MADISON TOWNSHIP	1.5	GENERAL SYSTEM PU
8246671	12480	3708300000		108		E A PRICE #1466	SERGEANT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246748	12583	3703100000		108		E C & S B MERCER #3407	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8246763	1598	3710500000		108		E D HOLMES FARM #6185	SHARON TOWNSHIP	0.2	GENERAL SYSTEM PU
8246766	12601	3710500000		108		E D HOLMES FARM #6192	SHARON TOWNSHIP	0.7	GENERAL SYSTEM PU
8246840	12676	3706500000		108		E E JOHNS #2220	KNOX TOWNSHIP	1.3	GENERAL SYSTEM PU
8246680	12512	3708300000		108		E L GALLUP #4727	NORWICH TOWNSHIP	1.4	GENERAL SYSTEM PU
8246683	12515	3708300000		108		EDWARD A PRICE #1550	NORWICH TOWNSHIP	1.1	GENERAL SYSTEM PU
8246755	12590	3706500000		108		ELMER E THRUSH #3603	ROSE TOWNSHIP	1.9	GENERAL SYSTEM PU
8246769	12605	3706500000		108		F C DEEMER #4226	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8246770	12606	3706500000		108		F C DEEMER #4240	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8246771	12607	3706500000		108		F C DEEMER #4253	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8246804		3712300000		108		FRANCIS HENRY #1239-P	SHEFFIELD TOWNSHIP	0.4	GENERAL SYSTEM PU
8246801	12637	3712300000		108		FRANCIS HENRY #358-P	SHEFFIELD TOWNSHIP	2.3	GENERAL SYSTEM PU
8246845	12681	3706500000		108		FRANK D JOHNS #2807	KNOX TOWNSHIP	0.6	GENERAL SYSTEM PU
8246738	12573	3703100000		108		FRANK KERR #3332	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8246678	12510	3708300000		108		FRED D RIFLE #3914	NORWICH TOWNSHIP	1.2	GENERAL SYSTEM PU
8246679	12511	3708300000		108		FRED D RIFLE #3918	NORWICH TOWNSHIP	1.4	GENERAL SYSTEM PU
8246735	12569	3706500000		108		FRED STARR #5791	PINECREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8246798	12634	3708300000		108		FREDERICK HOBBS #486-P	HAMILTON TOWNSHIP	2.2	GENERAL SYSTEM PU
8246799		3708300000		108		FREDERICK HOBBS #898-P	HAMILTON TOWNSHIP	2.2	GENERAL SYSTEM PU
8246684	12516	3708300000		108		FRITZ BLOCK FARM #1298	HAMLIN TOWNSHIP	1.4	GENERAL SYSTEM PU
8246891	12727	3706500000		108		FROST #1 #5687	ELDRED TOWNSHIP	0.4	GENERAL SYSTEM PU
8246885	12721	3706500000		108		FROST #5735	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246886	12722	3706500000		108		FROST #5736	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246774	12610	3706500000		108		FROST MCNEIL #4489	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8246717	12550	3706500000		108		G A BALLENTINE #3129	ROSE TOWNSHIP	1.1	GENERAL SYSTEM PU
8246853	12689	3706500000		108		G W HETRICK #3985	ELDRED TOWNSHIP	1.5	GENERAL SYSTEM PU
8246846	12682	3706500000		108		GEO & CATHARINE HYDE #2879	KNOX TOWNSHIP	1.3	GENERAL SYSTEM PU
8246787	12623	3708300000		108		GEO C SIMONS #5383	HAMLIN TOWNSHIP	0.6	GENERAL SYSTEM PU
8246828	12664	3706500000		108		GEORGE BURKET #4541	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8246762	1597	3710500000		108		GEORGE W DODGE #6191	OSWAYO TOWNSHIP	0.6	GENERAL SYSTEM PU
8246905	12741	3702300000		108		H A MOATE #SC 345	GIBSON TOWNSHIP	3.0	GENERAL SYSTEM PU
8246904	12740	3702300000		108		H A MOATE #SC 346	GIBSON TOWNSHIP	5.8	GENERAL SYSTEM PU
8246903	12739	3702300000		108		H A MOATE #SC 348	GIBSON TOWNSHIP	2.0	GENERAL SYSTEM PU
8246699	12531	3702300000		108		H A MOATE #1 #6197	GIBSON TOWNSHIP	3.7	GENERAL SYSTEM PU
8246697	12529	3704700000		108		H BLESH & SON #SC 363	BENEZETTE TOWNSHIP	5.8	GENERAL SYSTEM PU
8246698	12530	3704700000		108		H L PEARSALL #SC 365	BENEZETTE TOWNSHIP	8.4	GENERAL SYSTEM PU
8246864	12700	3703100000		108		H W SMITH #5470	MADISON TOWNSHIP	0.6	GENERAL SYSTEM PU
8246734	12568	3706500000		108		HAINES #5790	PINECREEK TOWNSHIP	1.6	GENERAL SYSTEM PU
8246785	12621	3708300000		108		HALL & KAUL #4795	SERGEANT TOWNSHIP	2.5	GENERAL SYSTEM PU
8246794		3705300000		108		HAMMOND HEIRS #4673	TIONESTA TOWNSHIP	1.3	GENERAL SYSTEM PU
8246898	12734	3704700000		108		HAROLD L PEARSALL #SC 353	BENEZETTE TOWNSHIP	7.6	GENERAL SYSTEM PU
8246897	12733	3704700000		108		HAROLD L PEARSALL #SC 354	BENEZETTE TOWNSHIP	6.1	GENERAL SYSTEM PU
8246696	12528	3704700000		108		HAROLD L PEARSALL #SC 362	BENEZETTE TOWNSHIP	3.9	GENERAL SYSTEM PU
8246911	12749	3706500000		108		HARRY R WILSON #3065	BARNETT TOWNSHIP	0.6	GENERAL SYSTEM PU
8246866	12702	3700500000		108		HARRY SERENE #5300	SUGAR CREEK TOWNSHIP	1.4	GENERAL SYSTEM PU
8246855	12691	3703100000		108		HATTIE NEWHOUSE #3987	MILLCREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8246843	12679	3706500000		108		HE&WE MCANINCH #2454	KNOX TOWNSHIP	1.0	GENERAL SYSTEM PU
8246887	12723	3705300000		108		HILLIARD #2 FARM #5681	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8246714	12547	3706500000		108		HIRAM ALLSHOUSE #3060	ROSE TOWNSHIP	2.1	GENERAL SYSTEM PU
8246724	12558	3706500000		108		HUMPHREY #5773	PINECREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246725	12559	3706500000		108		HUMPHREY #5774	PINECREEK TOWNSHIP	2.1	GENERAL SYSTEM PU
8246726	12560	3706500000		108		HUMPHREY #5775	PINECREEK TOWNSHIP	0.7	GENERAL SYSTEM PU
8246727	12561	3706500000		108		HUMPHREY #5777	PINECREEK TOWNSHIP	0.7	GENERAL SYSTEM PU
8246733	12567	3706500000		108		HUMPHREY #5788	PINECREEK TOWNSHIP	1.5	GENERAL SYSTEM PU
8246707	12540	3704700000		108		HYDE LAND CO #5092	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246705	12537	3704700000		108		HYDE LAND COMPANY #5087	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246706	12538	3704700000		108		HYDE LAND COMPANY #5088	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246675	12507	3708300000		108		IRONS FARM #5205	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8246740	12575	3703100000		108		J A CYPHERT #3336	LIMESTONE TOWNSHIP	1.4	GENERAL SYSTEM PU
8246743	12578	3703100000		108		J A CYPHERT #3347	LIMESTONE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246687	12519	3708300000		108		J BAKER #1254	LIBERTY TOWNSHIP	1.1	GENERAL SYSTEM PU
8246907	12745	3710500000		108		J D JONES #6002	OSWAYO TOWNSHIP	1.0	GENERAL SYSTEM PU
8246791	12627	3712100000		108		J E KEVERLINE #4545	PINEGROVE TOWNSHIP	1.0	GENERAL SYSTEM PU
8246792	12628	3712100000		108		J E KEVERLINE #4559	PINEGROVE TOWNSHIP	0.4	GENERAL SYSTEM PU
8246793	12629	3712100000		108		J E KEVERLINE #4569	PINEGROVE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246746	12581	3703100000		108		J H & M J WILSON #3381	CLARION TOWNSHIP	0.3	GENERAL SYSTEM PU
8246847	12683	3706500000		108		J H BUZZARD JR FARM #3666	ELDRED TOWNSHIP	2.2	GENERAL SYSTEM PU
8246844	12680	3706500000		108		J H JOHNS #2587	KNOX TOWNSHIP	3.5	GENERAL SYSTEM PU
8246786	12622	3708300000		108		J H RALPH #4446	SERGEANT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246690	12522	3708300000		108		J H RALPH FARM #2447	SERGEANT TOWNSHIP	0.1	GENERAL SYSTEM PU
8246752	12587	3706500000		108		J I ALLSHOUSE #3624	KNOX TOWNSHIP	1.0	GENERAL SYSTEM PU
8246818	12654	3703100000		108		J M & C M BUZZARD #5543	CLARION TOWNSHIP	0.6	GENERAL SYSTEM PU
8246750	12585	3706500000		108		J S HARRIGER #3462	KNOX TOWNSHIP	1.0	GENERAL SYSTEM PU
8246827	12663	3706500000		108		J W & S SONGER FARM#4532	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8246708	12541	3704700000		108		J W COCHRAN JR #5093	RIDGWAY TOWNSHIP	0.6	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246709	12542	3704700000		108		J W COCHRAN JR #5094	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8246710	12543	3704700000		108		J W COCHRAN JR #5096	RIDGWAY TOWNSHIP	1.1	GENERAL SYSTEM PU
8246711	12544	3704700000		108		J W COCHRAN JR #5097	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8246712	12545	3704700000		108		J W COCHRAN JR #5099	RIDGWAY TOWNSHIP	1.6	GENERAL SYSTEM PU
8246851	12687	3706500000		108		J W FRASHER #3959	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8246773	12609	3706500000		108		J W FRASHER #4456	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8246881	12717	3706500000		108		JACKSON #2 #5720	ELDRED TOWNSHIP	1.0	GENERAL SYSTEM PU
8246863	12699	3703100000		108		JAMES MATHEWS #5472	MADISON TOWNSHIP	0.5	GENERAL SYSTEM PU
8246909	12747	3706500000		108		JAS S CARROLL FARM #3228	ELDRED TOWNSHIP	1.3	GENERAL SYSTEM PU
8246789	12625	3712100000		108		JEHU HAWORTH FARM #4703	CRANBERRY TOWNSHIP	0.5	GENERAL SYSTEM PU
8246700	12532	3704700000		108		JEROME POWELL #2955	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246803		3712300000		108		JERRY CRARY #1211-P	SHEFFIELD TOWNSHIP	0.4	GENERAL SYSTEM PU
8246872	12708	3704700000		108		JOHN BUEHLER #5562	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8246720	12553	3706500000		108		JOHN MATHEWS #3205	KNOX TOWNSHIP	1.1	GENERAL SYSTEM PU
8246910	12748	3706500000		108		JOS BUZARD #3223	ELDRED TOWNSHIP	1.1	GENERAL SYSTEM PU
8246796	12632	3703100000		108		JOS ZEIGLER B S A #5553	ASHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8246719	12552	3706500000		108		L LERMINIAUX #3204	KNOX TOWNSHIP	1.3	GENERAL SYSTEM PU
8246716	12549	3706500000		108		LADD M REITZ #3112	ROSE TOWNSHIP	1.9	GENERAL SYSTEM PU
8246884	12720	3706500000		108		LARIMER #1 #5724	ELDRED TOWNSHIP	0.1	GENERAL SYSTEM PU
8246722	12556	3703100000		108		LEWIS SNYDER #3294	LIMESTONE TOWNSHIP	0.2	GENERAL SYSTEM PU
8246790	12626	3712100000		108		LLOYD OIL CO FARM #4426	CRANBERRY TOWNSHIP	0.3	GENERAL SYSTEM PU
8246739	12514	3703100000		108		LUCY DAVIS #3335	LIMESTONE TOWNSHIP	2.0	GENERAL SYSTEM PU
8246723	12557	3703100000		108		M B & T H FRAMPTON #3301	MONROE TOWNSHIP	0.7	GENERAL SYSTEM PU
8246912	12750	3703100000		108		M RULOFSON CO #2732	CLARION TOWNSHIP	0.5	GENERAL SYSTEM PU
8246835	12671	3706500000		108		MILLER WHITEMAN #5549	ELDRED TOWNSHIP	0.3	GENERAL SYSTEM PU
8246676	12508	3708300000		108		N C & ANN GALLUP #2816	NORWICH TOWNSHIP	0.4	GENERAL SYSTEM PU
8246754	12589	3706500000		108		NANCY SPEAKER #3655	ROSE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246673	12482	3708300000		108		OSGOOD & BACKER FARM #1549	HAMLIN TOWNSHIP	0.9	GENERAL SYSTEM PU
8246842	12678	3706500000		108		P A HUNTER #2268	KNOX TOWNSHIP	0.5	GENERAL SYSTEM PU
8246741	12576	3703100000		108		P E COLLETT #3337	LIMESTONE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246688	12520	3708300000		108		P L & H LYNCH #1265	LIBERTY TOWNSHIP	1.3	GENERAL SYSTEM PU
8246753	12588	3706500000		108		P W ISHMAN #3565	PINECREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246772	12608	3706500000		108		PA CONTR & PROD #4297	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246831	12667	3706500000		108		PA STATE FOREST #4598	ELDRED TOWNSHIP	2.7	GENERAL SYSTEM PU
8246834	12670	3706500000		108		PA STATE FOREST #4847	ELDRED TOWNSHIP	2.2	GENERAL SYSTEM PU
8246822	12658	3703100000		108		PA STATE GAME LANDS #4826	MILLCREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246817	12653	3703100000		108		PA STATE GAME LANDS #4864	CLARION TOWNSHIP	0.5	GENERAL SYSTEM PU
8246807	12643	3705300000		108		PA STATE GAME LANDS #5170	JENKS TOWNSHIP	0.9	GENERAL SYSTEM PU
8246892	12728	3706500000		108		PARK #2 #5700	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246883	12719	3706500000		108		PARK #3 #5722	ELDRED TOWNSHIP	0.3	GENERAL SYSTEM PU
8246896	12732	3706500000		108		PEARSALL #1 #5706	WARSAW TOWNSHIP	1.0	GENERAL SYSTEM PU
8246877	12713	3706500000		108		PEARSALL #3 #5708	WARSAW TOWNSHIP	1.2	GENERAL SYSTEM PU
8246890	12726	3705300000		108		POTTER #1 #5685	BARNETT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246878	12714	3705300000		108		POTTER #2 #5711	BARNETT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246756	12591	3706500000		108		R D & E C RICHARDS #3634	ROSE TOWNSHIP	1.5	GENERAL SYSTEM PU
8246820	12656	3703100000		108		R M MCMILLEN #4262	MILLCREEK TOWNSHIP	0.6	GENERAL SYSTEM PU
8246800		3710500000		108		RALPH BURDIC #6196	OSWAYO TOWNSHIP	0.8	GENERAL SYSTEM PU
8246767	12602	3710500000		108		RALPH BURDIC FARM #6193	SHARON TOWNSHIP	0.4	GENERAL SYSTEM PU
8246876	12712	3706500000		108		RHODES #1 #5646	HEATH TOWNSHIP	0.1	GENERAL SYSTEM PU
8246821	12657	3703100000		108		RICHIE RHODES #4707	MILLCREEK TOWNSHIP	0.6	GENERAL SYSTEM PU
8246865	12701	3700500000		108		ROBERT HAYS #5461	SUGAR CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8246836	12672	3706500000		108		ROBERT MASTERS #5557	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246848	12684	3706500000		108		ROBERT MCKINLEY #3903	ELDRED TOWNSHIP	0.9	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246686	12518	3708300000		108		ROOT TRACT #1534	LIBERTY TOWNSHIP	0.3	GENERAL SYSTEM PU
8246672	12481	3708300000		108		S BLOOMSTER #1535	SERGEANT TOWNSHIP	1.3	GENERAL SYSTEM PU
8246691	12523	3702300000		108		S C EATON #SC 342	GIBSON TOWNSHIP	2.1	GENERAL SYSTEM PU
8246692	12524	3702300000		108		S C EATON JR #SC 337	GIBSON TOWNSHIP	3.5	GENERAL SYSTEM PU
8246913	12751	3703100000		108		S E & S G BEATTY #3157	FARMINGTON	0.6	GENERAL SYSTEM PU
8246838	12674	3706500000		108		S SWINEFORD #2199	KNOX TOWNSHIP	0.6	GENERAL SYSTEM PU
8246841	12677	3706500000		108		S SWINEFORD #2242	KNOX TOWNSHIP	0.6	GENERAL SYSTEM PU
8246856	12692	3703100000		108		S T J SHERMAN #3997	CLARION TOWNSHIP	0.8	GENERAL SYSTEM PU
8246805	12641	3712300000		108		S W WATERS #1249-P	SHEFFIELD TOWNSHIP	0.7	GENERAL SYSTEM PU
8246806	12642	3712300000		108		S W WATERS #1252-P	SHEFFIELD TOWNSHIP	0.9	GENERAL SYSTEM PU
8246902	12738	3704700000		108		SAGAMORE HUNT CLUB #SC 349	BENEZETTE TOWNSHIP	5.5	GENERAL SYSTEM PU
8246901	12737	3704700000		108		SAGAMORE HUNT CLUB #SC 350	BENEZETTE TOWNSHIP	5.3	GENERAL SYSTEM PU
8246900	12736	3704700000		108		SAGAMORE HUNT CLUB #SC 351	BENEZETTE TOWNSHIP	6.7	GENERAL SYSTEM PU
8246899	12735	3704700000		108		SAGAMORE HUNT CLUB #SC 352	BENEZETTE TOWNSHIP	3.4	GENERAL SYSTEM PU
8246693	12525	3704700000		108		SAGAMORE HUNT CLUB #SC 358	BENEZETTE TOWNSHIP	5.3	GENERAL SYSTEM PU
8246694	12526	3704700000		108		SAGAMORE HUNT CLUB #SC 359	BENEZETTE TOWNSHIP	4.0	GENERAL SYSTEM PU
8246695	12527	3704700000		108		SAGAMORE HUNTING CB #SC 361	BENEZETTE TOWNSHIP	3.2	GENERAL SYSTEM PU
8246674	12506	3708300000		108		SAMUEL FRIDLEY #4737	HAMLIN TOWNSHIP	0.8	GENERAL SYSTEM PU
8246854	12690	3706500000		108		SARAH P MOORE #3986	WARSAW TOWNSHIP	1.7	GENERAL SYSTEM PU
8246823	12659	3705300000		108		SECOR #3 FARM #5664	BARNETT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246824	12660	3705300000		108		SECOR #4 FARM #5665	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8246776	12612	3706500000		108		SIMPSON LAND CO #4520	ELDRED TOWNSHIP	1.4	GENERAL SYSTEM PU
8246893	12729	3706500000		108		SONGER #17 #5703	BARNETT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246894	12730	3706500000		108		SONGER #19 #5704	BARNETT TOWNSHIP	0.3	GENERAL SYSTEM PU
8246810	12646	3706500000		108		SONGER #2 FARM #5651	BARNETT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246895	12731	3706500000		108		SONGER #20 FARM #5705	BARNETT TOWNSHIP	0.3	GENERAL SYSTEM PU
8246813	12649	3706500000		108		SONGER #3	BARNETT TOWNSHIP	0.2	GENERAL SYSTEM PU
8246879	12715	3706500000		108		SONGER #3 #5714	BARNETT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246880	12716	3706500000		108		SONGER #6 #5716	BARNETT TOWNSHIP	0.8	GENERAL SYSTEM PU
8246819	12655	3703100000		108		STEINER & BARLETT #4459	FARMINGTON TOWNSHIP	0.7	GENERAL SYSTEM PU
8246852	12688	3706500000		108		T A DUKES #3960	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8246749	12584	3703100000		108		T H FRAMPTON #3459	MONROE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246757	12592	3703100000		108		T I FOX #3654	MONROE TOWNSHIP	0.8	GENERAL SYSTEM PU
8246742	12577	3703100000		108		T L AARON #3345	LIMESTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8246832	12668	3706500000		108		THOMAS STEWART EST #4708	ELDRED TOWNSHIP	0.9	GENERAL SYSTEM PU
8246681	12513	3708300000		108		W & ELIZ GALLUP FARM #1293	HAMLIN TOWNSHIP	1.4	GENERAL SYSTEM PU
8246808	12644	3706500000		108		W BRADEN & W REITZ #4358	BARNETT TOWNSHIP	0.3	GENERAL SYSTEM PU
8246759	12594	3710500000		108		W F DUBOIS FARM #6038	OSWAYO TOWNSHIP	0.8	GENERAL SYSTEM PU
8246745	12580	3703100000		108		W F MAGNESS #3373	MONROE TOWNSHIP	0.6	GENERAL SYSTEM PU
8246867	12703	3704700000		108		W H OSTERHOUT #5158	MILLSTONE TOWNSHIP	1.6	GENERAL SYSTEM PU
8246797	12633	3705300000		108		W H WEBB FARM #2312	HICKORY TOWNSHIP	1.3	GENERAL SYSTEM PU
8246861	12697	3703100000		108		WALTER HENRY #5482	MADISON TOWNSHIP	0.4	GENERAL SYSTEM PU
8246862	12698	3703100000		108		WALTER HENRY #5484	MADISON	0.4	GENERAL SYSTEM PU
8246802	12638	3712300000		108		WEBB HORTON #876-P	SHEFFIELD TOWNSHIP	3.2	GENERAL SYSTEM PU
8246908	12746	3710500000		108		WESTON LUMBER CO #6040	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8246857	12693	3710500000		108		WESTON LUMBER CO #6172	OSWAYO TOWNSHIP	3.1	GENERAL SYSTEM PU
8246758	12593	3705300000		108		WHEELER & DUSENBURY FARM #2298	HICKORY TOWNSHIP	3.0	GENERAL SYSTEM PU
8246760	12595	3710500000		108		WILLIAM BENTLEY FARM #6188	OSWAYO TOWNSHIP	0.2	GENERAL SYSTEM PU
8246761	1596	3710500000		108		WILLIAM BENTLEY FARM #6189	OSWAYO TOWNSHIP	0.6	GENERAL SYSTEM PU
8246829	12665	3706500000		108		WILLIAM WALLACE ET AL FARM #4583	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246737	12571	3703100000		108		WILSON & C & M #3389	MONROE TOWNSHIP	0.2	GENERAL SYSTEM PU
8246747	12582	3703100000		108		WILSON & C & M #3390	MONROE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246768	12603	3706500000		108		WISHEY #1 FARM #5669	BARNETT TOWNSHIP	1.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246914	12752	3703100000		108		WM & JOHN C KEATLEY #3042	FARMINGTON TOWNSHIP	0.5	GENERAL SYSTEM PU
8246833	12669	3706500000		108		WM VANDERVORT #4816	ELDRED TOWNSHIP	0.3	GENERAL SYSTEM PU
8246775	12611	3706522050		108		WM WALLACE #4514	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246812	12648	3706500000		108		YODER #5655	BARNETT TOWNSHIP	1.4	GENERAL SYSTEM PU
8246795	12631	3703100000		108		ZEIGLER B SCOUT CP FARM #5545	ASHLAND TOWNSHIP	0.7	GENERAL SYSTEM PU
8246873	12709	3704700000		108		ZIMMERMAN #1 #5656	MILLSTONE TOWNSHIP	0.7	GENERAL SYSTEM PU
8246874	12710	3704700000		108		ZIMMERMAN #2 #5657	MILLSTONE TOWNSHIP	0.4	GENERAL SYSTEM PU
-REX HUBER				RECEIVED:	08/05/82	JA: PA			
8246659	11582	3706521179		108		DARL E & ALDA KORDES #1-4	PORTER	3.3	APOLLO GAS CO
8246658	11581	3706521111		108		NED C & BONNIE S LETTIE #1-2	PORTER	6.0	APOLLO GAS CO
8246661	11584	3706521207		108		NYE BRANCH CO #1-5	PORTER	2.2	APOLLO GAS CO
8246660	11583	3706521330		108		NYE BRANCH CO #2-6	PORTER	2.0	APOLLO GAS CO
8246652	11572	3706323176		108		ORPHA Y & LEROY MILLER #1-7	TRADE CITY	11.3	APOLLO GAS CO
8246653	11573	3706323919		108		ORPHA Y & LEROY MILLER #2-10	TRADE CITY	11.3	APOLLO GAS CO
8246656	11576	3706325748		108		REXFORD L & DOROTHY C HUBER #1-13	NORTHPOINT	16.5	APOLLO GAS CO
8246654	11574	3706521886		108		REXFORD L & DOROTHY C HUBER #2	NORTHPOINT	16.5	APOLLO GAS CO
8246657	11577	3706521001		108		REXFORD L & DOROTHY C HUBER 1-1	PORTER	16.5	APOLLO GAS CO
8246655	11575	3706521998		108		REXFORD L & DOROTHY C HUBER #3-12	NORTHPOINT	16.5	APOLLO GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchases 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 by September 16, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–23894 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-NATIONAL FUEL GAS SUPPLY CORP			RECEIVED:	08/05/82		JA: PA			
8246993	12828	3706500000	108			A D BURKETT #3990	MCCALMONT TOWNSHIP	0.3	GENERAL SYSTEM PU
8247051	12886	3708300000	108			A G ABBEY #5243	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8247156	13010	3704700000	108			A JOHNSON #1469	HIGHLAND TOWNSHIP	2.0	GENERAL SYSTEM PU
8247045	12880	3708300000	108			A L GALLUP #5225	KEATING TOWNSHIP	0.7	GENERAL SYSTEM PU
8247128	12964	3708300000	108			A SWANSON #1453	WETMORE TOWNSHIP	0.5	GENERAL SYSTEM PU
8246997	12832	3706500000	108			A T MCGAUGHEY #4141	ROSE TOWNSHIP	0.6	GENERAL SYSTEM PU
8247066	12901	3700500000	108			ALEX CRAWFORD #5299	SUGAR CREEK TOWNSHIP	1.9	GENERAL SYSTEM PU
8247027	12862	3704700000	108			ALLEG NAT FOR #5136	RIDGWAY	0.5	GENERAL SYSTEM PU
8247019	12854	3704700000	108			ALLEG NAT'L FOREST #SC279	SPRING CREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8247011	12846	3704700000	108			ALLEG NAT'L FOREST #SC313	RIDGWAY TOWNSHIP	2.5	GENERAL SYSTEM PU
8246971	12806	3706500000	108			ARMINTA DAVID #3713	KNOX TOWNSHIP	1.5	GENERAL SYSTEM PU
8247032	12867	3706500000	108			ASEL NEUROME #4013	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8247094	12929	3708300000	108			BACKER LANDS #1199	SERGEANT TOWNSHIP	1.3	GENERAL SYSTEM PU
8247104	12939	3708300000	108			BACKER PURCHASE FARM #1171	SERGEANT TOWNSHIP	0.9	GENERAL SYSTEM PU
8246945	12780	3710500000	108			BALDWIN #6157	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8246965	12800	3710500000	108			BALDWIN #6180	OSWAYO TOWNSHIP	1.5	GENERAL SYSTEM PU
8247135	12971	3712100000	108			BAUM & ELKINS #782	CRANBERRY TOWNSHIP	0.7	GENERAL SYSTEM PU
8247090	12925	3708300000	108			BINGHAM ESTATE #5208	KEATING TOWNSHIP	1.7	GENERAL SYSTEM PU
8247042	12877	3708300000	108			BINGHAM ESTATE FARM #5210	KEATING TOWNSHIP	1.3	GENERAL SYSTEM PU
8247043	12878	3708300000	108			BINGHAM ESTATE FARM #5211	KEATING TOWNSHIP	1.0	GENERAL SYSTEM PU
8247044	12879	3708300000	108			BINGHAM ESTATE FARM #5217	KEATING TOWNSHIP	0.4	GENERAL SYSTEM PU
8247040	12875	3708300000	108			BINGHAM LANDS FARM #5207	KEATING TOWNSHIP	0.7	GENERAL SYSTEM PU
8247136	12972	3712100000	108			BORDMAN & DAVIS #786	CRANBERRY TOWNSHIP	1.4	GENERAL SYSTEM PU
8247108	12943	3708300000	108			BUFFALO COAL CO #1103	SERGEANT TOWNSHIP	0.6	GENERAL SYSTEM PU
8247105	12940	3708300000	108			BUFFALO COAL CO #1163	SERGEANT TOWNSHIP	0.4	GENERAL SYSTEM PU
8247103	12938	3708300000	108			BUFFALO COAL CO #1178	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8247095	12930	3708300000	108			BUFFALO COAL CO #1198	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8247093	12928	3708300000	108			BUFFALO COAL CO #1236	SERGEANT TOWNSHIP	0.7	GENERAL SYSTEM PU
8247005	12840	3705300000	108			C B WRIGHT #1274-P	JENKS TOWNSHIP	2.8	GENERAL SYSTEM PU
8247010	12845	3705300000	108			C B WRIGHT #1277-P	JENKS TOWNSHIP	3.7	GENERAL SYSTEM PU
8247013	12848	3705300000	108			C B WRIGHT #1334-P	JENKS TOWNSHIP	7.0	GENERAL SYSTEM PU
8246996	12831	3706500000	108			C C STAHLMAN #3989	ROSE TOWNSHIP	0.4	GENERAL SYSTEM PU
8247052	12887	3708300000	108			C D COMES #5246	KEATING TOWNSHIP	1.2	GENERAL SYSTEM PU
8247021	12856	3704700000	108			C H MCCAULEY #5117	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246933	12768	3700500000	108			C M CRAWFORD #5194	SUGAR CREEK TOWNSHIP	1.7	GENERAL SYSTEM PU
8247050	12885	3708300000	108			C O LARSON FARM #5240	SMETHPORT BOROUGH	0.8	GENERAL SYSTEM PU
8246974	12809	3706500000	108			CAL C STAHLMAN #3847	ROSE TOWNSHIP	0.7	GENERAL SYSTEM PU
8246924	12759	3706500000	108			CHAMBERS MILLIN #4681	ROSE TOWNSHIP	0.3	GENERAL SYSTEM PU
8246944	12779	3710500000	108			CHARLES DUKE #6042	OSWAYO TOWNSHIP	0.4	GENERAL SYSTEM PU
8246975	12810	3706500000	108			CLARA A FETZER #3722	ROSE TOWNSHIP	1.1	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246921	12756	3706500000		108		CLYDE BROCIUS FARM #4551	CLOVER TOWNSHIP	1.0	GENERAL SYSTEM PU
8246922	12757	3706500000		108		CLYDE BROSIUS FARM #4560	CLOVER TOWNSHIP	2.1	GENERAL SYSTEM PU
8246992	12827	3706500000		108		CLYDE O SNYDER #3983	MCCALMONT TOWNSHIP	4.7	GENERAL SYSTEM PU
8247049	12884	3708300000		108		D C YOUNG #5218	NORWICH TOWNSHIP	0.6	GENERAL SYSTEM PU
8247080	12915	3703100000		108		D STEINER #3523	FARMINGTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8247081	12916	3703100000		108		D STEINER #3524	FARMINGTON TOWNSHIP	0.7	GENERAL SYSTEM PU
8247082	12917	3703100000		108		D STEINER #3525	FARMINGTON TOWNSHIP	0.3	GENERAL SYSTEM PU
8247114	12950	3704700000		108		DAVID EASON #784 P	HIGHLAND TOWNSHIP	0.3	GENERAL SYSTEM PU
8247110	12945	3704700000		108		DAVID EASON #910-P	HIGHLAND TOWNSHIP	0.8	GENERAL SYSTEM PU
8246927	12762	3706500000		108		DAVID STANLEY #4663	YOUNG TOWNSHIP	3.1	GENERAL SYSTEM PU
8246919	12754	3703100000		108		E C & S B MERCER #3414	LIMESTONE TOWNSHIP	0.4	GENERAL SYSTEM PU
8247047	12882	3708300000		108		E D COMES #5230	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8246983	12818	3706500000		108		E F & J B HUMBERT #3710	ELDRED TOWNSHIP	0.4	GENERAL SYSTEM PU
8246981	12816	3706500000		108		E SUNGER #3643	ELDRED TOWNSHIP	1.1	GENERAL SYSTEM PU
8247056	12891	3708300000		108		ELISHA K KANE #5350	HAMLIN TOWNSHIP	1.2	GENERAL SYSTEM PU
8247057	12892	3708300000		108		ELISHA K KANE #5352	HAMLIN TOWNSHIP	0.3	GENERAL SYSTEM PU
8247058	12893	3708300000		108		ELISHA K KANE #5358	HAMLIN TOWNSHIP	0.6	GENERAL SYSTEM PU
8247059	12894	3708300000		108		ELISHA K KANE #5359	HAMLIN TOWNSHIP	0.3	GENERAL SYSTEM PU
8247070	12905	3708300000		108		ELISHA K KANE #5417	HAMLIN TOWNSHIP	0.9	GENERAL SYSTEM PU
8246994	12829	3706500000		108		ELK RUN COMPANY FARM #3993	MCCALMONT TOWNSHIP	2.2	GENERAL SYSTEM PU
8246995	12830	3706500000		108		ELK RUN COMPANY FARM #4000	MCCALMONT TOWNSHIP	0.8	GENERAL SYSTEM PU
8247054	12889	3708300000		108		EMMA IRONS FARM #5269	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8247037	12872	3706500000		108		F C DEEMER #4187	ELDRED TOWNSHIP	1.2	GENERAL SYSTEM PU
8247038	12873	3706500000		108		F C DEEMER #4203	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8247151	13005	3704700000		108		F V LEROY FARM #1435	HIGHLAND TOWNSHIP	0.9	GENERAL SYSTEM PU
8247153	13007	3704700000		108		F V LEROY FARM #1437	HIGHLAND TOWNSHIP	1.4	GENERAL SYSTEM PU
8247137	12973	3706500000		108		FRAZIER BROTHERS #769	HEATH TOWNSHIP	1.0	GENERAL SYSTEM PU
8247078	12913	3708300000		108		G C SIMMONS #5362	HAMLIN TOWNSHIP.	1.1	GENERAL SYSTEM PU
8247077	12912	3708300000		108		G C SIMMONS #5363	HAMLIN TOWNSHIP	0.4	GENERAL SYSTEM PU
8247076	12911	3708300000		108		G C SIMMONS #5364	HAMLIN TOWNSHIP	0.7	GENERAL SYSTEM PU
8247079	12914	3708300000		108		G C SIMONS #5361	HAMLIN TOWNSHIP	1.0	GENERAL SYSTEM PU
8247075	12910	3708300000		108		G C SIMONS #5366	HAMLIN TOWNSHIP	0.9	GENERAL SYSTEM PU
8247072	12907	3708300000		108		G C SIMONS #5370	HAMLIN TOWNSHIP	1.2	GENERAL SYSTEM PU
8247071	12906	3708300000		108		G C SIMONS #5372	HAMLIN TOWNSHIP	0.5	GENERAL SYSTEM PU
8247074	12909	3708300000		108		GC SIMONS TRUSTEE #5367	HAMLIN TOWNSHIP	1.1	GENERAL SYSTEM PU
8247073	12908	3708300000		108		GC SIMONS TRUSTEE #5368	HAMLIN TOWNSHIP	1.2	GENERAL SYSTEM PU
8247031	12866	3703100000		108		GEO H MILES #4002	MILLCREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246967	12802	3710500000		108		GEORGE W DODGE #6183	OSWAYO TOWNSHIP	0.3	GENERAL SYSTEM PU
8246968	12803	3710500000		108		GEORGE W DODGE #6184	OSWAYO TOWNSHIP	0.6	GENERAL SYSTEM PU
8247131	12967	3712100000		108		GIBBS & CO #750	PINEGROVE TOWNSHIP	0.5	GENERAL SYSTEM PU
8246951	12786	3704700000		108		GRANT & HORTON #1071-P	RIDGWAY TOWNSHIP	1.0	GENERAL SYSTEM PU
8247002	12837	3704700000		108		GRANT & HORTON #1209-P	RIDGWAY TOWNSHIP	1.2	GENERAL SYSTEM PU
8247118	12954	3704700000		108		GRANT & HORTON #758-P	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246979	12814	3703100000		108		H A LERCH #3730	MONROE TOWNSHIP	0.6	GENERAL SYSTEM PU
8247119	12955	3704700000		108		H J JAMES #1492	HIGHLAND TOWNSHIP	1.8	GENERAL SYSTEM PU
8247130	12966	3712100000		108		H RICKENBRODE #743	PINEGROVE TOWNSHIP	0.6	GENERAL SYSTEM PU
8247143	12997	3704700000		108		HALL & KAUL #SC 232	JONES TOWNSHIP	1.2	GENERAL SYSTEM PU
8247102	12937	3708300000		108		HALSEY LANDS #1181	SERGEANT TOWNSHIP	0.9	GENERAL SYSTEM PU
8247101	12936	3708300000		108		HALSEY LANDS FARM #1183	SERGEANT TOWNSHIP	0.7	GENERAL SYSTEM PU
8247100	12935	3708300000		108		HALSEY LANDS FARM #1185	SERGEANT TOWNSHIP	0.4	GENERAL SYSTEM PU
8247097	12932	3708300000		108		HALSEY LANDS FARM #1195	SERGEANT TOWNSHIP	1.0	GENERAL SYSTEM PU
8247064	12899	3705300000		108		HARRY R HYDE #5012	JENKS TOWNSHIP	1.2	GENERAL SYSTEM PU
8247067	12902	3700500000		108		HERBERT HENDERSHOT #5297	SUGAR CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247055	12890	3708300000		108		HOLMES & GILLFILLAN FARM #5270	KEATING TOWNSHIP	0.5	GENERAL SYSTEM PU
8246986	12821	3706500000		108		I H BUZZARD JR #3884	ELDRED TOWNSHIP	0.2	GENERAL SYSTEM PU
8246987	12822	3706500000		108		I H BUZZARD JR FARM #3885	ELDRED TOWNSHIP	0.4	GENERAL SYSTEM PU
8246976	12811	3706500000		108		I SMITH #3803	WINSLOW TOWNSHIP	0.6	GENERAL SYSTEM PU
8246980	12815	3706500000		108		I STEENBURG #3626	ELDRED TOWNSHIP	0.1	GENERAL SYSTEM PU
8246973	12808	3706500000		108		IDA A PARK #3897	ROSE TOWNSHIP	0.7	GENERAL SYSTEM PU
8246962	12797	3710500000		108		IDEAL COACH & CASKET #6176	OSWAYO TOWNSHIP	1.8	GENERAL SYSTEM PU
8246991	12826	3703100000		108		ISAAC MYERS #3982	MONROE TOWNSHIP	0.8	GENERAL SYSTEM PU
8247022	12857	3704700000		108		J A HYDE #5123	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8246923	12758	3706500000		108		J BERT NORTH FARM #4428	MCCALMONT TOWNSHIP	1.4	GENERAL SYSTEM PU
8247109	12944	3708300000		108		J H RALPH #1094	SERGEANT TOWNSHIP	0.7	GENERAL SYSTEM PU
8247127	12963	3708300000		108		J H RALPH FARM #1048	SERGEANT TOWNSHIP	1.0	GENERAL SYSTEM PU
8247133	12969	3712100000		108		J J FISHER FARM #758	PINEGROVE TOWNSHIP	1.0	GENERAL SYSTEM PU
8246969	12804	3708300000		108		J P JEFFERSON #899-P	HAMILTON TOWNSHIP	1.8	GENERAL SYSTEM PU
8247132	12968	3712100000		108		JACOB HALE #757	PINEGROVE TOWNSHIP	0.2	GENERAL SYSTEM PU
8246982	12817	3706500000		108		JACOB MINEWEASER #3679	ELDRED TOWNSHIP	2.1	GENERAL SYSTEM PU
8247154	13008	3704700000		108		JAMES BROS #1445	HIGHLAND TOWNSHIP	0.3	GENERAL SYSTEM PU
8247155	13009	3704700000		108		JAMES BROTHERS FARM #1446	HIGHLAND TOWNSHIP	1.1	GENERAL SYSTEM PU
8246928	12763	3700500000		108		JAMES MCGARVEY #5275	SUGAR CREEK TOWNSHIP	1.2	GENERAL SYSTEM PU
8247123	12959	3704700000		108		JAMES TRACT #1516	HIGHLAND TOWNSHIP	0.6	GENERAL SYSTEM PU
8247120	12956	3704700000		108		JAMES TRACT FARM #1494	HIGHLAND TOWNSHIP	1.0	GENERAL SYSTEM PU
8247122	12958	3704700000		108		JAMES TRACT FARM #1514	HIGHLAND TOWNSHIP	1.1	GENERAL SYSTEM PU
8247046	12881	3708300000		108		JAS QUIRK #5227	KEATING TOWNSHIP	0.6	GENERAL SYSTEM PU
8247088	12923	3706500000		108		JAS S CARROLL #3231	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8247089	12924	3706500000		108		JAS S CARROLL FARM #3232	ELDRED TOWNSHIP	0.2	GENERAL SYSTEM PU
8246935	12770	3704700000		108		JEROME POWELL #4801	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8246952	12787	3704700000		108		JERRY CRARY #1039 P	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8247015	12850	3704700000		108		JERRY CRARY #1414-P	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8247068	12903	3700500000		108		JOHN BLANEY #5284	SUGAR CREEK TOWNSHIP	0.1	GENERAL SYSTEM PU
8246929	12764	3700500000		108		JOHN HEIDRICK #5198	SUGAR CREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8246940	12775	3706500000		108		JOHN JOHNS #3035	ROSE TOWNSHIP	1.2	GENERAL SYSTEM PU
8246972	12807	3706500000		108		JOHN MATTHEWS #3726	KNOX TOWNSHIP	0.6	GENERAL SYSTEM PU
8246984	12819	3706500000		108		JOS BUZARD #3742	ELDRED TOWNSHIP	0.9	GENERAL SYSTEM PU
8246970	12805	3706500000		108		JOS C & SARAH ALLSHOUSE #3669	ROSE TOWNSHIP	1.0	GENERAL SYSTEM PU
8247157	13018	3704700000		108		KAHLE & COPENHAVER FARM #3245	ELDRED TOWNSHIP	0.7	GENERAL SYSTEM PU
8247098	12933	3708300000		108		L BAYER #1188	SERGEANT TOWNSHIP	0.8	GENERAL SYSTEM PU
8247099	12934	3708300000		108		L BAYER FARM #1187	SERGEANT TOWNSHIP	1.1	GENERAL SYSTEM PU
8246938	12773	3706500000		108		LADD M REITZ #2880	ROSE TOWNSHIP	0.9	GENERAL SYSTEM PU
8247117	12953	3704700000		108		LAVINA AVERY #767 P	HIGHLAND TOWNSHIP	0.8	GENERAL SYSTEM PU
8247069	12904	3704720449		108		LIZZIE M HYDE #5004	MILLSTONE TOWNSHIP	1.3	GENERAL SYSTEM PU
8246937	12772	3704700000		108		LIZZIE M HYDE #5020	SPRING CREEK TOWNSHIP	0.4	GENERAL SYSTEM PU
8247061	12896	3704700000		108		LIZZIE M HYDE #5024	HIGHLAND TOWNSHIP	3.9	GENERAL SYSTEM PU
8247063	12898	3704700000		108		LIZZIE M HYDE #5036	HIGHLAND TOWNSHIP	5.8	GENERAL SYSTEM PU
8247036	12871	3706500000		108		M E CALDWELL #4086	HEATH TOWNSHIP	1.2	GENERAL SYSTEM PU
8247138	12974	3703100000		108		M L WISE FARM #756	ASHLAND TOWNSHIP	1.0	GENERAL SYSTEM PU
8247084	12919	3703100000		108		M RULOFSON CO #2731	MILLCREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8247033	12868	3703100000		108		M RULOFSON CO #4016	MILLCREEK TOWNSHIP	0.4	GENERAL SYSTEM PU
8247091	12926	3708300000		108		M S COMES #4613	NORWICH TOWNSHIP	1.9	GENERAL SYSTEM PU
8246998	12833	3706500000		108		MABEL C MCCLAIN #4145	ROSE TOWNSHIP	0.5	GENERAL SYSTEM PU
8247039	12874	3703100000		108		MARIE MONTIGNY FARM #4206	MILLCREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8246926	12761	3706500000		108		MCELROY HEIRS #4634	WINSLOW TOWNSHIP	2.5	GENERAL SYSTEM PU
8247092	12927	3708300000		108		MICHAEL FAY FARM #1168	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8247085	12920	3703100000		108		MRS JOS MALLETT FARM #3260	MILLCREEK TOWNSHIP	1.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247086	12921	3703100000		108		MRS LIZZIE CLAWSON FARM #3782	MILLCREEK TOWNSHIP	0.2	GENERAL SYSTEM PU
8247150	13004	3704700000		108		N Y L E & W R R CO FARM #SC 242	HORTON TOWNSHIP	2.7	GENERAL SYSTEM PU
8247144	12998	3704700000		108		N Y L E & W R R CO FARM #SC 246	HORTON TOWNSHIP	3.5	GENERAL SYSTEM PU
8247020	12855	3704700000		108		O B GRANT #5111	RIDGWAY TOWNSHIP	1.3	GENERAL SYSTEM PU
8247116	12952	3704700000		108		O B GRANT #771-P	HIGHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8246950	12785	3704700000		108		O B GRANT #989-P	RIDGWAY TOWNSHIP	1.5	GENERAL SYSTEM PU
8247000	12835	3704700000		108		O W PROPER #1200-P	HIGHLAND TOWNSHIP	1.2	GENERAL SYSTEM PU
8247008	12843	3704700000		108		O W PROPER #1276-P	HIGHLAND TOWNSHIP	0.7	GENERAL SYSTEM PU
8247112	12947	3704700000		108		O W PROPER #823-P	HIGHLAND TOWNSHIP	1.4	GENERAL SYSTEM PU
8246948	12783	3704700000		108		OLIVER W PROPER #1192 P	HIGHLAND TOWNSHIP	1.2	GENERAL SYSTEM PU
8247113	12949	3704700000		108		OLIVER W PROPER #796-P	HIGHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8247111	12946	3704700000		108		OLIVER W PROPER #883-P	HIGHLAND TOWNSHIP	0.8	GENERAL SYSTEM PU
8247016	12851	3704700000		108		OLIVER W PROPER FARM #1497-P	HIGHLAND TOWNSHIP	1.2	GENERAL SYSTEM PU
8247106	12941	3708300000		108		OSGOOD FARM #1161	SERGEANT TOWNSHIP	0.6	GENERAL SYSTEM PU
8247053	12888	3708300000		108		OTIS IRONS ESTATE FARM #5268	KEATING TOWNSHIP	0.7	GENERAL SYSTEM PU
8247041	12876	3708300000		108		OTIS IRONS FARM #5269	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8246985	12820	3706500000		108		P F & A GREENAWALT FARM #3753	ELDRED TOWNSHIP	1.0	GENERAL SYSTEM PU
8246920	12755	3706500000		108		P VANDERVORT FARM #4476	CLOVER TOWNSHIP	1.6	GENERAL SYSTEM PU
8247146	13000	3704700000		108		PA STATE GAME LANDS #SC 263	SPRING CREEK TOWNSHIP	2.1	GENERAL SYSTEM PU
8247148	13002	3704700000		108		PA STATE GAME LANDS FARM #SC 287	HORTON TOWNSHIP	1.2	GENERAL SYSTEM PU
8247129	12965	3706500000		108		PAUL FISCUS #489	ELDRED TOWNSHIP	0.4	GENERAL SYSTEM PU
8247048	12883	3708300000		108		PETER OLSON FARM #5236	KEATING TOWNSHIP	0.5	GENERAL SYSTEM PU
8247134	12970	3712100000		108		PHILA & BOSTON PET CO #779	CRANBERRY TOWNSHIP	0.8	GENERAL SYSTEM PU
8247121	12957	3704700000		108		PHILENA SALTER #1512	HIGHLAND TOWNSHIP	1.6	GENERAL SYSTEM PU
8247017	12852	3704700000		108		PORTLAND O & GAS #SC14	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8247145	12999	3704700000		108		PORTLAND OIL & GAS #SC 256	SPRING CREEK TOWNSHIP	1.5	GENERAL SYSTEM PU
8247147	13001	3704700000		108		PORTLAND OIL & GAS #SC 264	SPRING CREEK TOWNSHIP	1.6	GENERAL SYSTEM PU
8247149	13003	3704700000		108		PORTLAND OIL & GAS #SC 288	SPRING CREEK TOWNSHIP	1.1	GENERAL SYSTEM PU
8247140	12976	3704700000		108		PORTLAND OIL & GAS #SC 35	RIDGWAY TOWNSHIP	1.7	GENERAL SYSTEM PU
8247141	12977	3704700000		108		PORTLAND OIL & GAS #SC 37	RIDGWAY TOWNSHIP	0.9	GENERAL SYSTEM PU
8247142	12978	3704700000		108		PORTLAND OIL & GAS #SC 38	RIDGWAY TOWNSHIP	0.4	GENERAL SYSTEM PU
8247018	12853	3704700000		108		PORTLAND OIL & GAS #SC17	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8247139	12975	3704700000		108		PORTLAND OIL & GAS CO FARM #SC 32	RIDGWAY TOWNSHIP	1.6	GENERAL SYSTEM PU
8247126	12962	3704700000		108		POTTS #1515	JONES TOWNSHIP	1.1	GENERAL SYSTEM PU
8246941	12776	3710500000		108		R A GOLDSMITH #6013	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8246942	12777	3710500000		108		R A GOLDSMITH #6016	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8246947	12782	3710500000		108		R A GOLDSMITH #6163	OSWAYO TOWNSHIP	1.0	GENERAL SYSTEM PU
8246939	12774	3706500000		108		R B REITZ #3002	ROSE TOWNSHIP	1.2	GENERAL SYSTEM PU
8247125	12961	3704700000		108		RALPH TRACT FARM #1359	JONES TOWNSHIP	0.9	GENERAL SYSTEM PU
8246931	12766	3700500000		108		RAYMOND ROOFNER FARM #5183	SUGARCREEK TOWNSHIP	1.1	GENERAL SYSTEM PU
8246932	12767	3700500000		108		RICH MILDREN #5196	SUGAR CREEK TOWNSHIP	1.4	GENERAL SYSTEM PU
8247023	12858	3704700000		108		RIDGWAY L & HEAT CO #5125	JOHNSONBURG BORO TOWN	0.6	GENERAL SYSTEM PU
8247024	12859	3704700000		108		RIDGWAY L & HEAT CO #5131	JOHNSONBURG BORO TOWN	0.7	GENERAL SYSTEM PU
8247025	12860	3704700000		108		RIDGWAY L & HEAT CO #5132	JOHNSONBURG BORO TOWN	0.8	GENERAL SYSTEM PU
8247087	12922	3703100000		108		S M OLIVER #3827	MILLCREEK TOWNSHIP	0.4	GENERAL SYSTEM PU
8247065	12900	3700500000		108		S W MCELROY #5466	SUGAR CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8246988	12823	3706500000		108		SARAH P MOORE #3648	WARSAW TOWNSHIP	1.7	GENERAL SYSTEM PU
8247030	12865	3706500000		108		SARAH P MOORE #3998	WARSAW TOWNSHIP	0.8	GENERAL SYSTEM PU
8247096	12931	3708300000		108		SHELANDER & SWANSON #1196	SERGEANT TOWNSHIP	1.1	GENERAL SYSTEM PU
8247107	12942	3708300000		108		SHELANDER & SWANSON FARM #1150	SERGEANT TOWNSHIP	0.7	GENERAL SYSTEM PU
8247152	13006	3704700000		108		STAN OIL CO FARM #1436	HIGHLAND TOWNSHIP	1.2	GENERAL SYSTEM PU
8246955	12790	3705300000		108		STH PENN OIL CO #1113-P	JENKS TOWNSHIP	1.7	GENERAL SYSTEM PU
8246956	12791	3705300000		108		STH PENN OIL CO #1158-P	JENKS TOWNSHIP	0.5	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8246957	12792	3705300000		108		STH PENN OIL CO #1164-P	JENKS TOWNSHIP	2.1	GENERAL SYSTEM PU
8246958	12793	3705300000		108		STH PENN OIL CO #1178-P	JENKS TOWNSHIP	1.2	GENERAL SYSTEM PU
8246959	12794	3705300000		108		STH PENN OIL CO #1194-P	JENKS TOWNSHIP	1.5	GENERAL SYSTEM PU
8247001	12836	3704700000		108		STH PENN OIL CO #1208-P	HIGHLAND TOWNSHIP	2.0	GENERAL SYSTEM PU
8247006	12841	3704700000		108		STH PENN OIL CO #1263-P	HIGHLAND TOWNSHIP	1.5	GENERAL SYSTEM PU
8247007	12842	3704700000		108		STH PENN OIL CO #1266-P	HIGHLAND TOWNSHIP	1.9	GENERAL SYSTEM PU
8247009	12844	3705300000		108		STH PENN OIL CO #1291-P	JENKS TOWNSHIP	0.9	GENERAL SYSTEM PU
8247012	12847	3704700000		108		STH PENN OIL CO #1300-P	HIGHLAND TOWNSHIP	0.7	GENERAL SYSTEM PU
8246999	12834	3706500000		108		T ARMAGAST ET AL FARM #4224	WINSLOW TOWNSHIP	0.4	GENERAL SYSTEM PU
8247083	12918	3703100000		108		T H THOMPSON #3853	FARMINGTON TOWNSHIP	0.4	GENERAL SYSTEM PU
8246978	12813	3703100000		108		T I FOX #3689	MONROE TOWNSHIP	1.2	GENERAL SYSTEM PU
8247158	13019	3706500000		108		T W COPENHAVER #3259	ELDRED TOWNSHIP	0.6	GENERAL SYSTEM PU
8246977	12812	3706500000		108		T WHITE #3856	WINSLOW TOWNSHIP	0.7	GENERAL SYSTEM PU
8246989	12824	3706500000		108		W E RANSEL #3703	WARSAW TOWNSHIP	1.9	GENERAL SYSTEM PU
8246943	12778	3710500000		108		W F DUBOIS #6020	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8246946	12781	3710500000		108		W F DUBOIS #6162	OSWAYO TOWNSHIP	1.1	GENERAL SYSTEM PU
8247034	12869	3706500000		108		W G FRAZIER #4061	HEATH TOWNSHIP	0.4	GENERAL SYSTEM PU
8247035	12870	3706500000		108		W G FRAZIER #4074	HEATH TOWNSHIP	0.6	GENERAL SYSTEM PU
8246990	12825	3703100000		108		W H ELSCHLAGER #4287	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8246934	12769	3704700000		108		W H OSTERHOUT #5002	MILLSTONE TOWNSHIP	1.7	GENERAL SYSTEM PU
8246936	12771	3706500000		108		W N CONRAD #4715	POLK TOWNSHIP	0.7	GENERAL SYSTEM PU
8246966	12801	3710500000		108		W R MAXSON FARM #6181	OSWAYO TOWNSHIP	2.0	GENERAL SYSTEM PU
8246960	12795	3710500000		108		WESTON LUMBER CO #6174	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8246961	12796	3710500000		108		WESTON LUMBER CO #6175	OSWAYO TOWNSHIP	1.2	GENERAL SYSTEM PU
8246963	12798	3710500000		108		WESTON LUMBER CO #6177	OSWAYO TOWNSHIP	0.8	GENERAL SYSTEM PU
8246964	12799	3710500000		108		WESTON LUMBER CO FARM #6178	OSWAYO TOWNSHIP	1.3	GENERAL SYSTEM PU
8247026	12861	3704700000		108		WILLARD WHITE #5135	RIDGWAY TOWNSHIP	0.4	GENERAL SYSTEM PU
8247028	12863	3704700000		108		WILLARD WHITE #5137	JOHNSONBURG BORO TOWN	0.6	GENERAL SYSTEM PU
8247029	12864	3704700000		108		WILLARD WHITE #5138	JOHNSONBURG BORO TOWN	0.7	GENERAL SYSTEM PU
8246925	12760	3706500000		108		WILLIAM MURRAY FARM #4582	WINSLOW TOWNSHIP	4.4	GENERAL SYSTEM PU
8247062	12897	3705300000		108		WM H HYDE #5015	JENKS TOWNSHIP	1.0	GENERAL SYSTEM PU
8247060	12895	3704700000		108		WM H HYDE #5021	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8247124	12960	3704700000		108		WM POTTS FARM #1348	JONES TOWNSHIP	1.6	GENERAL SYSTEM PU
8246930	12765	3700500000		108		WM RUMBAUGH #5000	SUGAR CREEK TOWNSHIP	3.8	GENERAL SYSTEM PU
8246949	12784	3704700000		108		WRIGHT & CRARY #1197-P	HIGHLAND TOWNSHIP	1.1	GENERAL SYSTEM PU
8247003	12838	3704700000		108		WRIGHT & CRARY #1222-P	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8247004	12839	3705300000		108		WRIGHT & CRARY #1236-P	JENKS TOWNSHIP	0.9	GENERAL SYSTEM PU
8247014	12849	3705300000		108		WRIGHT & CRARY #1343-P	JENKS TOWNSHIP	0.8	GENERAL SYSTEM PU
8247115	12951	3704700000		108		WRIGHT & CRARY #776-P	SPRING CREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8246954	12789	3704700000		108		WRIGHT & CRARY FARM #1161-P	SPRING CREEK TOWNSHIP	1.1	GENERAL SYSTEM PU
8246953	12788	3704700000		108		WRIGHT & CRARY FARM #996-P	SPRING CREEK TOWNSHIP	1.9	GENERAL SYSTEM PU
-NORTHWEST NATURAL GAS CO				RECEIVED:		08/05/82 JA: PA			
8246915	12093	3703921530		103		HENRY & KATHERINE RIPPERT #4	CONNEAUTVILLE	0.0	NATIONAL FUEL DIS
8246916	12096	3703921530		107-TF		HENRY & KATHERINE RIPPERT #4	CONNEAUTVILLE	0.0	NATIONAL FUEL DIS
-REX-HIDE REALTY INC				RECEIVED:		08/05/82 JA: PA			
8246918	12470	3712922016		103		JOHN A BLASCO #1	LOYALHANNA	0.0	
-WILLIAM C WOOD				RECEIVED:		08/05/82 JA: PA			
8247159	13840	3706300000		108		PETERMAN W-11	WASHINGTON	0.0	PEOPLE NATURAL GA
8246917	12156	3706300000	D	107-PE		PETERMAN WELL	WASHINGTON	0.0	PEOPLE NATURAL GA

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23895 Filed 8-31-82; 8:45 am]

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[Volume 719]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-EL PASO NATURAL GAS COMPANY			RECEIVED:	08/09/82		JA: NM			
8247296		3004521672		108		RANDLEMAN #2	BLANCO - PICTURED CLI	19.0	EL PASO NATURAL G
8247291		3003906766		108		RINCON UNIT #31	SOUTH BLANCO - PICTUR	19.0	EL PASO NATURAL G
8247295		3004506485		108		TURNER B COM B #7	FULCHER KUTZ - PICTUR	21.0	EL PASO NATURAL G
-GULF OIL CORPORATION			RECEIVED:	08/09/82		JA: NM			
8247281		3002504738		108		ARNOTT RAMSAY (NCT-C) #5	EUMONT GAS	6.9	PHILLIPS PETROLEU
8247288		3001522461		108		EDDY "GE" STATE COM #2	BURTON FLAT MORROW	15.3	EL PASO NATURAL G
-MARATHON OIL COMPANY			RECEIVED:	08/09/82		JA: NM			
8247294		3002500000		108		DAYTON HARDY #1	PENROSE - SKELLY	7.9	GETTY OIL CO
8247276		3004100000		108		STATE LAND SECTION 35 #1	CHAVEROO (SAN ANDRES)	3.7	CITIES SERVICE GA
8247278		3004100000		108		STATE LAND SECTION 35 #3	CHAVEROO (SAN ANDRES)	1.3	CITIES SERVICE GA
8247277		3004100000		108		STATE LAND SECTION 35 #4	CHAVEROO (SAN ANDRES)	3.2	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	08/09/82		JA: NM			
8247285		3002502844		108		E VAC GB/SA UNIT TR 2079-001	VACUUM GB/SA	1.0	EL PASO NATURAL G
8247282		3002502147		108		LEA #14	VACUUM GB/SA	2.0	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	08/09/82		JA: NM			
8247279		3002525412		108		A L CHRISTMAS (NCT-D) #1	BLINEBRY	6.5	EL PASO NATURAL G
8247286		3002524967		108		H LEONARD (NCT-C) #17	DRINKARD	4.2	EL PASO NATURAL G
8247289		3002506905		108		H T MATTERN (NCT-B) #11	PENROSE SKELLY	6.5	EL PASO NATURAL G
8247283		3002508760		108		HARRY LEONARD (NCT-D) #10	EUNICE SOUTH	5.6	EL PASO NATURAL G
8247274		3002508765		108		HARRY LEONARD (NCT-D) #14	EUNICE SOUTH	5.0	EL PASO NATURAL G
8247275		3002510257		108		HUGH #1	DRINKARD	15.5	EL PASO NATURAL G
8247284		3002510317		108		R E COLE (NCT-A) #19	PENROSE SKELLY	6.4	EL PASO NATURAL G
8247290		3002510318		108		R E COLE (NCT-A) #5	DRINKARD	10.7	EL PASO NATURAL G
8247280		3002504908		108		W A RAMSAY (NCT-A) #25	EUMONT OIL	3.1	EL PASO NATURAL G
8247287		3002510027		108		W M RINEWALT #3	BLINEBRY	0.4	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED:	08/09/82		JA: NM			
8247293		3000561491		102-2	107-TF	COTTONWOOD RANCH "HK" #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8247292		3000561340		102-2	107-TF	SACRA "SA" #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED:	08/05/82		JA: VA			
8247384		4502720381		107-DV		BUCHANAN ENERGY CORP 820225	VIRGINIA FIELD AREA H	13.1	COLUMBIA GAS TRAN
8247385		4502720412		107-DV		DENISE B JORDAN ET AL 820291	VIRGINIA FIELD AREA	32.8	COLUMBIA GAS TRAN
8247386		4502720441		107-DV		PITTSTON CO 820292	VIRGINIA FIELD AREA	32.8	COLUMBIA GAS TRAN
8247387		4502720441		107-TF		PITTSTON COMPANY 820292	VIRGINIA FIELD AREA H	42.6	COLUMBIA GAS TRAN
8247383		4502700045		108		ROBERT C & DAVID H BELL 809518	VIRGINIA FIELD AREA H	13.7	COLUMBIA GAS TRAN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP			RECEIVED:	08/06/82		JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247381		4708703486		107-DV		B SCOTT #1	WALTON DISTRICT	0.0	COLUMBIA GAS TRAN
8247382		4708703486		103		B SCOTT #1	WALTON DISTRICT	0.0	COLUMBIA GAS TRAN
-APPCO OIL & GAS CORP				RECEIVED:	08/06/82	JA: WV			
8247364		4708505243		103		BOBBY G & SHARON L SMITH 1-A	GRANT DISTRICT	4.0	CONSOLIDATED GAS
8247363		4708505244		103		BOBBY G & SHARON SMITH #2	GRANT DISTRICT	18.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	08/06/82	JA: WV			
8247347		4710720922		108		CORBIN #1	UNION	10.7	CONSOLIDATED GAS
8247345		4710720996		108		DAWSON #2	UNION	0.9	CONSOLIDATED GAS
8247346		4710720906		108		HENDERSHOT #2	UNION	0.9	CONSOLIDATED GAS
8247348		4710720913		108		WESTBROOK #2	UNION	2.3	CONSOLIDATED GAS
-BKK PROSPECTING LTD				RECEIVED:	08/06/82	JA: WV			
8247334		4707301265		107-DV		GEORGE RIGGS # 2 BKK 20	UNION	5.0	COLUMBIA GAS TRAN
-BOW VALLEY PETROLEUM INC				RECEIVED:	08/06/82	JA: WV			
8247310		4710500887		103		GILBERT #906	TUCKER DISTRICT	0.0	COLUMBIA GAS TRAN
8247312		4710500895		103		HOFFMAN #909	CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
8247313		4710500896		103		MCCAULEY 911	BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8247311		4710500888		103		ROBINSON #912	CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	08/06/82	JA: WV			
8247353		4707901037		107-DV		HARDY HEIRS B-5	UNION	23.0	TENNESSEE GAS PIP
8247320		4707901051		103		HAVERTY #2	UNION	30.0	TENNESSEE GAS PIP
8247321		4707901061		103		MCLEAN A-104	UNION	37.0	TENNESSEE GAS PIP
-CHESTERFIELD CORP				RECEIVED:	08/06/82	JA: WV			
8247338		4709702279		103		CARR-MCDANIEL #1 - 47-097-2279	WASHINGTON	0.0	COLUMBIA GAS TRAN
8247337		4709702280		103		CARR-MCDANIEL #2 - 47-097-2280	WASHINGTON	0.0	COLUMBIA GAS TRAN
8247336		4700101629		103		HANEY #1 - 47-001-1629	PHILLIPPI	0.0	CONSOLIDATED GAS
8247335		4709702320		103		POWERS #1 - 47-097-2320	WARREN	0.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	08/06/82	JA: WV			
8247355		4708505235		103		A J BENJAMIN #12725	GRANT DISTRICT	0.5	GENERAL SYSTEM PU
8247333		4704900334		108		B F BLACKSHERE WN-519	MANNINGTON	2.0	GENERAL SYSTEM PU
8247330		4703300893		108		BUENA W BROWN WN-7984	COAL	16.0	GENERAL SYSTEM PU
8247331		4703301504		108		DAVID L ASH WN-7756	SARDIS	9.0	GENERAL SYSTEM PU
8247354		4704501082		103		DINGESS RUM COAL CO #12330	LOGAN DISTRICT	13.0	GENERAL SYSTEM PU
8247324		4701702436		108		F G SMITH WN-5882	MCCLELLAN	15.0	GENERAL SYSTEM PU
8247327		4704100601		108		ISAAC JACKSON WN-2993	HACKERS CREEK	7.0	GENERAL SYSTEM PU
8247332		4703300354		108		ISAAC M HOSS WN-1461	MANNINGTON	2.0	GENERAL SYSTEM PU
8247325		4701701990		108		J W SMITH WN-7068	WEST UNION	10.0	GENERAL SYSTEM PU
8247322		4700701393		108		JOHN I BENDER WN-2409	SALT LICK	1.0	GENERAL SYSTEM PU
8247323		4702103488		108		LILLIE F HOUSE WN-1708	DEKALB	15.0	GENERAL SYSTEM PU
8247326		4701302930		108		MARY E JOHNSON WN-6470	WASHINGTON	6.0	GENERAL SYSTEM PU
8247328		4703301282		108		MICHAEL DOLAN WN-1121	SALEM	3.0	GENERAL SYSTEM PU
8247329		4703301266		108		T M HELDRETH WN-582	MANNINGTON	3.0	GENERAL SYSTEM PU
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	08/06/82	JA: WV			
*8247314		4700120644		108		I THORN #1	VALLEY DISTRICT	15.9	CONSOLIDATED GAS
-GENESIS LTD #1				RECEIVED:	08/06/82	JA: WV			
8247315		4704102876		108		MCQUAIN #1	STARK MCQUAIN	17.0	CONSOLIDATED GAS
-HYDROCARBON ENERGIES INC				RECEIVED:	08/06/82	JA: WV			
8247357		4709702323		103		D J STRADER #1 (HS-6)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8247360		4703302689		103		L S CAVENDISH #1 (HS-5)	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNS
8247356		4709702319		103		R LINGER #1 (HE-3)	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8247358		4703302688		103		R LYONS #1 (HS-3)	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNS
8247359		4703302693		103		S W CURRY #1 (HS-3)	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	08/06/82	JA: WV			
8247371		4700101554		103		B-423	UNION	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247365		4701702937		103		J-135	WEST UNION	0.0	CARNEGIE NATURAL
8247379		4701702980		103		J-157	NEW MILTON	0.0	CONSOLIDATED GAS
8247349		4701722910		107-DV		J-214	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8247373		4701702910		103		J-214	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8247352		4701722950		107-DV		J-293	CENTRAL	0.0	COLUMBIA GAS TRAN
8247375		4701702950		103		J-293	CENTRAL	0.0	COLUMBIA GAS TRAN
8247351		4701722952		107-DV		J-295	CENTRAL	0.0	COLUMBIA GAS TRAN
8247376		4701702952		103		J-295	CENTRAL	0.0	COLUMBIA GAS TRAN
8247366		4708504999		103		J-385	UNION	0.0	CONSOLIDATED GAS
8247362		4708525000		103		J-386	UNION	0.0	CONSOLIDATED GAS
8247350		4701723038		107-DV		J-466	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8247374		4701703038		103		J-466	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8247372		4700101544		103		J-493	UNION	0.0	COLUMBIA GAS TRAN
8247378		4703302633		103		J-504	UNION	0.0	CONSOLIDATED GAS
8247370		4703302670		103		J-566	COAL	0.0	CONSOLIDATED GAS
8247377		4701703058		103		J-592	WEST UNION	0.0	CONSOLIDATED GAS
-KENNETH E FLETCHER				RECEIVED:	08/06/82	JA: WV			
8247318		4709500417		108		E FLETCHER #1	PURSLEY CREEK	37.3	CONSOLIDATED GAS
-KLONDIKE DEVELOPMENT CORP				RECEIVED:	08/06/82	JA: WV			
8247361		4707301280		107-DV		HAESSLY #2	BROAD RUN	70.0	COLUMBIA GAS TRAN
-L & B OIL CO INC				RECEIVED:	08/06/82	JA: WV			
8247380		4710701165		107-DV		GARRETT #1	WILLIAMSTOWN	27.0	
-PAYNE GAS CO				RECEIVED:	08/06/82	JA: WV			
8247316		4704301331		108		CLAUDE WILBURN #1	CLAUD WILBUR FARM	6.6	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	08/06/82	JA: WV			
8247367		4703302254		103		UNION LAND CO #1	ELK CREEK	20.0	PETRO LEWIS CORP
8247368		4703302255		103		UNION LAND CO #2	ELK CREEK	23.0	PETRO LEWIS CORP
8247369		4703302277		103		UNION LAND CO #3	ELK CREEK	11.0	PETRO LEWIS CORP
-R & B PETROLEUM INC				RECEIVED:	08/06/82	JA: WV			
8247298		4704700863		103		GEORGIA PACIFIC #8	BIG CREEK	50.0	COLUMBIA GAS TRAN
8247297		4704700861		103		POCAHONTAS MINING CO #3	BIG CREEK	50.0	COLUMBIA GAS TRAN
-RALPH KIRTLEY				RECEIVED:	08/06/82	JA: WV			
8247317		4701100454		108		HARBOUR #2	MUD RIVER	1.2	DEVON CORP
-TRIO PETROLEUM CORP				RECEIVED:	08/06/82	JA: WV			
8247339		4702103831		103		GRIFFITH "D" #1	GLENVILLE NORTH	50.0	
8247341		4702103831		107-DV		GRIFFITH "D" #1	GLENVILLE NORTH	50.0	
8247344		4702103832		107-DV		GRIFFITH "D" #2	GLENVILLE NORTH	50.0	
8247343		4704103049		103		SANDY "A" #1	FINSTER-ASPINALL	50.0	
8247342		4702103833		107-DV		WHITE #1	GLENVILLE NORTH	50.0	
8247340		4702103830		107-DV		WHITE #2	GLENVILLE NORTH	50.0	
-TWI OIL CO				RECEIVED:	08/06/82	JA: WV			
8247299		4702103791		103		HINZMAN #2	TROY DISTRICT	0.0	CONSOLIDATED GAS
-UPLAND RESOURCES INC				RECEIVED:	08/06/82	JA: WV			
8247308		4705700063		102-2		ASHBY #1	HEADSVILLE	0.0	
8247303		4705700051		102-2		FERTIG #2	HEADSVILLE	0.0	
8247304		4705700054		102-2		FERTIG #3	HEADSVILLE	0.0	
8247306		4705700056		102-2		HOSTETLER #1	HEADSVILLE	0.0	
8247305		4705700055		102-2		JENKINS #1	HEADSVILLE	0.0	
8247307		4705700061		102-2		KELLER #1	HEADSVILLE	0.0	
8247301		4705700045		102-2		LYONS #2	HEADSVILLE	0.0	
8247302		4705700049		102-2		MULLENS #1	HEADSVILLE	0.0	
8247300		4705700042		102-2		OGLEBAY #1	HEADSVILLE	0.0	
8247309		4705700064		102-2		SPENCER #1	HEADSVILLE	0.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WITCO CHEMICAL CORP				RECEIVED:	08/06/82	JA: WV			
8247319		4700701216	108			BLAKE #1	SALT LICK	4.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	08/04/82	JA: NM 4			
8247161	NM-1438-81	3002502553	108-PB			BRINNINSTOOL #2	BRINNINSTOOL (MORROW)	27.7	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	08/04/82	JA: NM 4			
8247175	NM 0530-82	3004525206	103			CHRISMAN GAS COM #1E (DAKOTA)	BASIN DAKOTA	21.0	EL PASO NATURAL G
8247173	NM-0555-82	3001523691	102-2			FEDERAL CE GAS COM #1	WILDCAT MORROW	248.6	NORTHERN NATURAL
8247220	NM-0301-82	3004511590	108			GALLEGOS CANYON UNIT #191 (4TH)	BASIN DAKOTA	20.0	EL PASO NATURAL G
8247206	NM-0471-82	3004507275	108			GALLEGOS CANYON UNIT #198 (3RD)	BASIN DAKOTA	21.0	EL PASO NATURAL G
8247174	NM 0528-82	3004524645	103			GALLEGOS CANYON UNIT #217E	BASIN DAKOTA	6.8	EL PASO NATURAL G
8247195	NM 0500-82	3004524958	103			GALLEGOS CANYON UNIT #86E	BASIN DAKOTA	36.4	EL PASO NATURAL G
8247163	NM-0571-82	3004508575	108			HEATH GAS COM "J" #1 (3RD)	BASIN DAKOTA	19.0	EL PASO NATURAL G
8247218	NM-0144-82	3003921323	108			JICARILLA APACHE 102 #27	TAPACITO-PICTURED CLI	18.0	GAS CO OF NEW MEX
8247164	NM-0570-82	3003906217	108			JICARILLA CONTRACT 155 #6 (2ND)	SOUTH BLANCO - PICTUR	19.0	NORTHWEST PIPELIN
8247217	NM-0470-82	3003621350	108			VALENCIA CANYON UNIT #3	CHOZA MESA - PICTURED	21.0	EL PASO NATURAL G
8247216	NM-0469-82	3003921488	108			VALENCIA CANYON UNIT #9	CHOZA MESA - PICTURED	19.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	08/04/82	JA: NM 4			
8247167	NM-0557-82	3004511582	108			HAMMOND FED WN #5	SOUTH BLANCO PICTURED	16.0	EL PASO NATURAL G
8247169	NM-0559-82	3004506276	108			MARRON WN FED COM #4	SOUTH BLANCO PICTURED	17.0	EL PASO NATURAL G
8247168	NM-0558-82	3004520443	108			MARRON WN FED COM #7	SOUTH BLANCO PICTURED	16.0	EL PASO NATURAL G
8247165	NM-0573-82	3004511555	108			NAVAJO ALLOTTED COM #1	BASIN DAKOTA	15.0	GAS CO OF NEW MEX
-AZTEC ENERGY CORP				RECEIVED:	08/04/82	JA: NM 4			
8247172	NM-0554-82	3004320582	103			JICARILLA "O" #2	CHACON DAKOTA EXTENSI	36.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	08/04/82	JA: NM 4			
8247229	NM-033482107	3004524890	103	107-TF		NORTHEAST BLANCO UNIT #206	SOUTH LOS PINOS FRUIT	40.0	EL PASO NATURAL G
8247221	NM-033382103	3004524855	103	107-TF		NORTHEAST BLANCO UNIT WELL #208	SOUTH LOS PINOS FRUIT	100.0	EL PASO NATURAL G
-CIBOLA ENERGY CORP				RECEIVED:	08/04/82	JA: NM 4			
8247196	NM-0502-82	3001523389	102-2			CARTHEL FEDERAL #2	WILDCAT	380.8	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION				RECEIVED:	08/04/82	JA: NM 4			
8247232	NM-1855-81	3003922810	103			APACHE #138	LINDRITH GALLUP-DAKOT	0.0	NORTHWEST PIPE LI
8247231	NM-1830-81	3003922046	103			APACHE NO 129	WEST LINDRITH	0.0	NORTHWEST PIPELIN
-DUGAN PRODUCTION CORP				RECEIVED:	08/04/82	JA: NM 4			
8247215	NM 0463-82	3004523545	103			WESTERN FEDERAL #8-Y	SOUTH GALLEGOS FRUITL	24.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	08/04/82	JA: NM 4			
8247227	NM-0050-82	3004521171	108			BARNES #12	BLANCO PICTURED CLIFF	21.0	EL PASO NATURAL G
8247212	NM-0342-82	3004520816	108			HANCOCK #10	AZTEC PICTURED CLIFFS	21.0	EL PASO NATURAL G
8247237	NM-1458-81	3004520816	108			HANCOCK #10	AZTEC-PICTURED CLIFFS	22.0	EL PASO NATURAL G
8247224	NM-1940-81	3003922385	108			LINDRITH UNIT #103	SOUTH BLANCO - PICTUR	23.0	EL PASO NATURAL G
8247238	NM-1470-81	3004524142	108			MORRIS A #11	AZTEC-PICTURED CLIFFS	18.0	EL PASO NATURAL G
8247190	NM-0507-82	3003920813	108			SAN JUAN 27-5 UNIT #174	SOUTH BLANCO PICTURED	7.0	EL PASO NATURAL G
8247230	NM-1537-81	3003906847	108			SAN JUAN 27-5 UNIT #68 MV & PC	BLANCO-MESAVERDE & SO	23.0	EL PASO NATURAL G
8247223	NM-0340-82	3003920577	108			SAN JUAN 28-6 UNIT #135	BASIN DAKOTA	21.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	08/04/82	JA: NM 4			
8247171	NM 0553-82	3004524990	103			GALLEGOS CANYON UNIT P C #325	KUTZ WEST PICTURED CL	13.0	EL PASO NATURAL G
-ESTORIL PRODUCING CORP				RECEIVED:	08/04/82	JA: NM 4			
8247160	NM-0528-81	3002526887	103			ADOBE FEDERAL #1	ANTELOPE RIDGE (MORRO	292.0	GAS CO OF NEW MEX
-EXXON CORPORATION				RECEIVED:	08/04/82	JA: NM 4			
8247176	NM-0548-82	3000520824	103			WATTAM FEDERAL #5	TOM TOM (SAN ANDRES)	6.0	
8247177	NM-0549-82	3000520814	103			WATTAM FEDERAL #6	TOM TOM (SAN ANDRES)	1.0	
-FRANKS PETROLEUM INC ETAL				RECEIVED:	08/04/82	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247213	NM 0442-82	3002527280		103		UNION FEDERAL #1	HAT MESA	460.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED:	08/04/82	JA: NM 4			
8247179	NM 0521-82	3004525167		103		DOUTHIT "A" FEDERAL COM #7	WEST KUTZ PICTURED CL	0.0	GAS CO OF NEW MEX
8247180	NM 0520-82	3004525168		103		DOUTHIT "A" FEDERAL COM #8	WEST KUTZ PICTURED CL	0.0	EL PASO NATURAL G
8247170	NM-0552-82	3002527442		103		SCOTT "E" FED COM WELL #1	QUERECHO PLAIN LOWER	0.0	PHILLIPS PETROLEU
-HOLLY ENERGY INC				RECEIVED:	08/04/82	JA: NM 4			
8247225	NM-0001-82	3004120530		103		HOLLY FEDERAL 27 #1	(WILDCAT)	65.0	NATURAL GAS PIPEL
-JACK A COLE				RECEIVED:	08/04/82	JA: NM 4			
8247219	NM 0269-82	3004320604		103		CHACON AMIGOS #7	CHACON DAKOTA ASSOCIA	45.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	08/04/82	JA: NM 4			
8247166	NM 0556-82	3003922434		103		JICARILLA APACHE #16-E	JICARILLA APACHE-BLAN	135.0	NORTHWEST PIPELIN
8247181	NM 0519-82-B	3003922589		103		JICARILLA APACHE #9-E	JICARILLA APACHE (GRA	292.0	NORTHWEST PIPELIN
8247182	NM 0519-82-A	3003922589		103		JICARILLA APACHE #9-E	JICARILLA APACHE-BLAN	102.0	
-MINERALS INC				RECEIVED:	08/04/82	JA: NM 4			
8247187	NM-0547-82	3002527667		103		LLANO FEDERAL #1	SANDHILLS	18.3	GETTY OIL CO
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	08/04/82	JA: NM 4			
8247203	NM 0479-82	3004525131		103		SAN JUAN 32-8 40A	BLANCO MESAVERDE	145.3	NORTHWEST PIPELIN
8247211	NM 0476-82-A	3004521528		103		SAN JUAN 32-8 45 MV	BLANCO MESAVERDE	66.9	NORTHWEST PIPELIN
8247201	NM 0476-82-B	3004521528		103		SAN JUAN 32-8 45 PC	UNDESIGNATED PICTURED	154.8	NORTHWEST PIPELIN
8247209	NM 0475-82-A	3004525127		103		SAN JUAN 32-8 46 MV	BLANCO MESAVERDE	62.8	NORTHWEST PIPELIN
8247210	NM 0475-82-B	3004525127		103		SAN JUAN 32-8 46 PC	UNDESIGNATED PICTURED	293.5	NORTHWEST PIPELIN
8247204	NM 0480-82	3004525125		103		SAN JUAN 32-8 7A	BLANCO MESAVERDE	121.3	NORTHWEST PIPELIN
8247202	NM 0478-82	3004525126		103		SAN JUAN 32-8 8A	BLANCO MESAVERDE	127.9	NORTHWEST PIPELIN
-QUANAH PETROLEUM INC				RECEIVED:	08/04/82	JA: NM 4			
8247207	NM 0472-82	3002527014		103		ELLIOTT FEDERAL #1	WANTZ	74.0	GETTY OIL CO
8247214	NM 0453-82	3002527150		103		ELLIOTT FEDERAL "A" WELL #2	WANTZ	0.0	GETTY OIL CO
8247208	NM 0473-82	3002527149		103		ELLIOTT FEDERAL A WELL #1	WANTZ	68.0	GETTY OIL CO
-SHELL OIL CO				RECEIVED:	08/04/82	JA: NM 4			
*8247226	NM-0045-82	3002526868		103		ANTELOPE RIDGE UNIT #8	ANTELOPE RIDGE ATOKA	4086.9	WESTERN GAS INTER
8247233	NM-1894-81	3000500000		108		HODGES C FEDERAL #1	CATO SAN ANDRES	2.2	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO				RECEIVED:	08/04/82	JA: NM 4			
8247191	NM-0509-82	3003905804		108		ARIZONA JICARILLA #7	SOUTH BLANCO	13.0	GAS CO OF NEW MEX
8247183	NM-0510-82	3003922116		108		BURNS RANCH #1	CAMPO	3.6	NORTHWEST PIPELIN
8247185	NM 0512-82	3004507509		108		CAIN #13	FULCHER KUTZ	8.0	SOUTHERN UNION GA
8247186	NM 0513-82	3004520527		108		CAIN #18	AZTEC	18.0	SOUTHERN UNION GA
8247178	NM 0514-82	3004520528		108		CAIN #19	FULCHER KUTZ	16.0	SOUTHERN UNION GA
8247184	NM-0511-82	3004507447		108		CAIN #6	AZTEC	16.0	SOUTHERN UNION GA
8247205	NM-0492-82	3004520479		108		CRANDELL #3	BLANCO	17.0	SOUTHERN UNION GA
8247197	NM-0493-82	3004510947		108		DAVIS #4	BLANCO	11.0	SOUTHERN UNION GA
8247192	NM-0497-82	3004520486		108		EAST #12	AZTEC	15.0	SOUTHERN UNION GA
8247193	NM-0498-82	3004522704		108		GRENIER A #7	AZTEC	18.0	SOUTHERN UNION GA
8247194	NM-0499-82	3004508063		108		HARE #10	AZTEC	20.0	SOUTHERN UNION GA
8247198	NM-0494-82	3004507336		108		MCCLANAHAN #6	FULCHER KUTZ	18.0	SOUTHERN UNION GA
8247199	NM-0495-82	3004510181		108		THOMPSON #3	BLANCO	19.0	SOUTHERN UNION GA
8247200	NM 0496-82	3004506715		108		WHITLEY #3	SOUTH BLANCO	18.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	08/04/82	JA: NM 4			
8247222	NM-000582-ER	3004500000		108-ER		GAGE COM #1	BASIN DAKOTA	20.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	08/04/82	JA: NM 4			
8247189	NM-050582102	3000561263		102-2	107-TF	GEORGE "OJ" FEDERAL #3	PECOS SLOPE - ABO GAS	0.0	TRANSWESTERN PIPE
8247162	NM 0567-82	3000561311		102-2	107-TF	GODFREY "MP" FEDERAL #7	PECOS SLOPE-ABO GAS	0.0	TRANSWESTERN PIPE
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED:	08/04/82	JA: OK 4			
8247228	OKA-0072-82	3512120697		108		AMMO DEPOT #1-2A	S PINE HOLLOW	16.0	ARKANSAS LOUISIAN
-READING & BATES PETROLEUM CO				RECEIVED:	08/04/82	JA: OK 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247188	OKA-0504-82	3503920503		102-2		INDIAN SCHOOL #1-32	N E HAMMON	767.0	
-SHAR-ALAN OIL CO				RECEIVED:	08/04/82	JA: OK 4			
8247235	OKA-1077-81A	3509322060		103		EDNA SUNDERMAN #1	CHEYENNE VALLEY	0.0	PHILLIPS PETROLEU
8247236	OKA-10778113	3509322060		103		EDNA SUNDERMAN #1	CHEYENNE VALLEY	0.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO				RECEIVED:	08/04/82	JA: UT 4			
8247234	UA-0978-81	4303730653		103		MCELMO CREEK UNIT V-14	GREATER ANETH	0.0	EL PASO NATURAL G
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-MIDLANDS GAS CORPORATION				RECEIVED:	08/05/82	JA: MT 5			
8247239	M 474-1	2507121421		108		FEDERAL 1 0832	WILDCAT	22.0	KANSAS-NEBRASKA N
-FARMERS UNION CENTRAL EXCHANGE INC				RECEIVED:	08/05/82	JA: ND 5			
8247249	ND 594-1	3300700648		102-2		FEDERAL 2-6	TR FIELD	36.0	KOCH HYDROCARBON
-GULF OIL CORPORATION				RECEIVED:	08/05/82	JA: ND 5			
8247244	ND 550-1	3303300068		102-2		BOYCE FEDERAL 1-20-1A	BICENTENNIAL	30.0	
8247241	W547-1	4900921682		102-2		JOHN PEPPER FEDERAL #1-30-3A	CORNEY DRAW	4.0	
-SUPRON ENERGY CORPORATION				RECEIVED:	08/05/82	JA: ND 5			
8247250	ND 595-1	3300700631		102-2		F-6 #2	DEVIL'S PASS-DUPEROW	329.0	KOCH HYDROCARBONS
-TENNECO OIL COMPANY				RECEIVED:	08/05/82	JA: ND 5			
8247248	ND 593-1	3300700606		102-2		TENNECO USA-UVI 3-33	ELKHORN NW	343.0	MONTANA-DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED:	08/05/82	JA: WY 5			
8247271	W6-2	4904120268		102-2		AMOCO-CHEVRON-GULF W I #5 MADISON	WHITNEY CANYON - MADI	6000.0	NATURAL GAS PIPEL
8247272	W7-2	4903721115		103		LOST SOLDIER UNIT #107 (TENSLEEP)	LOST SOLDIER - TENSLE	2.8	NORTHERN GAS CO
8247273	W8-2	4903721227		103		LOST SOLDIER UNIT #112 (TENSLEEP)	LOST SOLDIER - TENSLE	0.9	NORTHERN GAS CO
-BELCO PETROLEUM CORPORATION				RECEIVED:	08/05/82	JA: WY 5			
8247246	W573-1	4902320457		107-TF		STEAD CANYON 6-10	STEAD CANYON UNIT	0.0	NORTHWEST PIPELIN
-CHEVRON U S A INC				RECEIVED:	08/05/82	JA: WY 5			
8247261	W618-1	4904120359		102-2		PAINTER RESERVOIR UNIT WELL 43-12 D	PAINTER RESERVOIR	0.0	NORTHERN NATURAL
8247260	W616-1	4904120272		102-2		PAINTER RESERVOIR UNIT WELL 21-12 D	PAINTER RESERVOIR	0.0	NORTHERN NATURAL
-CITIES SERVICE COMPANY				RECEIVED:	08/05/82	JA: WY 5			
8247247	W592-1	4903721136		103		FEDERAL "W" #1	WILDROSE	38.9	CITIES SERVICE GA
-CSG EXPLORATION COMPANY				RECEIVED:	08/05/82	JA: WY 5			
8247267	W1-2	4903721785		107-RT		WINDMILL DRAW #3	WINDMILL	140.0	CITIES SERVICE GA
8247268	W2-2	4903721785		102-2		WINDMILL DRAW #3	WINDMILL	140.0	CITIES SERVICE GA
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	08/05/82	JA: WY 5			
8247245	W571-1	4900526188		102-4		ALLSPAUGH FEDERAL 14-11	HIGHLIGHT	58.0	
-GETTY OIL COMPANY				RECEIVED:	08/05/82	JA: WY 5			
8247269	W3-2	4902320347		102-2		WHISKEY BUTTES #1-6	WHISKEY BUTTES UNIT	100.0	NORTHWEST PIPELIN
-GULF OIL CORPORATION				RECEIVED:	08/05/82	JA: WY 5			
8247243	W549-1	4900921683		102-2		BIRDIE KINDER FEDERAL 1-31-2A	CORNEY DRAW	5.0	
8247242	W548-1	4901321091		102-3		TOUGH CREEK UNIT #1	UNDESIGNATED	57.0	
-HPC INC				RECEIVED:	08/05/82	JA: WY 5			
8247270	W5-2	4900921802		102-2		HAWTHORNE FEDERAL #1	SCOTT	51.8	PHILLIPS PETROLEU
8247240	W541-1	4900525563		102-2		SARA ARMSTRONG FEDERAL #1	NORTH POWELL	205.0	PHILLIPS PETROLEU
-KEMMERER COAL COMPANY				RECEIVED:	08/05/82	JA: WY 5			
8247265	W624-1	4900720536		107-RT		BARREL SPRINGS UNIT #18-1	BARREL SPRINGS UNIT I	0.0	NORTHWEST PIPELIN
8247266	W625-1	4900720594		107-RT		BARREL SPRINGS UNIT #29-2	BARREL SPRINGS UNIT I	0.0	NORTHWEST PIPELIN
8247262	W621-1	4900720479		107-RT		BARREL SPRINGS UNIT #4-1	BARREL SPRINGS UNIT I	0.0	NORTHWEST PIPELIN
8247263	W622-1	4900720535		107-RT		BARREL SPRINGS UNIT #7-1	BARREL SPRINGS UNIT I	0.0	NORTHWEST PIPELIN
8247264	W623-1	4900720533		107-RT		BARREL SPRINGS UNIT #8-1	BARREL SPRINGS UNIT I	0.0	NORTHWEST PIPELIN
-WOODS PETROLEUM CORPORATION				RECEIVED:	08/05/82	JA: WY 5			
8247253	W 601-1	4900525906		103		PINE TREE UNIT 18-27	PINE TREE	82.0	WESTERN GAS PROCE
8247254	W 604-1	4900525636		103		PINE TREE UNIT 21-20	PINE TREE	50.0	WESTERN GAS PROCE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8247255	W 606-1	4900525637		103		PINE TREE UNIT 21-21	PINE TREE	53.0	WESTERN GAS PROCE
8247257	W 610-1	4900525484		103		PINE TREE UNIT 28-16	PINE TREE	21.0	WESTERN GAS PROCE
8247256	W 608-1	4900921552		103		PINE TREE UNIT 28-7	PINE TREE	63.0	WESTERN GAS PROCE
8247258	W 612-1	4900921740		103		PINE TREE UNIT 33-13	PINE TREE	36.0	WESTERN GAS PROCE
8247259	W 614-1	4900921721		103		PINE TREE UNIT 34-12	PINE TREE	1.0	WESTERN GAS PROCE
8247251	W 598-1	4900553610		103		PINE TREE UNIT 7-22	PINE TREE	0.0	WESTERN GAS PROCE
8247252	W 600-1	4900525930		103		PINE TREE UNIT 7-26	PINE TREE	82.0	WESTERN GAS PROCE

OTHER PURCHASERS VOLUME NO :719

8247226 GAS CO OF NEW MEXICO
8247314 BROOKLYN UNION GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by September 16, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet for deeper
107–GB: Geopressured brins
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 wall
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–23896 Filed 8–31–82; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180609; PH–FRL 2198–5]

Pest Control; Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are 38 crisis exemptions initiated by certain States. Details of quarantine exemptions granted by EPA to the U.S. Department of Agriculture are also given.

DATES: See each exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Alabama Department of Agriculture and Industries for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control rhizome johnsongrass; June 9, 1982 to August 31, 1982. (Jack E. Housenger)

2. Alabama Department of Agriculture and Industries for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control bermudagrass and rhizome johnsongrass; May 24, 1982 to August 31, 1982. (Jack E. Housenger)

3. Alabama Department of Agriculture and Industries for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies; May 27, 1982 to December 31, 1982. (Donald R. Stubbs)

4. Arkansas State Plant Board for the use of sodium salt of acifluorfen on rice to control hemp sesbania; May 22, 1982 to October 1, 1982. (Libby Welch)

5. California Department of Food and Agriculture for the use of carbaryl on avocados to control gypsy moths; July 2, 1982 to March 12, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

6. California Department of Food and Agriculture for the use of imazalil as a post-harvest treatment on citrus to control *Penicillium* spp; June 11, 1982 to June 10, 1983. California had initiated a crisis exemption for this use. (Jack E. Housenger)

7. California Department of Food and Agriculture for the use of oxamyl on cucurbits (cantaloupes, honeydew melons, crenshaw melons, and squash) to control leafminer; May 26, 1982 to September 30, 1982. (Jack E. Housenger)

8. California Department of Food and Agriculture for the use of methiocarb on tomatoes to control depredating birds; June 8, 1982 to June 15, 1982. California had initiated a crisis exemption for this use. (Libby Welch)

9. Colorado Department of Agriculture for the use of permethrin on field corn and popcorn to control 2nd generation European corn borers; June 17, 1982 to September 15, 1982. (Jack E. Housenger)

10. Florida Department of Agriculture and Consumer Services for the use of chlorpyrifos on citrus to control the citrus root weevil complex; May 22, 1982 to July 31, 1982. (Jack E. Housenger)

11. Florida Department of Agriculture and Consumer Services for the use of fenvalerate on sweet corn to control the sweet corn caterpillar complex; May 22, 1982 to December 31, 1982. (Jack E. Housenger)

12. Florida Department of Agriculture and Consumer Services for the use of metalaxyl on potatoes to control late blight; June 2, 1982 to June 30, 1982. Florida had initiated a crisis exemption for this use. (Libby Welch)

13. Hawaii Department of Agriculture for the use of picloram on sugarcane to control shrubs and vines; June 30, 1982 to June 30, 1983. (Libby Welch)

14. Idaho Department of Agriculture for the use of dimethoate on lentils to control aphids and lygus bugs; June 22, 1982 to August 31, 1982 (Libby Welch)

15. Idaho Department of Agriculture for the use of triadimefon on grapes to control powdery mildew; June 22, 1982 to September 30, 1982. (Jack E. Housenger)

16. Illinois Department of Agriculture for the use of permethrin on pumpkins for processing to control squash bugs; June 15, 1982 to November 1, 1982. (Jack E. Housenger)

17. Louisiana Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control bermudagrass and rhizome johnsongrass; May 24, 1982 to August 31, 1982. (Jack E. Housenger)

18. Louisiana Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control rhizome johnsongrass and itchgrass; June 9, 1982 to August 31, 1982. (Jack E. Housenger)

19. Louisiana Department of Agriculture for the use of sodium salt of acifluorfen on rice to control hemp sesbania; May 22, 1982 to October 1, 1982. (Libby Welch)

20. Maryland Department of Agriculture for the use of triadimefon on grapes to control powdery mildew; June 22, 1982 to September 30, 1982. (Jack E. Housenger)

21. Massachusetts Department of Food and Agriculture for the use of *N*-cyclopropyl–1,3,5-triazine-2,4,6-triamine on poultry to control flies; June 7, 1982 to May 1, 1983. (Libby Welch)

22. Michigan Department of Agriculture for the use of metochlor on broccoli, Brusssels sprouts, cabbage, and cauliflower to control weeds; June

10, 1982 to July 31, 1982. (Jack E. Housenger)

23. Minnesota Department of Agriculture for the use of fluazifop-butyl on soybeans to control wild proso millet; June 3, 1982 to August 1, 1982. (Jack E. Housenger)

24. Mississippi Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control rhizome johnsongrass and itchgrass; June 9, 1982 to August 31, 1982. (Jack E. Housenger)

25. Mississippi Department of Agriculture and Commerce for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2- (ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control bermudagrass and rhizome johnsongrass; May 24, 1982 to August 31, 1982. (Jack E. Housenger)

26. Mississippi Department of Agriculture and Commerce for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies; June 7, 1982 to May 1, 1983. (Libby Welch)

27. Mississippi Department of Agriculture and Commerce for the use of sodium salt of acifluorfen on rice to control hemp sesbania; May 22, 1982 to October 1, 1982. (Libby Welch)

28. Montana Department of Livestock for the use of strychnine alkaloid to control rabid skunks; June 1, 1982 to June 1, 1983. EPA has not yet made its final determination concluding the rebuttable presumption against registration (RPAR) of pesticide products containing strychnine. (Donald R. Stubbs)

29. Nebraska Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control volunteer corn and shattercane. June 9, 1982 to September 30, 1982. (Jack E. Housenger)

30. New Hampshire Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies; June 7, 1982 to May 1, 1983. (Libby Welch)

31. New Jersey Department of Environmental Protection for the use of fenvalerate and piperonyl butoxide on eggplants to control the Colorado potato beetle; June 9, 1982 to November 30, 1982. (Libby Welch)

32. New Jersey Department of Environmental Protection for the use of fenvalerate on lettuce to control corn earworms; May 22, 1982 to November 1, 1982. (Libby Welch)

33. New Jersey Department of Environmental Protection for the use of vinclozolin on lettuce to control Sclerotinia; May 27, 1982 to October 15, 1982. (Libby Welch)

34. New Mexico Department of Agriculture for the use of monocrotophos on field corn to control Banks grass mites; June 24, 1982 to November 30, 1982. (Jack E. Housenger)

35. New York State Department of Environmental Conservation for the use of azinphosmethyl on carrots for processing to control the carrot weevil; June 24, 1982 to September 30, 1982. (Jack E. Housenger)

36. North Carolina Department of Agriculture for the use of dicloran on peanuts to control Sclerotinia blight; June 24, 1982 to October 31, 1982. (Jack E. Housenger)

37. North Dakota Department of Agriculture for the use of asulam on flax to control weeds; June 17, 1982 to October 31, 1982. (Jack E. Housenger)

38. Ohio Department of Agriculture for the use of acephate on leafy-type lettuce to control green peach aphids; June 15, 1982 to October 1, 1982. (Libby Welch)

39. Ohio Department of Agriculture for the use of carbosulfan on non-bearing fruit trees and woody ornamentals to control cicadas; May 27, 1982 to August 31, 1982. (Donald R. Stubbs)

40. Oregon Department of Agriculture for the use of disyston on asparagus to control asparagus aphids; June 2, 1982 to October 31, 1982. (Libby Welch)

41. Oregon Department of Agriculture for the use of vinclozolin on caneberries to control botrytis fruit rot; May 22, 1982 to September 30, 1982. (Libby Welch)

42. Pennsylvania Department of Agriculture for the use of metalaxyl on potatoes to control late blight; July 1, 1982 to October 15, 1982. (Jim Tompkins)

43. South Carolina, Division of Regulatory and Public Service Programs, for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control bermudagrass and rhizome johnsongrass; May 24, 1982 to August 31, 1982. (Jack E. Housenger)

44. Texas Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control bermudagrass and rhizome johnsongrass; May 24, 1982 to August 31, 1982. (Jack E. Housenger)

45. Texas Department of Agriculture for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one soybeans to control rhizome johnsongrass; June 9, 1982 to August 31, 1982. (Jack E. Housenger)

46. Texas Department of Agriculture for the use of monocrotophos on field corn to control Banks grass mites; June 24, 1982 to November 30, 1982. Texas had initiated a crisis exemption for this use. (Jack E. Housenger)

47. Utah Department of Agriculture for the use of oxytetracycline on cherries to control Western X disease; June 2, 1982 to August 1, 1982. (Libby Welch)

48. Vermont Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies; June 7, 1982 to May 1, 1983. (Libby Welch)

49. Vermont Department of Agriculture for the use of vinclozolin on lettuce to control Sclerotinia; May 27, 1982 to October 15, 1982. (Libby Welch)

50. Virginia Department of Agriculture and Consumer Services for the use of dicloran on peanuts to control Sclerotinia blight; June 24, 1982 to October 31, 1982. (Jack E. Housenger)

51. Washington Department of Agriculture for the use of dimethoate on lentils to control aphids and lygus bugs; June 22, 1982 to August 31, 1982. (Libby Welch)

52. Washington Department of Agriculture for the use of disyston on asparagus to control asparagus aphids; June 2, 1982 to October 31, 1982. (Libby Welch)

53. Washington Department of Agriculture for the use of vinclozolin on caneberries to control botrytis fruit rot; May 22, 1982 to September 30, 1982. (Libby Welch)

54. Wisconsin Department of Agriculture for the use of fluazifop-butyl on soybeans to control wild proso millet; June 3, 1982 to August 1, 1982. (Jack E. Housenger)

55. Wisconsin Department of Agriculture, Trade and Consumer Protection for the use of metalaxyl on potatoes to control late blight; July 1, 1982 to October 15, 1982. (Jim Tompkins)

56. Army Corps of Engineers for the use of 2,4-dichloro-phenoxyacetic acid on Osoyoos Lake, Pend Oreille River, Okanogan River, and Columbia River in Okanogan County, Washington, to control Eurasian watermilfoil; June 1, 1982 to May 31, 1983. (Jack E. Housenger)

57. Fish and Wildlife Service, U.S. Department of the Interior, for the use of sodium cyanide in the M–44 device to control the Arctic fox on Agattu Island in Alaska to protect the endangered Aleutian Canada goose; June 2, 1982 to May 31, 1983. (Donald R. Stubbs)

Crisis exemptions were initiated by the:

1. Arizona Commission of Agriculture and Horticulture on June 17, 1982, for the use of acephate on citrus to control citrus thrips. Since it has anticipated that this program would be needed for more than 15 days, Arizona has

requested a specific exemption to continue it. The need for this program is expected to last until October 15, 1982. (Jack E. Housenger)

2. Arkansas State Plant Board on June 7, 1982, for the use of sodium chlorate on wheat as a desiccant. The program ended June 22, 1982. (Libby Welch)

3. Arkansas State Plant Board on June 18, 1982, for the use of triadimefon on grapes to control powdery mildew. Since it was anticipated that this program would be needed for more than 15 days, Arizona has requested a specific exemption to continue it. The need for this program is expected to last until September 15, 1982. (Jack E. Housenger)

4. California Department of Food and Agriculture on April 14, 1982, for the use of acephate on citrus to control citrus thrips. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until October 30, 1982. (Jack E. Housenger)

5. California Department of Food and Agriculture on May 21, 1982, for the use of aluminum phosphide on artichokes to control the meadow mouse. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until May 21, 1983. (Jack E. Housenger)

6. California Department of Food and Agriculture on June 25, 1982, for the use of dichlorvos on figs to control the dried fruit beetle. California had requested a specific exemption. The need for this program is expected to last until September 30, 1982. (Jack E. Housenger)

7. California Department of Food and Agriculture on April 16, 1982, for the use of fenvalerate on pears to control the pear psylla. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program ended May 20, 1982. (Jack E. Housenger)

8. California Department of Food and Agriculture on June 11, 1982, for the use of imazalil on citrus to control *Penicillium* spp. California had requested a specific exemption. The need for this program is expected to last until June 10, 1983. (Jack E. Housenger)

9. California Department of Food and Agriculture on May 27, 1982, for the use of oxamyl on garlic to control nematodes. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program ended July 1, 1982. (Jack E. Housenger)

10. California Department of Food and Agriculture on June 3, 1982, for the use of oxytetracycline on sweet cherries to control the Western X disease. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for the program is expected to last until October 1, 1982. (Libby Welch)

11. California Department of Food and Agriculture on June 18, 1982, for the use of permethrin on alfalfa grown for seed to control the spotted alfalfa aphid. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until August 17, 1982. (Jack E. Housenger)

12. California Department of Food and Agriculture on May 10, 1982, for the use of permethrin on citrus to control the Japanese bayberry white fly. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until May 10, 1983. (Jack E. Housenger)

13. California Department of Food and Agriculture on May 7, 1982, for the use of cyhexatin on cotton to control the tetranychid spider mite complex. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exempton to continue it. The need for this program ended June 30, 1982. (Jack E. Housenger)

14. Kentucky Department of Agriculture, on June 18, 1982, for the use of metalaxyl on tobacco to control blue mold. Since it was anticipated that this program would be needed for more than 15 days, Kentucky is expected to request a specific exemption to continue it. (Libby Welch)

15. Louisiana Department of Agriculture on May 24, 1982, for the use of sodium chlorate on wheat for desiccation. The program ended June 8, 1982. (Libby Welch)

16. Maine Department of Agriculture on June 29, 1982, for the use of metalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, Maine has requested a specific exemption to continue it. The need for this program is expected to last until September 15, 1982. (Libby Welch)

17. Massachusetts Department of Food and Agriculture on May 28, 1982, for the use of acephate on cranberries to control the brown span worm. Since it was anticipated that this program would be needed for more than 15 days, Massachusetts requested a specific exemption to continue it. The need for this program ended August 1, 1982. (Libby Welch)

18. Massachusetts Department of Food and Agriculture on May 28, 1982, for the use of linuron on onions to control weeds. Since it was anticipated that this program would be needed for more than 15 days, Massachusetts has requested a specific exemption to continue it. The need for this program is expected to last until September 31, 1982. (Libby Welch)

19. Mississippi Department of Agriculture and Commerce on May 21, 1982 (effective May 24, 1982), for the use of sodium chlorate on wheat as a desiccant. The program ended June 8, 1982. (Libby Welch)

20. New Jersey Department of Environmental Protection on June 21, 1982, for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on layer poultry to control flies. Since it was anticipated that this program would be needed for more than 15 days, New Jersey has requested a specific exemption to continue it. The need for this program is expected to last until April 30, 1983. (Libby Welch)

21. New York Department of Environmental Conservation on June 22, 1982, for the use of metalaxyl on potatoes to control late blight. Since it is anticipated that this program will be needed for more than 15 days, New York has requested a specific exemption to continue it. The need for this program is expected to last until October 1, 1982. (Libby Welch)

22. North Carolina Department of Agriculture on May 11, 1982, for the use of 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one on sweet potato beds to control annual grasses. The program ended on May 12, 1982. (Jack E. Housenger)

23. North Carolina Department of Agriculture on June 9, 1982, for the use of fluazifop-butyl and 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one on cotton to control goosegrass. Since it was anticipated that this program would be needed for more than 15 days, North Carolina requested a specific exemption to continue it. The need for this program ended July 15, 1982. (Jack E. Housenger)

24. Office of Governor, State of Oklahoma on May 26, 1982, for the use of sodium chlorate on wheat for desiccation. Since it was anticipated that this program would be needed for more than 15 days, Oklahoma requested

a specific exemption to continue it. The need for this program ended July 15, 1982. (Libby Welch)

25. Oregon Department of Agriculture on June 2, 1982, for the use of glyphosate in eastern Oregon on wheat to control common rye. Since it was anticipated that this program would be needed for more than 15 days, Oregon requested a specific exemption to continue it. The need for this program ended July 31, 1982. (Jack E. Housenger)

26. Oregon Department of Agriculture on June 14, 1982, for the use of methomyl on cranberries to control the oblique banded leafroller, orange tortrix, and the alfalfa looper. Since it was anticipated that this program would be needed for more than 15 days, Oregon has requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Libby Welch)

27. Oregon Department of Agriculture on June 15, 1982, for the use of methiocarb in western Oregon on peas to control snails and slugs. Since it was anticipated that this program would be needed for more than 15 days, Oregon requested a specific exemption to continue it. The need for this program ended August 1, 1982. (Jack E. Housenger)

28. Pennsylvania Department of Agriculture on June 2, 1982, for the use of methalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, Pennsylvania had requested a specific exemption to continue it. The need for this program will end November 15, 1982. (Libby Welch)

29. Pennsylvania Department of Agriculture on June 8, 1982, for the use of mevinphos on watercress to control aphids. Pennsylvania has requested a specific exemption. The need for this program is expected to last until October 31, 1982. (Jack E. Housenger)

30. Tennessee Department of Agriculture on April 29, 1982, for the use of benomyl on wheat to control powdery mildew. Since it was anticipated that this program would be needed for more than 15 days, Tennessee requested a specific exemption to continue it. The need for this program ended May 31, 1982. (Jack E. Housenger)

31. Texas Department of Agriculture on May 13, 1982, for the use of monocroptophos on field corn to control the Banks grass mite. Since it was anticipated that this program would be needed for more than 15 days, Texas has requested a specific exemption to continue it. The need for this program is expected to last until November 31, 1982. (Jack E. Housenger)

32. Texas Department of Agriculture on May 19, 1982, for the use of sodium chlorate on wheat in southeastern Texas as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, Texas requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Libby Welch)

33. Texas Department of Agriculture on May 27, 1982, for the use of sodium chlorate on wheat in northern and northeastern Texas as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, Texas requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Libby Welch)

34. Texas Department of Agriculture on June 14, 1982, for the use of sodium chlorate on wheat in northwestern Texas as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, Texas requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Libby Welch)

35. Texas Department of Agriculture on June 30, 1982, for the use of paraquat on dry beans and field peas as a harvest aid. The program ended July 14, 1982. (Libby Welch)

36. Vermont Department of Agriculture on June 18, 1982, for the use of methiocarb on gilfeather turnips grown for seed to repel birds. Since it was anticipated that this program would be needed for more than 15 days, Vermont requested a specific exemption to continue it. The need for this program ended July 15, 1982. (Jack E. Housenger)

37. Washington Department of Agriculture on May 27, 1982, for the use of acephate on peaches and nectarines to control the green peach aphid. Since it was anticipated that this program would be needed for more than 15 days, Washington requested a specific exemption to continue it. The need for this program ended June 20, 1982. (Libby Welch)

38. Washington Department of Agriculture on May 28, 1982, for the use of glyphosate on wheat to control annual volunteer rye. Since it was anticipated that this program would be needed for more than 15 days, Washington requested a specific exemption to continue it. The need for this program ended June 20, 1982. (Jack E. Housenger)

Quarantine exemptions were granted to the Animal and Plant Health Inspection Service of the United States Department of Agriculture for the use of methyl bromide on imported food and feed commodities to control quarantinable pests in the U.S.A.; June 17, 1982 to June 17, 1983. (Jack E. Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: August 19, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-23836 Filed 8-31-82; 8:45 am]

BILLING CODE 6550-50-M

[OPP-3019A; PH-FRL 2198-2]

Approval of Application to Register a Pesticide Product Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by Chemmar Associates to register the disinfectant Marstat PN containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: John Lee, Product Manager (PM) 31, Registration Division (TS-767C, Office of Pesticide Programs, Environmental Protection Agency CM#2 RM. 301, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-3676).

SUPPLEMENTARY INFORMATION: EPA received an application from Chemmar Associates, PO Box 5645, Greensboro, NC 27403, to register the disinfectant Marstat PN containing 66.4 percent of the active ingredient dodecyl bis (hydroxyethyl) dioctyl ammonium phosphate and 15.9 percent of the active ingredient dodecyl bis (hydroxyethyl) octylhydrogen ammonium phosphate, active ingredients not included in any previously registered pesticide product. The product, EPA Registration Number 43670-1, was registered on February 19, 1982. Because the notice of application to register the product as required by section 3(c)(4) of FIFRA, as amended, was not published in the **Federal Register**, interested parties may submit comments by October 1, 1982.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7

U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA with 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended).

Dated: August 23, 1982.

Edwin L. Johnson,

Director, Office Pesticide Programs.

[FR Doc. 82–23790 Filed 8–31–82; 8:45 am]

BILLING CODE 6560–50–M

[PP 9G2226/T378; PH–FRL 2197–2]

Pheromones; Extension of Exemptions From Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the temporary exemptions from the requirement of tolerances for residues of the pheromones (Z)-9-tetradecenal and (Z)-11-hexadecenal in or on the raw agricultural commodity cotton.

DATE: These temporary exemptions from the requirement of tolerances expire July 10, 1983.

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

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of October 19, 1981, (46 FR 51285), that temporary exemptions from the requirement of tolerances had been established for residues of the pheromones (Z)-9-tetradecenal and (Z)-11-hexadecenal in or on the raw agricultural commodity cotton. These exemptions from the requirement of tolerances were established in response to a pesticide petition (PP 9G2226), submitted by Albany International, Controlled Release Division, 110 A Street, Needham Heights, MA 02194.

The company has requested a one-year extension of the exemptions from temporary tolerances to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 36638–EUP–3, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been extended on the condition that the pesticides be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredients to be used must not exceed the quantity authorized by the experimental use permit.

2. Albany International must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire July 10, 1983. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticides are legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked of if any experience or scientific data with these pesticide indicate that such revocation is necessary to protect the public health.

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

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

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))).

Dated: August 18, 1982.

Robert V. Brown,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–23680 Filed 8–31–82; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50582; PH–FRL–2196–6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

1471–EUP–79. Issuance. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 125 grams of the rodenticide *N*-methyl-2,4,dinitro *N*-(2,4,6-tribromophenyl)-6-(trifluoromethyl)-benzenamine in and around homes and agricultural and industrial buildings to evaluate the control of house mice and Norway and roof rats. A total of 8 sites are involved; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Washington, and Wisconsin. The experimental use permit is effective from July 28, 1982 to July 28, 1983. (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

279–EUP–75. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 936 pounds of the insecticide permethrin on field corn to evaluate the control of various insects. A total of 1,235 acres are involved; the program is

authorized in the States of Arizona, Arkansas, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from October 31, 1982 to October 31, 1983. This permit is being issued with the limitation that all crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

3125–EUP–173. Amendment. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. A notice was published in the **Federal Register** of July 18, 1980 (45 FR 48242) pertaining to the issuance of an experimental use permit, 3125–EUP–173, to Mobay Chemical Corporation. At the request of the company, the permit has been amended to add 1,800 pounds of the active ingredient, 70 acres, and five States to the program. This experimental use permit now allows the use of 2,160 pounds of the nematocide ethyl-3-methyl-4-(methylthio)phenyl(l-methylethyl)-phosphoramidate on grapes to evaluate the control of nematodes. A total of 120 acres are involved; the program is authorized only in the States of California, Michigan, New York, Ohio, Pennsylvania, and Washington. The experimental use permit is effective from July 19, 1982 to December 31, 1982. A temporary tolerance for residues of the active ingredient in or on grapes has been established. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900))

3125–EUP–174. Amendment. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. A notice was published in the **Federal Register** of July 18, 1980 (45 FR 48242) pertaining to the issuance of an experimental use permit, 3125–EUP–174, to Mobay Chemical Corporation. At the request of the company, the permit has been amended to add 3,240 pounds of the active ingredient, 210 acres, and five States to the program. The experimental use permit now allows the use of 4,680 pounds of the nematocide ethyl-3-methyl-4-(methylthio) phenyl (1-methylethyl)-phosphoramidate on grapes to evaluate the control of nematodes. A total of 260 acres are involved; the program is authorized only in the States of California, Michigan, New York, Ohio, Pennsylvania, and Washington. The experimental use permit is effective from July 19, 1982 to December 31, 1982. A temporary tolerance for residues of the active ingredient in or on grapes has been established. (Henry Jacoby, PM 21, Rm. 227, CM #2, (703–557–1900))

38412–EUP–4. Extension. Pineapple Growers Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, HI 96813. This experimental use permit allows the use of the remaining supply of 2,070 pounds (5,400 pounds originally authorized) of the herbicide hexazinone on pineapples to evaluate the control of weeds. A total of 2,500 acres are involved; the program is authorized only in the State of Hawaii. The experimental use permit is effective from July 29, 1982 to July 29, 1983. Temporary tolerances for residues of the active ingredient in or on pineapples and pineapple forage have been established. (Richard Mountfort, PM 23, Rm. 253, CM #2, (703–557–1830))

264–EUP–59. Extension. Union Carbide Agricultural Products Company, Inc., P.O. Box 12014, Research Triangle Park, NC 27709. This experimental use permit allows the use of the remaining supply of 252 pounds (400 pounds originally authorized) of the plant growth regulator ethephon on sugarcane to evaluate the effects of increased cane tonnage and sucrose yields through enhancement of bio-mass. A total of 230 acres are involved; the program is authorized only in the State of Hawaii. The experimental use permit is effective from July 16, 1982 to July 16, 1984. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established. A food additive regulation for residues of the active ingredient in or on sugarcane molasses has been established (21 CFR 193.186). (Robert Taylor, PM 25, Rm. 251, CM #2, (703–557–1800))

47890–EUP–1. Issuance. Department of Agriculture, 51 Mill Pond Road, Hamdem, CT 06514. This experimental use permit allows the use of 0.0000275 pound of the biological insecticide, polyhedral inclusion bodies of the nuclear polyhedrosis virus of *N. lecontei* on red-pine forests to evaluate the control of the red-headed pine sawfly. A total of 50 acres are involved; the program is authorized only in the States of Michigan, Minnesota, and Wisconsin. The experimental use permit is effective from July 22, 1982 to July 22, 1983. (Franklin Gee, PM 17, Rm. 207, CM #2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 18, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–23677 Filed 8–31–82; 8:45 am]

BILLING CODE 6560–50–M

[PP 9G2155/T389; PH–FRL 2197–1]

Hexazinone; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the herbicide hexazinone and its metabolites in or on the raw agricultural commodities pineapple (whole fruit) and pineapple forage.

DATE: These temporary tolerances expire July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA has extended temporary tolerances for the combined residues of the herbicide hexazinone, 3-cyclohexyl-6(dimethylamino)-1-methyl-1,3,5-triazine 2,4(1H,3H)-dione, and its metabolites in or on the raw agricultural commodities pineapple (whole fruit) at 0.2 part per million (ppm), and pineaple forage at 5.0 ppm. These temporary tolerances had been established in response to pesticide petition (PP 9G2155), submitted by the Pineapple Growers Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, HI 96813.

The company has requested a one-year extension of the temporary tolerances to permit the continued marketing of the remaining raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit (38412–EUP–4), which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as

amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Pineapple Growers Association of Hawaii must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire July 29, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

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

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: August 18, 1982.

Robert V. Brown,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-23676 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL 2199-2]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Effluent Guidelines Analytical Methods Subcommittee of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room S-247, U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C., on September 22, 1982. The meeting will begin at 9:00 a.m. and last until approximately 5:30 p.m.

In an EEC meeting on July 30-31, 1982, the Subcommittee presented a draft consultant's report which included a brief review of the Chemical Manufacturer's Association (CMA) Five-Plant Study. At that time, the CMA requested that the Subcommittee conduct a more detailed review of the study.

The purpose of the meeting will be to conduct that detailed review, as a part of this Subcommittee's ongoing review of technical support data pertaining to the the development of effluent guidelines for the organic chemicals and plastics/synthetic fibers industries, and to allow the Subcommittee the opportunity to draft their report. Among the issues to be addressed are the precise nature of the data in the study, the ways in which these data were aggregated and analyzed, and the ways in which the data are presented.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Acting Director, Science Advisory Board, at (202) 382-4126.

EPA has recently instituted new visitor control procedures. In order to minimize any inconvenience, persons wishing to attend are requested to call Mrs. Dorothy M. Clark at (202) 382-2552, in order that they may be included on a roster that will be prepared for the building security guards. Attendees are also requsted to enter the building at the West Tower entrance.

Terry F. Yosie,

Acting Director, Science Advisory Board.

August 24, 1982.

[FR Doc. 82-23939 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL 2199-3]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room S-353, U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C., on September 28-29, 1982. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day.

The purpose of the meeting will be to continue review of the Effluent Guidelines Division's "Contractor's Engineering Report: Analysis of the Organic Chemicals and Plastic/Synthetic Fibers Industries," which forms the basis of the development of effluent guidelines for those industries, including related material, such as the CMA Five-Plant Study, and to review the EPA Office of Solid Waste's proposed RCRA Risk/Cost Policy Model.

The RCRA Risk/Cost Policy Model has been developed to assist the Agency in identifying cost-effective options for managing hazardous wastes, minimizing risks to health and the environment. The principal technical issues to be addressed include:

1. Are general models a potentially useful way to help analyze policy options in the regulation of hazardous waste? Specifically, can enough generalities be made to construct a meaningful model or are the differences among specific sites too great and variable to make broad comparisons. Is the level of understanding advanced enough to justify attempts to develop models, or are the uncertainties so great so as to preclude attempts at more comprehensive analyses at this time?

2. Is the waste-environment-technology combination a useful construct for evaluating the threats of hazardous waste to human health and the environment?

3. Are the order-of-magnitude differences between relative risk levels sufficiently precise for the priority-setting purpose intended for the model's results? Is it important and necessary, or impractical, to calibrate the model to attempt to predict absolute risk levels rather than to estimate relative risk?

4. To derive a single scale for scoring health effects, scores for graded and dichotomous responses were matched by assuming that a dose of the MED/10 (in humans) corresponds roughly to a probability that 1 percent of the exposed population will suffer a substantial

adverse effect. The scales also generally assume no threshold level of effects. Are these approximations appropriate to the level of data used and the expected use?

5. The scoring procedure for graded responses makes no distinction between compounds that produce different types of responses (e.g., dermatitis vs. reproductive dysfunction). Is the proposed approach of eventually testing weighting schemes an appropriate method of comparing effects or is there a generally accepted way of balancing different health effects?

6. In improving the model and the base, on which areas would it be best to concentrate resources (e.g., sensitivity testing, release rates, inherent hazard scoring for more compounds, waste stream characterization, delineation of environmental categories, environmental transport mechanisms, incorporating the strength of evidence of alternative toxicity studies, incorporate ecological effects)?

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382–2552, or Terry F. Yosie, Acting Director, Science Advisory Board, at (202) 382–4126.

EPA has recently instituted new visitor control procedures. In order to minimize any inconvenience, persons wishing to attend are requested to call Mrs. Dorothy M. Clark at (202) 382–2552, in order that they may be included on a roster that will be prepared for the building security guards. Attendees are also requested to enter the building at the West Tower entrance.

Terry F. Yosie,

Acting Director, Science Advisory Board.

August 24, 1982.

[FR Doc. 82–23940 Filed 8–31–32; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59097B; TSH–FRL–2199–5]

Vinyl Chloride-Ethylene Copolymer; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for test marketing exemption (TM–82–44) under section 5 of the Toxic Substances Control Act (TSCA) on August 5, 1982. Notice of receipt of the application was published in the **Federal Register** of August 13, 1982 (47 FR 35331). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 25, 1982.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M St., SW., Washington, D.C. 20460, (202–382–3738).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemcial substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 5, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–82–44. The submission is for vinyl chloride-ethylene copolymer. The submitter claimed its identity, the specific chemical identity, specific use, and production volume as confidential business information. The TME substance will be test marketed for a period not to exceed 6 months. During manufacture and processing in the submitter's facility, there is a possibility of dermal exposure for a maximum of 10 workers for 8 hours/day for 7 days. During use, there may be a maximum of 30 workers for 8 hours/day for 24 days.

A notice published in the **Federal Register** of August 13, 1982 (47 FR 35331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the new chemical substance submitted under TM–82–44 will not present an unreasonable risk of injury to health or to the environment under the specific conditions set out in the application. There is low health and ecological concern for this polymer based on analogue data, high molecular weight and low solubility. Amount of residual levels are low and controlled. During manufacture, processing, and use, the industrial sites will conform to OSHA standards for use of the starting materials. The final use will be in a controlled industrial setting.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a 6-month period commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed those specified in the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 25, 1982.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 82-23941 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Listing of Controlled Carriers Under the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Listing of Controlled Carriers.

SUMMARY: The Federal Maritime Commission is adding Galleon Shipping Corporation, and/or National Galleon Shipping Corporation, (Galleon) to the list of "controlled carriers" subject to the regulatory requirements of section 18(c) of the Shipping Act, 1916. The previous list was published in the Federal Register July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 18(c) of the Shipping Act, 1916 (the Act) (46 U.S.C. 817(c)) provides for the regulation of rates or charges of certain state-owned carriers in the foreign commerce of the United States. However, not all controlled carriers are subject to these regulatory requirements. Section 18(c)(6) of the Act sets forth two categories of controlled carriers which are exempt from these regulatory requirements and three conditions under which controlled carriers are exempt in certain trade areas. The relevant exemption here has been "The provisions of this subsection shall not apply to: * * * rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled *-*-* and the United States *-*-*" 46 U.S.C. 817(c)(6)(iv).

In order to identify controlled carriers that are not exempt from the provisions of the Act, the Commission periodically issues section 21 Orders to carriers who could meet the definition of a controlled carrier under the Act. The Orders require the carriers to answer questions concerning ownership, flag of their vessels, operating areas, United States trades served, and their opinion as to possible exemptions.

The Commission has reviewed the response to its section 21 Order issued to Galleon Shipping Corporation (GALLEON) and found that GALLEON meets the definition of a controlled carrier set forth in the Act. Through a letter dated June 9, 1982, GALLEON was notified that it has been found to be a controlled carrier, subject to the regulatory requirements of section 18(c).

Therefore, the Commission is adding Galleon Shipping Corporation and/or National Galleon Shipping Corporation to its list of controlled carriers subject to the regulatory provisions of section 18(c) of the Act, which list was previously published in the Federal Register on July 8, 1981.

The amended list is shown below:

Baltic Shipping Co.—U.S.S.R.
Bangladesh Shipping Corp.—Bangladesh
Black Sea Shipping Company—U.S.S.R.
Black Star Line—Ghana
China Ocean Shipping Co. (COSCO)—People's Republic of China
Compagnie Maritime Zairoise (CMZ)—Zaire
Compagnie Nationale Algerienne de Navigation—Algeria
Companhia de Navegacao Loide Brasileiro—Brazil
Compania Chilena De Navegacion Interoceanica, S.A.—Chile
Djakarta Lloyd, P.T.—Indonesia
Egyptian National Line—Egypt
Far Eastern Shipping Co. (FESCO)—U.S.S.R.
Flota Mercante Gran Centro Americana S.A. (Flomerca)—Guatemala
Galleon Shipping Corporation and/or National Galleon Shipping Corporation—Philippines
Murmansk Shipping Co. (Artic Line)—U.S.S.R.
Neptune Orient Lines (NOL)—Singapore
Pakistan National Shipping Corporation—Pakistan
Peruvian State Line—Peru
Polish Ocean Lines—Poland
Shipping Corporation of India—India
South African Marine Corp. Ltd.—South Africa
Transportes Navieros Ecuatorianos (Transnave)—Ecuador

The process of identification and classification of controlled carriers is continuous. The list as shown will be amended as such carriers enter and leave the United States trades or under any other circumstances become exempt from the regulatory requirements of section 18(c) of the Act.

By the Commission, August 24, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-23955 Filed 8-31-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of a revision in the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1982. The revision consists of the appointment of a new Alternate member, as follows:

Edward F. O'Brien, Director, Southern Region, Atlanta, Georgia—Alternate.

Dated: August 25, 1982.

Kenneth E. Moffett,

Deputy Director.

[FR Doc. 82-23905 Filed 8-31-82; 8:45 am]

BILLING CODE 6732-01-M

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1983. The members are as follows:

Bernard M. O'Keefe, Director, Central Region, Chicago, Illinois. Chair—Three years
John C. Zancanaro, Director, Office of Policy and Resource Management, Washington, D.C.—Two years
Richard D. Williams, Director, Western Region, San Francisco, California—One year
Edward F. O'Brien, Director, Southern Region, Atlanta, Georgia—Alternate.

Dated: August 25, 1982.

Kenneth E. Moffett,

Deputy Director.

[FR Doc. 82-23906 Filed 8-31-82; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares of Chisholm Financial Services, Inc., Richardson, Texas, and thereby indirectly acquire 100 percent of the voting shares of Citizens Bank, Richardson, Texas and Chisholm National Bank, Plano, Texas. The application may be inspected at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than September 27, 1982.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23931 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

Skandinaviska Enskilda Banken; Proposed Acquisition of Skandinaviska Enskilda Banken Corporation

Skandinaviska Enskilda Banken, Stockholm, Sweden, 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 Skandinaviska Enskilda Banken Corporation, New York, New York.

Applicant states that the proposed subsidiary would be organized and operated as an investment company under Article XII of New York State Banking Law, and would engage in the activities of: borrowing and lending money, with or without real or personal security; as principal or agent, purchasing, discounting, acquiring, investing in, selling and disposing of bills of exchange, drafts, notes, acceptances and other obligations for the payment of money; as principal or agent, purchasing, acquiring, investing in, servicing, selling and disposing of, and making loans upon the security of, bonds and mortgages on real property; accepting bills of exchange or drafts drawn upon it; issuing letters of credit; buying and selling foreign exchange, coin and bullion; receiving money for transmission and transmitting the same to and from the United States; establishing branches outside the United States and engaging at those offices in transactions of the type that it can engage in at its home office; receiving time deposits at branches located outside the United States; issuing guarantees of its customers' obligations at offices outside the United States, if the guarantee or related agreement specifies a maximum monetary liability; receiving and maintaining credit balances incidental to, or arising out of, the exercise of its lawful powers; purchasing, acquiring, investing in and holding stocks of any corporation and selling and disposing of such stocks, provided that, unless authorized by the Board of Governors of the Federal Reserve System, no such investment will exceed five percent of the voting securities of any corporation; and entering, directly and indirectly, into leasing transactions of a type permissible for bank holding company affiliates under § 225.4 of the Board's Regulation Y. These activities would be performed from offices of Applicant's subsidiary in New York, New York, and the geographic areas to be served are world wide. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 25, 1982.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23932 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *The Resource Companies, Inc.,* Minneapolis, Minnesota; to become a bank holding company by retaining 100 percent of the voting shares of Resource Bank & Trust, Minnetonka, Minnesota. Comments on this application must be received not later than September 27, 1982.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Canadian Bancshares, Inc.,* Canadian, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank of Canadian, Canadian, Texas. Comments on this application must be received not later than September 22, 1982.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23933 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to

engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities; Missouri and Kansas): To expand the activities and service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Kansas City, Missouri and to establish a *de novo* office of Citicorp Homeowners, Inc. at the same Kansas City, Missouri location. The new activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage *de novo* are: the making, acquiring and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service areas shall be the entire states of Missouri and Kansas for the aforementioned proposed activities and for the following activities which have been previously approved for Citicorp Person-to-Person Financial Center, Inc.: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The activities in which the *de novo* office of Citicorp Homeowners, Inc. will engage are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area of Citicorp Homeowners, Inc. shall be comprised of the entire states of Missouri and Kansas for all the aforementioned activities. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than September 22, 1982.

2. *Citicorp*, New York, New York (industrial bank, consumer finance and credit-related insurance activities; Colorado): To engage through a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Boulder Industrial Bank, in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and the account of others of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Boulder Industrial Bank. These activities will be conducted from an office in Boulder, Colorado serving the State of Colorado. Comments on this application must be received not later than September 22, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *United Central Bancshares, Inc.*, Des Moines, Iowa (management consulting advice; Iowa, Minnesota, Wisconsin, Illinois, Missouri, Kansas, North Dakota, South Dakota, Colorado, Oklahoma, Nebraska, Arkansas, Kentucky and Indiana): To engage, through its subsidary, UCB Leasing Corporation, in management consulting advice on an explicit fee basis to nonaffiliated banks regarding the establishment and administration of equipment leasing programs in which the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property; such management consulting advice to include various aspects of planning and commencing an equipment leasing program, such as, leasing program organization, development of forms and documents, institutional funding sources and alternatives, personnel training, marketing, and lease transaction administration and management consulting advice regarding the implementation and continued operation of an equipment leasing program. Such activity would be conducted from offices in Des Moines, Iowa, serving Iowa, Minnesota, Wisconsin, Illinois, Missouri, Kansas, North Dakota, South Dakota, Colorado, Oklahoma, Nebraska, Arkansas, Kentucky and Indiana. Comments on this application must be

received not later than September 15, 1982.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23929 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Southeast Banking Corporation,* Miami, Florida (investment advisory activities; Western Europe): To engage, through its wholly-owned subsidiary, Southeast Investors Management Corporation, Miami, Florida, in the activity of acting as an investment or financial advisor to investors by providing portfolio investment advice related to certain real property interests located in Southeastern United States. This activity will be conducted from offices in Miami, Florida, serving Western Europe. Comments on this application must be received not later than September 27, 1982.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.,* Minneapolis, Minnesota (trust company activity; Phoenix, Arizona): To engage through its subsidiary, First Trust Company of Arizona, in the activities that may be performed by a trust company, including activities of a fiduciary, agency or custodian nature. These activities would be conducted from an office in Sun City, Arizona, serving the metropolitan area of Phoenix, Arizona. Comments on this application must be received not later than September 22, 1982.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Indiana): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, an Indiana corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Such activities will include making consumer installment loans, purchasing sales finance contracts, making loans and other extensions of credit to small businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from an existing office located in Indianapolis, Indiana, serving the entire state of Indiana. Comments on this application must be received not later than September 27, 1982.

2. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; Minnesota and North Dakota): To engage, through its indirect subsidiary, FinanceAmerica of Columbia Heights Inc., a Minnesota corporation (whose name will be changed to FinanceAmerica of Moorhead Inc.), in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica of Columbia Heights Inc. These activities will be conducted from a *de novo* office located in Moorhead, Minnesota, serving the entire states of Minnesota and North Dakota. Comments on this application must be received not later than September 27, 1982.

3. *Seafirst Corporation,* Seattle, Washington (insurance activities, South Dakota, Washington): To act as agent, through its subsidiary Seafirst Insurance Corporation, for offering the sale of unemployment insurance directly related to extensions of credit by Seafirst Corporation or its subsidiaries. These activities would be conducted from the main offices of Seafirst Insurance Corporation in Seattle, Washington serving residents of Washington. Comments on this application must be received not later than September 22, 1982.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23930 Filed 8-31-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Information Capture, Storage, Retrieval and Perpetuation Subcommittee of the National Archives and Records Service Advisory Committee on Preservation will meet on September 21, 1982 from 9:00 a.m. to 4:00 p.m. in Room 105

National Archives Building, Washington, D.C. This meeting will be devoted to information capture and distribution as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202–523–3159.

Dated: August 19, 1982.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 82–23925 Filed 8–31–82; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Assessment of Medical Technology; Office of Health Research, Statistics, and Technology

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of electroversion therapy for the treatment of alcoholism. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than November 30, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designated clinical studies, and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics, and Technology, Room 17A55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: August 25, 1982.

Robert C. Huber,

Acting Deputy Assistant Secretary for Health Research, Statistics, and Technology.

[FR Doc. 82–23915 Filed 8–31–82; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Cedar City District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, October 7, 1982. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Escalante Resource Area Office, Escalante, Utah.

The agenda is as follows: (1) Tour of Upper Cattle Allotment, (2) Review of Proposed Allotment Management Plan, (3) Rangeland Betterment Projects, (4) General Advisory Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make a statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by October 1, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

All those desiring to make the tour should furnish their own transportation and lunch.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: August 24, 1982.

Morgan S. Jensen,

District Manager.

[FR Doc. 82–23926 Filed 8–31–82; 8:45 am]

BILLING CODE 4310–84–M

Ukiah District, Redding Resource Area; Intent to Prepare Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement on management alternatives for three wilderness study areas.

SUMMARY: The Bureau of Land Management, Redding Resource Area, Ukiah District, will prepare an Environmental Impact Statement on management alternatives for the Timbered Crater and Lava Wilderness Study Areas in eastern Shasta County and the Yolla Bolly Wilderness Study Area in western Tehama County. The Bureau has developed an array of alternatives to be analyzed for each of the study areas. The alternatives include several wilderness and non-wilderness scenarios. At this time, the Bureau's proposed action is recommending a non-wilderness alternative for all three study areas.

The alternatives were presented at public meetings as part of the Redding Resource Area land use planning during April, 1982. At that time, the public had opportunity to provide comments on the alternatives. Comments received were used to screen potential conflicts and concerns. No significant issues were identified. No formal scoping meetings are planned. A public hearing will be held after the draft EIS is completed and will be announced at a later date in the **Federal Register.**

Further information on the Wilderness Environmental Impact Statement may be obtained from: Robert Korfhage, Planning and Environmental Coordinator, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002. Telephone: (916) 246–5325.

Dated: August 5, 1982.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 82–22015 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–84–M

Ukiah District, Redding Resource Area, Intent To Prepare Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) on management alternatives for livestock grazing.

SUMMARY: The Department of Interior, Bureau of Land Management, Ukiah District, Redding Resource Area, will prepare an EIS on a proposed grazing management plan on approximately 244,000 acres of the Redding Resource Area in Shasta, Siskiyou, Trinity, Tehama, Butte, and Glenn Counties, California. The statement will analyze

anticipated environmental consequences which would result from the implementation of alternative grazing plans developed as part of a planning process which involved public review and comment. These alternative plans incorporate variations in vegetation manipulation, in improvements such as fences and reservoirs and in location, seasonal use, and intensity of livestock grazing. The final statement is scheduled for completion by September 30, 1983.

Further information on the Redding Grazing EIS may be obtained from: Bob Bainbridge, Redding Area Manager, 355 Hemsted Drive, Redding, California 96002. Telephone: (916) 246–5325.

Dated: August 5, 1982.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 82–21993 Filed 8–31–82; 8:45 am]

BILLING CODE 4310–84–M

[ES 30592, Survey Group 98]

Wisconsin; Notice of Filing of Plat of Survey

1. On December 5, 1979, the plat of dependent resurvey and survey of omitted lands in T. 40 N., R. 5 E., Fourth Principal Meridian, Wisconsin, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on November 30, 1982.

2. The new acreage and lottings shown below describe the lands omitted from the original survey. They encompass the areas between the original meander lines, which are now recognized as fixed and limiting boundary lines, and the present meander lines of Crawling Stone Lake.

They are described as follows:

Fourth Principal Meridian, Wisconsin

T. 40 N., R. 5 E.,
Sec. 21, lot 5 (45.74 acres); lot 6 (33.91); lot 7 (19.77 acres).

3. The areas aggregate 99.42 acres. The land is nearly level to gently rolling, the elevation ranging from about 1,590 to 1,600 feet, it contains both upland and lowland areas. The soil in the upland area is sand and gravelly clay loam. This area is forested with red and sugar maple, paper birch, balsam fir, aspen, oak, and scattered clusters of white and Norway pine, and hemlock; in the understory, raspberry and blackberry briars, young timber, hazelnut brush, and native grasses are found.

In the lowland areas, there are peat and poorly drained muskeg soils, composed entirely of organic matter upon a clay-gravel base. In the understory of the lowland areas, marsh grasses, shrubs, and sphagnum moss are found. There are many decayed stumps located on the omitted upland areas which indicate that they were once covered with a fine stand of old growth Norway and white pine.

Lot Nos. 5 and 6 were found to be over 50 percent upland in character within purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

Lot No. 7 has been determined to be more than 50% swamp in character within the purview of the Swamp Lands Act of September 28, 1850. Title to this land inured to the State of Wisconsin as of that date, therefore, it is only open to selection by the State under that Act.

4. Except for valid existing rights, these lots will not be subject to application, petition, selection, or any other type of appropriation under any public law, until a further order is issued.

5. All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304

November 30, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82–23922 Filed 8–31–82; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Woodland Park Zoo, Seattle, WA—PRT 2–9564.

The applicant requests a permit to purchase in interstate commmerce three (3) captive-bred jaguarundi (*Felis yagouaroundi*) from the Birmingham Zoo, Alabama for enhancement of propagation.

Applicant: Tennessee Valley Authority, Knoxville, TN—PRT 2–9575.

The applicant requests a permit to take and transplant between 1,500 to 3,00 birdwing pearly mussels (*Conradilla caelata*) from the Duke River (Tennessee) proposed impoundment area of Columbia Reservoir to three or more sites to be selected by interagency coordination committee for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications by October 1, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: August 27, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82–23967 Filed 8–31–82; 8:45 am]

BILLING CODE 4310–55–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 Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3125, Block 144, Vermilion 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 is 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 24, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-23924 Filed 8-31-82; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of three abandoned mine land projects under the State of Ohio Reclamation Plan.

SUMMARY: OSM has prepared EAs on projects submitted in the Federal Grant Application from the State of Ohio to the office of Surface Mining.

A FONSI has been made on the three reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Ohio Field Office, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43227.

FOR FURTHER INFORMATION CONTACT: Nina Rose Hatfield, Director, Ohio Field office, (614) 469–2500. Same address as above.

Reclamation projects included in the FONSI, location and description:

Gallia County, Ohio
- Africa Road Reclamation Area (eroded, toxic mine spoil)

Meigs County, Ohio
- Meigs #2 Reclamation Project (unreclaimed coal strip mine, offsite sedimentation and flooding)
- Snowville Reclamation Area (unreclaimed strip mine, offsite sedimentation and flooding)

Dated: August 26, 1982.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-24006 Filed 8-31-82; 8:45 am]

BILLING CODE 4310-05-M

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of Availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of 12 abandoned mine land projects under the State of Colorado Reclamation Plan.

SUMMARY: OSM has prepared EAs on projects included in the Federal Grant Application submitted by the State of Colorado to the Office of Surface Mining.

A FONSI has been prepared for the 12 reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, New Mexico Field Office, 219 Central Avenue, NW, Suite 216, Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, New Mexico Field Office, (505) 766–1486. Same address as above.

Reclamation projects included in application and locations:

El Paso County
- McFerran Project (eroded remains of McFerran Shaft, 3 open shafts)

Huerfano County
- Gordon Project (open shafts, subsidence)
- Solar Project (open shafts, burning refuse)

Las Animas County
- Royal Project (open shafts)
- Cokedale Project (two open entries)

Fremont County
- Bassick Project (open shafts and adits)
- Wolf Park Project (open shafts, subsidence, waste banks)
- Coal Creek Project (dangerous incline, subsidence)

Delta County
- States Project (mine waste area, subsidence, open shafts)

Routt County
- Oak Creek Project (hazardous mine openings, unreclaimed strip mines)

Park County
- Como Project (open shafts, waste piles)

Jefferson County
- Virginia Project (subsidence)

Dated: August 26, 1982.

James R. Harris,

Director, Office of Surface Mining.

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The

unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–200

Decided: August 24, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 732 (Sub-23), filed August 19, 1982. Applicant: ALBINA TRANSFER CO., INC., 4320 N. Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, ID, NV, MT, WY, UT, AZ, NM, CO, and TX.

MC 112713 (Sub-329), filed August 19, 1982. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Ave., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant), 913–383–3000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

MC 114362 (Sub-23), filed August 13, 1982. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 568, Kiester, MN 56051. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, 612–291–1215. Transporting *fertilizer,* between points in Winona and Goodhue Counties, MN, on the one hand, and, on the other, points in Winnebago County, IA.

MC 155722(B), filed July 30, 1982. Applicant: HORRELL ENTERPRISES, INC., d.b.a. HORRELL TRUCKING CO., 210 Hemingway Road, Louisville, KY 40207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting (1)(a) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (2)(a) *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); (3)(b) *chemicals and related products, food and related products, non-metallic minerals and chemicals, coal, petroleum or coal products, and clay, concrete, glass or stone products,* between Louisville, KY, on the one hand, and, on the other, points in IN, IL, KY and OH.

Note.—Part (1)(a) and (2)(a) are published in the **Federal Register**, this issue, with "fitness applications".

MC 159813, filed August 16, 1982. Applicant: CEDAR FALLS MOTOR SPORTS, INC., 325 Roosevelt, Cedar Falls, IA 50613. Representative: John Fellmer (same address as applicant), 319–277–6036. Transporting *motor vehicles,* between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161222, filed August 16, 1982. Applicant: WILDHORSE TRUCKING CO., INC., 217 Cedar St., Elk City, OK 73644. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, 405–424–3301. Transporting *metal products and machinery,* between points in OK, on the one hand, and, on the other, points in AL, AR, CO, KS, LA, MS, MT, NM, TX, UT, and WY.

MC 163472, filed August 19, 1982. Applicant: SUN LIGHT TRANSPORT, INC., 3595 N.W. 125th St., Miami, FL 33167. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166, 305–592–0036. Transporting (1) *food and related products,* and (2) *commodities in bulk,* between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

Volume No. OP1–145

Decided: August 23, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 85530 (Sub-14), filed August 16, 1982. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charlestown, SC 29402. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth Street NW., Washington, DC 20005, (202)–296–5188. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Tolleson Lumber Company, Inc., of Perry, GA.

MC 123061 (Sub-146), filed August 16, 1982. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108 (801) 581–0322. Transporting *packaging products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Boise Cascade Corporation, of Boise, ID.

MC 142311 (Sub-6), filed August 16, 1982. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race St., Denver, CO 80216. Representative: Charles M. Williams, 1600 Sherman St., #665 Denver, CO 80203, (303)–839–5856. Transporting (1) *food and related products;* and (2) *such commodities* as are dealt in or used by grocery stores, food business houses, food service companies, restaurants, and restaurant suppliers, between points in NE, SD, MT, NM, AZ, TX, CO, NJ, and IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142810 (Sub-7), filed December 21, 1981, previously noticed in the **Federal Register** issue of January 14, 1982. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227–7326. Transporting *petroleum and petroleum products,* (1) between points in Knox County, TN, on the one hand, and, on the other, points in KY, bounded on the north by I–64 and on the west by US Hwy 127; and (2) between points in Davidson County, TN, on the one hand, and, on the other, points in KY, on and west of I–75. Condition: Issuance of a certificate is this proceeding is will supersede and cancel the certificate issued in MC-142810 Sub 7, March 31, 1982.

Note.—The purpose of this republication is to reflect the territorial description as originally proposed.

MC 142810 (Sub-9), filed August 19, 1982. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, 113 W. Main St., P.O. Drawer B, Frankfort, KY 40602, (502) 227–7326. Transporting *petroleum and petroleum products,* between points in Boyd County, KY, on the one hand, and, on the other, points in OH, and those points in WV on and west of Interstate Hwy 77.

MC 147471 (Sub-2), filed August 18, 1982. Applicant: ALLSTATE TRANSPORT CO., INC., One Monsignor

O'Brien Highway, East Cambridge, MA 02141. Representative: James M. Fiore (same address as applicant), (617) 723–8566. 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 Merchandise Warehouse Co., Inc., of Boston, MA.

MC 148540 (Sub-2), filed August 16, 1982. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *liquefied petroleum gas*, between points in Washington County, MS, on the one hand, and, on the other, points in AR. Condition: This certificate shall expire 5 years from its date of issuance.

MC 148560 (Sub-13), filed August 16, 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) 991–2200. Transporting *sugar, syrups, carbonated beverages, containers and packaging materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pepsi-Cola Company, of Purchase, NY.

MC 151471 (Sub-14), filed August 16, 1982. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *food and related products, and such commodities* as are dealt in or used by grocery stores, food service companies, food business houses, restaurants and restaurant suppliers, between points in WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151741 (Sub-5), filed August 16, 1982. Applicant: D.E. WILLOUGHBY TRUCKING, 2058W Carr Hill Road, Columbus, IN 47201. Representative: Sue Willoughby (same address as applicant), (1–812) 372–8493. Transporting *pulp, paper and related products and packaging material*, between points in the U.S., under continuing contract(s) with Rexham Corporation, of Edinburg, IN.

MC 152800 (Sub-2), filed August 16, 1982. Applicant: BUNCH TRUCKING COMPANY, INC., Route 3, Box 903, Washington, NC 27889. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *lumber and wood products*, between points in AL, DE, FL, GA, MD, NC, SC, TN, and VA.

MC 153191 (Sub-1), filed August 16, 1982. Applicant: SANTERRE SERVICE, INC., P.O. Box 6774, Duluth, MN 55806. Representative: Raymond L. Hickey, 908 N. 57th Ave. West, Duluth, MN 55807, (218) 624–5882. Transporting *malt beverages*, between Gregg County, TX, and Shelby County, TN, on the one hand, and, on the other, St. Louis, Itasca and Koochiching Counties, MN.

MC 153541 (Sub-1), filed August 19, 1982. Applicant: TURLEY WHOLESALE & BUILDING SUPPLIES, 556 W. Jones Creek, Grants Pass, OR 97526. Representative: Dwayne Turley (same address as applicant), (503) 476–2896. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

MC 157591 (Sub-1), filed August 10, 1982. Applicant: WALTER M. NICKELS, d.b.a. NICKLES FARMS, Raymondville, MO 65555. Representative: Walter M. Nickels (same address as applicant) (417–457–6477. Transporting *those commodities* dealt in or used by manufacturers of log homes, between points in the U.S. (except AK and HI), under continuing contract(s) with New England Log Homes, Inc., of Houston, TX.

MC 158071, filed July 26, 1982. Applicant: L. F. OAKES AND SONS TRANSPORT DIVISION, LTD., Holmesville Road, Bath, New Brunswick, Canada EOJ 1EO. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04104, (207) 773–5651. Transporting *fire logs, mosquito coils;, firestarters and paraffin wax*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159991, file August 12, 1982. Applicant: H. E. SMITH AND ASSOCIATES, INC., P.O. Box 971, Carrollton, GA 30117. Representative: William P. Johnson, 306 Tanner Street, Carrollton, GA 30117, (404) 832–1471. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southwire Company, of Carrollton, GA.

MC 161441, filed August 16, 1982. Applicant: WASTE PAPER CONVERTERS, INC., P.O. Box 6348, Columbus, GA 31907. Representative: C. E. Walker, P.O. Box 1985, Columbus, GA 31902, (404) 561–0855. Transporting (1) *waste or scrap materials not identified by industry producing, and (2) pulp, paper and related products*, between points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, OH, SC, TN and VA.

MC 162771, filed August 18, 1982. Applicant: DYER TRANSPORT, INC., P.O. Box 33, Remington, IN 47977. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786, (205) 942–9116. Transporting (1) *rubber and plastic products, metal products, and oilfield commodities*, between points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, GA, TN, MS, and LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163421, filed August 16, 1982. Applicant: PHIL NAIL TRUCKING, 6108 Briargate Lane, Glendora, CA 91740. Representative: Phil Nail (same address as applicant), (213) 963–3064. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AZ, CA, and NV.

MC 163430, filed August 16, 1982. Applicant: L. C. WORLEY TRANSFER, INC., 1286 Milledge St., East Point, GA 30344. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345, (404)–321–1765. Transporting *food and related products*, between points in DeKalb and Fulton Counties, GA, on the one hand, and, on the other, points in AL and TN.

MC 163460, filed August 18, 1982. Applicant: MRS. CHARLOTTE GAUNT, d.b.a. EVANOFF TRAVEL CLUB, 73 Harmony Road, Mickleton, NJ 08056. Representative: Charlotte Gaunt (same address as applicant), (609) 423–3646. As a *broker* at Mickleton, NJ, in the transportation of *passengers and their baggage*, in the same vehicle with passengers, beginning at Bridgeton, NJ, and extending to points in the U.S.

MC 163461, filed August 18, 1982. Applicant: CMI TRANSPORTATION, INC., P.O. Box 40, Cadillac, MI 49601. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting *metal castings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cast South, Inc., of Marion, AL, Cadillac Malleable Iron Co., Inc., of Cadillac, MI, Noren Pattern & Foundary Co., Inc., of Fruitport, MI, and Tech-Cast, Inc., of Montague, MI.

Volume No. OP4–312

Decided: August 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59247 (Sub-23), filed August 9, 1982. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Uniroyal, Inc., of Middlebury, CT.

MC 63417 (Sub-314), filed August 11, 1982. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342–1835. 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 119097 (Sub-6), filed August 11, 1982. Applicant: JOHNNY'S AUTO AND TRUCK TOWING, INC., 1122 Sweitzer Ave., Akron, OH 44301. Representative: Warren W. Gibson, 234 W. Portage Trail, Cuyahoga Falls, OH 44221, (216) 929–0507. Transporting (1) *wrecked, disabled, abandoned, repossessed, stolen or embezzled motor vehicles,* with or without cargo, by use of wrecker equipment only, and (2) *replacement motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker service only, between points in DE, OH, IL, IN, KY, MD, MI, NJ, NY, PA, TN, VA, and WV.

MC 128067 (Sub-5), filed August 11, 1982. Applicant: W. F. BURNS TRUCKING, INC., Box 674, R.D. #2, Ruffs Dale, PA 15679. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, MD, NJ, NY, OH, PA, and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 162377 filed August 12, 1982. Applicant: LARRY McCOY, d.b.a. L & M LEASING, 11635 W. Beecher Rd., Clayton, MI 49235. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *metal products,* and *rubber and plastic products,* between points in the U.S., under continuing contract(s) with ACCO Industries, Inc., of Adrian, MI.

MC 163347, filed August 11, 1982. Applicant: MIDWAY EXPRESS CORP., 940 SW. 68th Ct., Suite No. 2, Miami, FL 33144. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. Transporting *food and related products,* between Philadelphia, PA, Baltimore, MD, Norfolk, VA, and points in FL, on the one hand, and, on the other, New York, NY.

MC 163357, filed August 12, 1982. Applicant: EAST-WEST, INC., P.O. Box 9525, Asheville, NC 28815. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, GA, NC, NY, SC, and VA.

Volume No. OP4–313

Decided: August 20, 1982.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 199567 (Sub-9), filed August 10, 1982. Applicant: KANE FREIGHT LINES, INC., P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Lackawanna, Luzerne, and Wyoming Counties, PA on the one hand, and, on the other, points in ME, MA, NH, RI, VT, and VA.

MC 134817 (Sub-6), filed August 16, 1982. Applicant: OWENTON EXPRESS, INC., P.O. Box 328, Carrollton, KY 41008. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Trimble County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153137 (Sub-2), filed August 13, 1982. Applicant: G & H TRANSPORTATION, INC., 1905 Turning Basin Dr., Suite 446, Houston, TX 77029. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Houston, TX, on the one hand, and, on the other, points in LA, OK and TX.

MC 153287 (Sub-4), filed August 6, 1982. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 W. Wilson Bridge Rd., Worthington, OH 43085. Representative: Paul F. Beery, 275 E State St., Columbus, OH 43215, (614) 228–8575. 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 154127 (Sub-5), filed August 16, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Aunt Nellie's Foods, Inc., of Clyman, WI and Koeze Company, of Wyoming, MI, and (2) *such commodities* as are dealt in or used by grocery stores, between points in the U.S., under continuing contract(s) with Spartan Stores, Incorporated, of Grand Rapids, MI.

MC 162457 (Sub-1), filed August 11, 1982. Applicant: KEMP FURNITUR INDUSTRIES, INC., 108 W. Cola Dr., Goldsboro, NC 27530. Representative: Earl Buchan, 118 Spring Dr., Dudley, NC 28333, (919) 736–1782. Transporting *wooden kitchen cabinets* and *vanities,* between points in the U.S., under continuing contract(s) with Home-Crest Corporation, of Goshen, IN.

MC 163397, filed August 16, 1982. Applicant: NICK NEGU, d.b.a., NEGU & SONS TRUCKING, Route #2, Buhl, ID 83316. Representative: Nick Negu (same address as applicant), (208) 543–5049. Transporting *farm products,* between points in ID, UT, WY, MT, CO, CA, WA, OR, and NV.

Volume No. OP4–314

Decided: August 26, 1982.

By the Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC 146256 (Sub-11), filed August 23, 1982. Applicant: SHORT LINE TRUCKING CO., INC., 4102 Bishops Lane, P.O. Box 20026, Louisville, KY 40220. Representative: Edward E. Holsclaw, 3121 Roy Pom Dr., Louisville, KY 40220, (502) 491–9717. 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).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–23945 Filed 8–31–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules

of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–146

Decided: August 23, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 99761 (Sub-3), filed August 13, 1982. Applicant: CARMICHAEL CARTAGE COMPANY, 2200 South Loomis, Chicago, IL 60608. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Clarksville, Cumberland, Huntertown and Wallen, IN, Johnson, IA, Oakdale, MN, Cheektowaga and Williamsville, NY, and Truro and Whitehall, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 163390, filed August 9, 1982. Applicant: MARK E. LORENZ, 5556 Rainbow Rd., Waunakee, WI 53597. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge No. 832, Portage, WI 53901, (608) 742–3579. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163450, filed August 18, 1982. Applicant: ASPEN TRANSPORTATION BROKERAGE CORPORATION, 9730 Skillman, Dallas, TX 75243. Representative: Michael E. Smoller, 4314 North Central Expressway, Dallas, TX 75206, (214) 821–0892. As a *broker* of *general commodities* (except household goods), between poins in the U.S. (except AK and HI).

Volume No. OP2–199

Decided: August 24, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 139253 (Sub-10), filed August 20, 1982. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORPORATION, 102 Ashe St., Johnson City, TN 37061. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, 615–255–0540. (1) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); and (2) as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 155722(A), filed July 30, 1982. Applicant: HORRELL ENTERPRISES, INC., d.b.a. HORRELL TRUCKING COMPANY, 210 Hemingway Road, Louisville, KY 40207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting (1) (a) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in U.S. (except AK and HI); (2) (a) *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); (3) (b) *chemicals and related products, food and related products, non-metallic minerals and chemicals, coal, petroleum or coal products, and clay, concrete, glass or stone products,* between Louisville, KY, on the one hand, and, on the other, points in IN, IL, KY and OH.

Note.—Part (3)(b) is published in the **Federal Register**, this issue, with "regular applications."

MC 163243, filed August 2, 1982. Applicant: LIBERTY CONSOLIDATIONS, 1335 Darlington, Ave., Upland, CA 91786. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, 206–228–3807. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–23944 Filed 8–31–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1-147]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of petitions for leave to intervene must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

MC 15770 (Sub-7) (republication) filed March 19, 1982, previously noticed in the Federal Register issue of April 8, 1982. Applicant: CALORE FREIGHT SYSTEM, INC., Second St., High Spire, PA 17034. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109. A Decision by the Commission Review Board Number 2, decided June 28, 1982 and served July 8, 1982 finds that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in Cumberland County, PA, and those points in Massachusetts on or east of Interstate Hwys 95 and 495, on the one hand, and, on the other, points in Virginia, Tennessee, Georgia, North Carolina, South Carolina, and Florida, and (2) chemicals, between points in Virginia, Tennessee, Georgia, North Carolina, South Carolina, and Florida. Applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate the authority actually granted.

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.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23943 Filed 8-31-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 445N)]

Railroads; Conrail Abandonment of Lines in Zanesville, OH; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon these segments (1) Zanesville Yard Running Track, between mileposts 14.1 and 16.7; (2) portion of Zanesville Secondary Track between mileposts 16.7 and 18.2; (3) portion of Zanesville Secondary Track between mileposts 18.7 and 19.4 and portion of Zanesville Terminal Railroad Industrial Track between mileposts 0.7 and 1.3; and (4) Crooksville Running Track between mileposts 64.4 and 65.8 in the County of Zanesville, OH, a total distance of 6.8 miles effective on March 12, 1982.

The net liquidation value of segment 1 is $140,944, segment 2 $44,000, segment 3 a total of $20,000, and segment 4 $6,002. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of these segments it shall sell such line and the Commission shall, unless the parties otherwise agree, estalish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23942 Filed 8-31-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 218)]

Southern Pacific Transportation Co.; Exemption for Contract Tariff ICC-SP-C-0143 (Wheat and Barley)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101(a) or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following condition:

The grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

The SP filed a motion for a protective order to prevent disclosure of certain information. The motion is denied and the alleged confidential information will be returned. Petitioner should restrain from making such requests which only delay expedited handling of the petition.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 25, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23948 Filed 8-31-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must

identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-197

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 124333 (Sub-II-17TA), filed August 17, 1982. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Joseph F. Fogerty (same address as applicant). Contract, irregular: *petroleum and petroleum products, in bulk, in tank vehicles,* between points in DE, NJ and PA, under continuing contract(s) with F. C. Haab Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: F. C. Haab Co., Inc., 2314 Market St., Philadelphia, PA 19103.

MC 163417 (Sub-II-1TA), filed August 16, 1982. Applicant: MELVIN W. CRAFT, R.D. No. 1, Frenchville, PA 16836. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. Contract, irregular: (1) *coal* from facilities of Johnson & Morgan Contractors, located at or near Snow Shoe, PA to Dresden and Johnson City, NY; and (2) *coal* from points in Clearfield County, PA to Dresden and Johnson City, NY, under continuing contract(s) with (1) Johnson & Morgan Contractors and (2) Don Dine, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Johnson & Morgan Contractors, Snow Shoe, PA; Don Dine, Inc., Allport, PA.

MC 158859 (Sub-II-9TA), filed August 11, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 406 W. Williamsburg Rd., Sandston, VA. 23150. Representative: P. Owen Dean (same as applicant). Contract, irregular: *Rubber and Plastic Products* between Richmond, VA on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Acme General Supply, Inc., Richmond, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Acme General Supply, Inc., 10 West Broad St., Richmond, VA 23241.

MC 128290 (Sub-II-8TA), filed August 19, 1982. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. *Salt* (except in bulk) from Cleveland OH; Watkins Glen, NY; Jersey City, NJ; and Detroit, MI to points in VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Herod Seeds, Inc., 201 Hull St., Richmond, VA 23224.

MC 163470 (Sub-II-1TA), filed August 20, 1982. Applicant: MAR-DEB TRANSIT, INC., 9381 Loralinda Dr., Cincinnati, OH 45239. Representative: Mark McDevitt, (same address as applicant). Contract, irregular: *continuous cast iron, bronze bars, bearings, bronze foundry products, powdered metal and other consumables used in the manufacture and shipping process,* between Delta and Toledo, OH, on the one hand, and on the other, points in GA, OK ant TX. An underlying ETA seeks 120 days authority. Supporting shipper(s): Markey Bronze Corp./Eagle-Picher Bearings, Inc., 1952 Van Buren St., Delta, OH 43515.

MC (Sub-2-1TA), filed August 12, 1982. Applicant: V. R. MOWRY, INC., P.O. Box 155, Petersburg, WV 26847. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Paper and paper products, including materials, equipment and supplies* between Petersburg, WV; Gainesville, GA; Manchester, CT; Columbus and Leipsic, OH; Kansas City, KS; Dennison, TX; Chicago, IL; New York, NY and Detroit, MI, including their respective commercial zones, on the one hand, and on the other, points in U.S. in and east of MN, IA, MO, KS, OK and TX, for 270 days, under a continuing contract(s) with SCM Allied Egry Business Systems, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: SCM Allied Egry Business Systems, Inc., Box 606, Petersburg, WV 26847.

MC 146807 (Sub-II-31TA), filed August 17, 1982. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes-Barre, PA 18702. Representative: Edward F. V. Pietrowski, 336 Scranton Life Bldg., Scranton, PA 18503. Contract, irregular: *rubber tire treads and materials used in their manufacture* from Oakland, CA to Paris, TX, Athens, GA and Port Clinton, OH, under continuing contract(s) with Oliver Rubber Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Oliver Rubber Co., 1200 6th St., Oakland, CA 94662.

MC 163238 (Sub-II-1TA), filed August 17, 1982. Applicant: BUDDY B. SIBOLD, Rt. 1, Box 261, Lexington, VA 24450. Representative: Thomas C. Spencer, 31 W. Washington St., Lexington, VA 24450. Contract, irregular: *sawed timber, lumber and lumber products and wooden pallets* between points on and east of MI, IL, TN and MS, under continuing contract(s) with Owens-Illinois, Inc., Bear Paw Timber Co., and Trussell Export Log & Lumber Co. Supporting shipper(s): Owens-Illinois, Inc., Buena Vista, VA; Bear Paw Timber Co., Freyburg, ME; Trussell Export Log & Lumber Co., Lexington, VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23947 Filed 8-31-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the fifty-first meeting of the Board for International Food and Agricultural Development (BIFAD) on September 23, 1982.

The purpose of the meeting is to consider follow-up of BIFAD recommendations on the FY 84 AID budget; to review planning for the Joint Committee on Agricultural Research and Development (JCARD); to hear a presentation by Dr. Elliott Berg, author of the IBRD report "Accelerated Development in Sub-Saharan Africa"; to hear status reports on such topics as Memoranda of Understanding, planning for AID university strengthening programs, the Joint Enterprise Mode, the Joint Career Corps, and host country contracts; and to meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:00 noon, and will be

held in Room 1107, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 6439, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235–8929.

Dated: August 25, 1982.

Dr. Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 82-23928 Filed 8-31-82; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-53, 58, 59, 60, 61, 62, 63, 67, 69, 70, 74, 82, 83, 85, and 86 (Final)]

Certain Carbon Steel Products From Belgium, France, Italy, Romania, the United Kingdom, and the Federal Republic of Germany

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: August 10, 1982.

SUMMARY: As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that imports of certain carbon steel products from Belgium, France, Italy, Romania, the United Kingdom, and the Federal Republic of Germany (West Germany) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA), from—

Belgium (investigation No. 731–TA–53 (Final)),

Romania (investigation No. 731–TA–58 (Final)),

The United Kingdom (investigation No. 731–TA–59 (Final)), and

West Germany (investigation No. 731–TA–60 (Final));

Hot-rolled carbon steel sheet and strip, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 and 608.1920, 608.2120, and 608.2320, respectively, from—

Belgium (investigation No. 731–TA–61 (Final)),

France (investigation No. 731–TA–62 (Final)),

Italy (investigation No. 731–TA–63 (Final)), and

West Germany (investigation No. 731–TA–67 (Final));

Cold-rolled carbon steel sheet and strip, provided for in TSUSA items 607.8320 and 607.8344 and 608.1940, 608.2140, and 608.2340, respectively, from—

France (investigation No. 731–TA–69 (Final)),

Italy (investigation No. 731–TA–70 (Final)), and

West Germany (investigation No. 731–TA–74 (Final)); and

Carbon steel structural shapes, provided for in TSUSA items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045, from—

Belgium (investigation No. 731–TA–82 (Final)),

France (investigation No. 731–TA–83 (Final)),

the United Kingdom (investigation No. 731–TA–85 (Final)), and

West Germany (investigation No. 731–TA–86 (Final));

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202–523–0312) or Mr. Daniel Leahy (202–523–1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly dumped imports of the subject carbon steel products from Belgium, France, Italy, Romania, the United Kingdom, and West Germany. The preliminary investigations were instituted in response to petitions filed on January 11, 1982, by seven U.S. steel producers. Unless the investigations are extended, the Department of Commerce will make its final dumping determinations in these cases on or before October 25, 1982. The Commission must make its final injury determinations in the investigations within 120 days after the date of Commerce's preliminary subsidy determinations or by December 7, 1982 (19 CFR 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on October 22, 1982, pursuant to § 207.21 of the Commission's Rules of Practice and Procedure (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., e.s.t., on November 9, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on October 21, 1982. All persons desiring to appear at the hearing and make oral presentations may file prehearing briefs and should attend a prehearing conference to be held at 10:00 a.m., e.d.t., on October 27, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before November 3, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public

hearing should be included in prehearing briefs in accordance with rule § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of rule § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 17, 1982.

Written submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of these investigations. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission on or before November 17, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of §201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of documents

Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with §201.11 of the Commission's rules (19 CFR 201.11). Each entry of appearance must be filed with the Secretary no later than September 22, 1982.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with §201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in §201.16(b) of the ruled (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, 44 F.R. 76457 as amended in 47 F.R. 6190 and 47 F.R. 12792) and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to §207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: August 25, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24002 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-129]

Certain Limited-Charge Cell Culture Microcarriers; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: August 20, 1982.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 82-24003 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Certain Textile Spinning Frames and Automatic Doffers Therefor; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on September 27, 1982, in the Waterfront Center, Room 201, 1010 Wisconsin Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: August 27, 1982.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 82-24001 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-152 and 153 (Final)]

Prestressed Concrete Steel Wire Strand From Brazil and France

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-152 (Final) and 153 (Final) to determine, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil and France of steel wire strand for prestressing concrete (PC strand), provided for in item 642.11 of the Tariff Schedules of the United States, upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: August 6, 1982, investigation No. 701-TA-153 (Final), and August 10, 1982, investigation No. 701-TA-152 (Final).

FOR FURTHER INFORMATION CONTACT: David Coombs, Office of Investigations, U.S. International Trade Commission; Telephone 202-523-1376.

SUPPLEMENTARY INFORMATION:

Background.—On March 4, 1982, a petition was filed with the Commission and the U.S. Department of Commerce by counsel for American Spring Wire Corp., Armco Inc., Bethlehem Steel Corp., Florida Wire & Cable Co., Pan American Ropes Inc., and Shinko Wire America Inc., alleging that an industry in the United States is materially injured or is threatened with material injury by reason of imports of PC strand from Brazil and France, upon which bounties or grants are alleged to be paid. On April 14, 1982, the Commission determined, pursuant to section 733(a) of the Tariff Act of 1930 (the Act), that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports from Brazil and France. On August 6, 1982, Commerce issued a preliminary determination that the Government of France pays or bestows, directly or indirectly, bounties or grants upon the manufacture, production, and export of PC strand within the meaning of section 303 of the Tariff Act of 1930. On August 10, 1982, Commerce issued a preliminary

determination that the Government of Brazil is providing its manufacturers, producers, and exporters of PC strand with benefits that are bounties or grants. Accordingly, the Commission is instituting final countervailing duty investigations. The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207 (1981), as amended by 47 FR 6190 (February 10, 1982)), and particulary Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before October 26, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and fourteen copies of such statements must be submitted. In the event that confidential treatment of the document is requested under § 201.6, at least one additional copy shall be filed in which the confidential business information shall have been deleted and which shall have been marked "nonconfidential" or "public inspection".

Any business information which a submitter desires the Commission to treat as confidential shall be submitted in conformance with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6 (1981)). Each sheet of information for which confidential treatment is desired must be clearly marked at the top "Confidential Business Data". All written submissions, except for confidential business data, will be available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

A staff report containing preliminary findings of facts will be made available to all interested parties on October 4, 1982.

Service of documents.—The Secretary will compile a service list from the record of the preliminary investigations and the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 291.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of the investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Public hearing.—The Commission will hold a public hearing in connection with these investigations on October 19, 1982, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10:00 a.m. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 28, 1982. Persons desiring to appear at the hearing and make oral presentations may file a prehearing brief and should attend a prehearing conference to be held at 9:30 a.m., on September 30, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before October 14, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with rule 207.22 (19 CFR 207.22). Posthearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207 (1981), as amended by 47 FR 6190 (Feb. 10, 1982, and Part 201, Subparts A through E (19 CFR Part 201 (1981), as amended by 47 FR 6188 (February 10, 1982)).

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12 (1981)).

Issued: August 25, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-23999 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-164 (Final)]

Prestressed Concrete Steel Wire Strand From Spain

Determination

On the basis of the record [1] developed in its countervailing duty investigation on prestressed concrete steel wire strand from Spain, the Commission determines,[2] pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured or threatened with material injury, nor is the establishment of an industry in the United States being materially injured, by reason of imports of prestressed concrete steel wire strand, provided for in item 642.11 of the Tariff Schedules of the United States, upon which bounties or grants are being paid.

Background

On November 4, 1981, counsel for five U.S. producers of prestressed concrete steel wire strand [3] filed a petition with the U.S. Department of Commerce alleging that the Government of Spain pays or bestows bounties or grants upon the manufacture, production, or export of prestressed concrete steel wire strand. The petition requested that there be imposed upon imports of this merchandise a countervailing duty equal to the amount of the alleged bounties or grants. Because Spain was not a signatory of the General Agreement on Tariffs and Trade (GATT) Subsidies Code when the petition was filed, the Commission was not required to make a preliminary injury finding.

On April 14, 1982, Spain became a signatory of the GATT Subsidies Code, notice of which was transmitted from Commerce to the Commission on April 26, 1982. Accordingly, effective April 26, 1982, the Commission instituted an investigation under section 705(b) of the Tariff Act of 1930 to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of allegedly subsidized imports of prestressed concrete steel wire strand from Spain.

Notice of the institution of the Commission's investigation and of a hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on May 19, 1982 (47 FR 21641). The hearing was held in Washington, D.C. on July 12, 1982,

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[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Commissioner Frank dissenting.

[3] American Spring Wire Corp., Armco Inc., Bethlehem Steel Corp., Florida Wire & Cable Co., and Shinko Wire America, Inc.

and all persons who requested the opportunity were permitted to appear in person or by counsel.

VIEWS OF CHAIRMAN ALFRED E. ECKES AND COMMISSIONERS PAULA STERN, MICHAEL J. CALHOUN, AND VERONICA A. HAGGART

In this investigation we find that an industry in the United States is not being materially injured or threatened with material injury, nor is the establishment of an industry in the United States being materially retarded,[4] by reason of subsidized imports of prestressed concrete steel wire strand (PC strand) from Spain.

Domestic Industry

Under Title VII of the Tariff Act of 1930, our analysis of the information gathered in this investigation must begin with a definition of the scope of the relevant domestic industry. Section 771(4)(A) of the Tariff Act of 1930 defines the domestic industry as consisting of "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[5] "Like product" is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *."[6]

The imported article that is the subject of this investigation is PC strand, a product consisting of one center wire and six helically placed outer wires that is used in prestressing concrete. This same product was involved in recent preliminary investigations regarding imports from Brazil, France, and the United Kingdom.[7] In those investigations we noted:

> The U.S. product that is like the imported product is all wire strand of steel for prestressing concrete. The domestic and imported products are made to the same ASTM specifications and are devoted to the same uses.[8]

We found that the domestic industry consisted of the eight U.S. producers of this like product.

In this investigation, the parties have not suggested, nor does the information that has been developed support, a revision of this industry definition. We therefore find it appropriate to adopt the same definition of the industry in this case.

No Material Injury by Reason of Subsidized Imports From Spain

The record of this investigation indicates that in many important aspects the U.S. industry, considered as a whole, is healthy. The only significant negative trends are in the financial data. However, financial difficulties revealed in the aggregate industry data do not appear to be attributable to imports of PC strand from Spain. Consequently, we determine that there is no material injury to the domestic industry by reason of these imports.[9]

Many important indicators of the condition of this industry demonstrate positive trends.[10] The industry's capacity to produce PC strand has increased greatly over the period from 1978 through April 1982.[11] Despite the rapid increase in capacity, capacity utilization remained at relatively high levels throughout this period, falling only in the first four months of 1982.[12] Production and shipments steadily increased over the same period, although the first four months of 1982 showed some decline when compared to the same period in 1981.[13] Employment, when measured by the number of production and related workers, showed no appreciable change over the 1979–April 1982 period, and the number of hours worked, the compensation paid, and worker productivity all increased.[14]

Moreover, the U.S. producers have gained an ever-increasing share of the domestic market during a period in which domestic consumption has fallen slightly. Total imports from all countries fell from 226 million pounds in 1979 to 143 million pounds in 1981.[15] Meanwhile, U.S. producers' shipments increased greatly between 1979 and 1981 both in absolute terms and as a percentage of consumption.[16]

Even though there have been downturns in some indicators for the domestic industry in January–April 1982, we do not find that the downturns are attributable to increases in Spanish imports. Although imports were up, actual shipments of the Spanish product to U.S. purchasers declined significantly during this period. Thus, there was less of the Spanish product in the U.S. market at that time than there had been previously.[17]

The only significant negative trend in this industry is profitability. Although the industry's net sales increased from 1979 to 1981, net profits declined, with a net loss occurring in the first quarter of 1982.[18] While the record shows a number of causes for this slump in profitability,[19] the only source of the industry's financial problems that could possibly be linked to imports is the relative stabilization of U.S. prices from 1979 to the present. Since 1979, PC strand prices have remained relatively level despite increased costs to the domestic industry for high carbon wire rod, labor, and other inputs.[20] We find, however, that the apparent suppression of domestic prices is not attributable to the effects of imports from Spain. This finding rests largely on an analysis of the pricing data and lost sales information and is confirmed by a detailed analysis of the financial performance of the industry.

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[4] Since there is an established domestic industry, material retardation is not an issue in this investigation and will not be discussed further.

[5] 19 U.S.C. 1674(4)(A)

[6] 19 U.S.C. 1677(10)

[7] Prestressed Concrete Steel Wire Strand from Brazil, France, and the United Kingdom, Inv. Nos. 701–TA–152 and 153 (Preliminary) and 731–TA–89 (Preliminary), USITC Pub. 1240 (1982).

[8] *Id.* at 4.

[9] We did not cumulate the impact of imports from Spain with that of imports from other countries since we did not find imports from Spain to be a contributing cause of material injury. Cumulation would only be considered if imports from Spain were a contributing cause of material injury. Consequently, we do not reach the other issues relevant to determining whether cumulation would have been appropriate in this case. Although we did not cumulate imports from Spain with imports from the United Kingdom, France, Brazil, and South Africa, we did consider these imports, to the extent information was available, as factors in the market which may have contributed to the overall condition of the domestic industry.

[10] Most of the statistical data developed by the Commission in this investigation constitute confidential business information. Therefore, the information is discussed only in general terms.

[11] Report at A–14. There are also indications that the productive capacity of the U.S. industry will further increase in the near future.

[12] *Id.* at A–14 to A–15.

[13] *Id.* at A–14 to A–17.

[14] *Id.* at A–18 to A–19.

[15] Imports from Japan are decreasing. Those imports are the subject of an outstanding antidumping duty order. 45 FR 57599 (Dec. 8, 1978). Nevertheless, Japan remains the largest source of imports of PC strand.

[16] Report at A–16 to A–17, A–27, A–29.

[17] *Id.* at A–13.

[18] *Id.* at A–20.

[19] The record indicates that the domestic industry is experiencing high operating costs, which for at least some producers can be traced to high labor costs and inability to achieve economies of scale by purposely limiting production. *Id.* at A–21. With respect to other producers, even though production has increased steadily, it has not kept pace with their significant increases in productive capacity. Higher fixed costs per unit produced have adversely affected their profitability.

[20] *Id.* at A–33.

The absence of any causal connection between imports from Spain and the financial condition of the U.S. industry is evident from the absence of significant underselling. While some underselling appears to have occurred, the margin and frequency of underselling is not "significant" within the meaning of section 771(7)(C)(ii)(I).[21] A detailed analysis of the pricing data supports this conclusion.

First, the comparison of U.S. producers' prices with the importer's prices was made using weighted average prices which were calculated using price information from domestic producers nationwide, while the price information from the importer was limited to Florida.[22] Therefore, the figures do not reflect the fact that most of the reported sales of U.S. producers were in areas other than those areas where imports from Spain compete with the domestically produced product. Nor does the price information reflect delivered costs.[23] Second, a comparison of data regarding delivered prices paid to a domestic firm located in Florida with data regarding prices paid to the importer for Spanish strand is again misleading because of the location of the customers.[24] The domestic company's three purchasers that reported prices were located outside the state of Florida, while all four of the importer's purchasers were located in Florida. Since the cost of transportation is higher to out-of-state customers, the domestic firm's higher delivered prices are not necessarily indicative of underselling by the imports. The transportation differential accounts for some of the apparent margins and significantly reduces the others.[25] Third, a comparison of delivered prices paid by three purchasers in the Miami, Florida area for both domestically produced and imported Spanish strand must take into account the disparity in volumes of sales between the U.S. and Spanish goods.[26] In each comparison the lower Unit price occurred with the larger volume sale, regardless of whether it was the imported or the domestic product. The slightly lower unit prices may have resulted from discounts given for purchases of greater quantities.

When the data on prices are qualified as discussed above, most of the apparent underselling does not in fact exist. Whatever small price differentials did occur were insignificant.

Information regarding allegations of lost sales again shows that there has been no significant underselling by imports from Spain. U.S. producers alleged 13 lost sales to 10 purchasers of the Spanish product. Of the 10 purchasers, only one confirmed a single instance in which it purchased Spanish strand in lieu of the domestic product. Lower price was given as the reason.[27] The other nine firms could not verify any specific allegations because they regularly buy strand from a number of different sellers, including the importer of Spanish strand. Six of the firms contacted stated that low price, while important, was usually a secondary consideration in their purchasing decisions. Three cited other overriding considerations: the desire to maintain multiple sources of supply, the perceived higher quality and superior packaging of the Spanish product, and Port Everglades' reputation for service.[28] Three other firms indicated a shift toward the U.S. product, two because of current lower prices for the domestic product on small purchases, the third because of a preference for supporting domestic producers. Thus we conclude that imports from Spain have not taken a significant volume of sales from domestic producers based on price.[29]

The lack of a causal link between the financial performance of the domestic industry and imports from Spain is further demonstrated when we analyze the profitability data on a disaggregated basis. Such an analysis is appropriate because not all U.S. producers are in direct competition with Port Everglades, the sole U.S. importer of Spanish PC strand. As noted above, Port Everglades markets principally in Florida, with some sales in Texas. Since transportation costs and delivery schedules are important to purchasers of PC strand,[30] only those domestic producers that are proximate to these areas are in direct competition with the importer.

The record indicates that companies competing most directly with the imported product from Spain are vigorously expanding. The profits of certain firms are generally higher than the profits of U.S. producers located elsewhere and should be evaluated in light of the producers' sizable start-up and expansion costs.[31] The ability of those producers faced with direct competition from imports from Spain to operate successfully is a further indication that the problems of the industry as a whole are not causally related to those imports.

In the absence of a causal nexus between imports from Spain and the suppression of U.S. prices, a number of other possible causes may be responsibile for the lack of overall profitability in the domestic industry.[32] Total domestic consumption has not grown during the period under consideration, and the general economy has not been strong, particularly the building construction sector. Nevertheless, domestic producers have increased their production and market share. Under these circumstances, it would be unusual for prices to increase significantly. Moreover, the industry is facing increased competition both from

[21] 19 U.S.C. 1677 (7)(C)(ii)(I). That subsection states:

(ii) Price.—In evaluating the effect of imports of such merchandise on prices, the Commission shall consider whether—

(I) There has been *significant* price undercutting by the imported merchandise as compared with the price of like products of the United States * * *.

(Emphasis added.)

[22] Report at A–33, Table 25. We note that this is not a regional industry case, but in assessing the impact of imports from Spain on prices we considered the geographic areas in which imports from Spain are sold. See footnotes 20 and 27, *infra*. PC strand from Spain is marketed principally in Florida with some sales in Texas.

[23] Delivery costs can be a significant share of the delivered price of this merchandise.

[24] Report at A–34, Table 26.

[25] When transportation cost differentials are taken into consideration, underselling by the imported product occurs only in five of thirteen quarters during the period January–March 1979 through January–March 1982. The margin of underselling in two of the five quarters is less than one percent.

[26] *Id.* at A–34, Table 27.

[27] *Id.* at A–35.

[28] *Id.* at A–36. Port Everglades offers delivery to its customers within 24 hours after an order has been placed. It makes sales through draw contracts under which a customer orders a certain quantity of PC strand for possible delivery during the following year. The customer then draws its requirements from stock as necessary. *Id.* at A–12.

[29] *Id.* at A–36. A unique aspect of this investigation is the presence of allegations of sales lost by the importer to U.S. producers. While the Commission's investigation did not confirm any instances in which the U.S. product was bought in lieu of imports, the purchasers' comments confirmed that many considerations, including packaging, quality, and ability to meet specifications, were as important, if not more important, than price. *Id.* at A–36.

[30] Half of the purchasers responding to a Commission survey indicated that proximity was the most important factor in making a purchase decision. *Id.* at A–53.

[31] We note that profit data for January–March 1982 are down. However, sales of the Spanish product are down significantly during this period compared to the comparable period in 1981.

[32] We recognize that Congress has directed that:

In determining whether * * * injury is "by reason of" [subsidized] imports, the ITC looks at the effects of such imports on the domestic industry. The law does not, however, contemplate that injury from such imports be weighed against other factors * * * which may be contributing to overall injury to an industry.

H.R. Rep. No. 96–317, 96th Cong., 1st. Sess. 47 (1979). Significantly, though, it was emphasized that "in examining the overall injury being experienced by a domestic industry, the ITC will take into account evidence presented to it which demonstrates that the harm attributed by the petitioner to the subsidized * * * imports is attributable to such other factors." *Id. See also* S. Rep. No. 96–249, 96th Cong., 1st Sess. 74–75 (1979).

new U.S. entrants and from increased imports from countries other than Spain.[33] [34]

No Threat of Material Injury by Reason of Subsidized Imports From Spain

We find that imports of PC strand from Spain pose no threat of material injury. While imports from Spain have increased both in volume and as a share of the domestic market, we have found, as set forth above, that these imports have had no appreciable impact to date on the condition of the industry or on the domestic price of strand. In addition, there is no reason to believe that they will have an adverse effect in the future. Spanish producers of strand have other available export markets. It is noteworthy that the Spanish manufacturers are presently operating at high levels of capacity utilization and plan to continue to operate at extremely high levels.[35] They also project 1982 imports to be only marginally higher than 1981 levels.[36] Finally, while the inventories of Spanish strand held by the U.S. importer are currently at a high level, there is no indication that this accumulation is related to any cause other than the vagaries of ocean transportation, which can result in temporary imbalances in the supply of strand to the importer.[37] Port Everglades normally maintains a higher inventory level than domestic producers in order to carry out its 24-hour delivery policy and to be able to respond to customers' draw requirements.

Conclusion

Based upon the information on the record, we determine that an industry in the United States is not being materially injured or threatened with material injury by reason of subsidized imports of prestressed concrete steel wire strand from Spain.

Views of Commissioner Eugene J. Frank

On the basis of available information and the record before me, I have determined that there is a reasonable indication that an industry in the United States is suffering material injury or is threatened with material injury by reason of allegedly subsidized imports of prestressed concrete steel wire strand from Spain.

My opinion and determination differ from my views expressed in the Preliminary Investigations No. 701-TA-152 and 153 covering Prestressed Concrete Steel Wire Strand from Brazil, France and the United Kingdom. These views were provided in USITC Publication 1240 (April 1982). However, significant factors mentioned or covered in Investigations No. 701-TA-152 and 153 which are applicable to this investigation and new information provided by this investigation have been interwoven in my determination. I have also repeated in this final case those portions of my earlier views where these portions are applicable. Also, I have taken the unusual step in this Final Investigation No. 701-TA-164 of determining that an industry in the United States is suffering material injury or is threatened with material injury by reason of allegedly subsidized imports of Prestressed Concrete Steel Wire Strand from Spain.

I am advised by the Commission's Office of the General Counsel that such a final determination is not at variance with the law, even though it is very unusual.

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[38] Section 771(10) defines "like product" as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[39]

The imported article subject to this investigation is Prestressed Concrete Steel Wire Strand (PC Strand). It is a product consisting of one center wire and six helically placed outer wires, made to ASTM specification A416-74, and is available in two grades, 250 and 270. The most common size in which the product is sold is ½" diameter, although it is also sold in ¼", 5/16", ⅜", 7/16", and ⅝" diameters. Most PC strand is sold coiled in standard packs of 12,000 feet of continuous strand and is purchased by construction firms which tension the strand to elastic limits for use in compressing concrete to provide increased load resistance. PC strand is produced from uncoated round high-carbon steel wire which has been cold-drawn from wire rods to suitable sizes, then fabricated by a strading machine into required strand sizes.[40]

In conformance with the statute for the purpose of this investigation, I must concur with the recommendations of the Office of the General Counsel [41] that the product that is like the imported product is all wire strand of steel, other than stainless steel, for prestressing concrete. The domestic product, as is the imported product, is made to the same ASTM specifications and has the same characteristics and uses. I believe there is no indication at this time that the imports from Spain and the domestic product are dissimilar to a material extent with respect to characteristics and uses. Hence, I consider these to be a "like product."

From this statutorily mandated "like product" perspective, the domestic producers of the "like product" comprising the "domestic" industry, therefore would be American Spring Wire Corp., Armco Inc., Bethlehem Steel Corp., CF&I Steel Corp., Florida Wire & Cable Co., Pan American Ropes Co., Shinko Wire American Corp., and Sumiden Wire Product Corp.

It should be noted from the onset that over half of 1981 domestic shipments of PC Strand were accounted for by "domestic" producers who are foreign-owned and controlled, namely: Florida Wire & Cable Co., principally owned by Ivaco of Canada; Shinko Wire American, Inc., principally owned by Shinko Wire Co., Ltd. of Japan; Sumiden Wire Product Corp., principally owned by Sumitomo Electric Industries, Ltd., with other ownership by Sumitomo Corp. and Kurt Orban Co., Inc.[42] [43] None of the "domestic" producers are owned by Spanish companies.

An issue arises which involves application of the "related party" provision of Section 771(4)(B) of the Tariff Act which states:

> When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term "industry" may be applied in appropriate circumstances by excluding such producers from those included in that industry. [44]

From the information available to us, it does not appear at this time that the foreign producers located in the United States of the *like product in question* would constitute "related parties" pursuant to this section of the statute nor do "appropriate circumstances" exist at this time for their exclusion from

[33] By citing these other possible causes, we do not reach a determination as to whether any one of them is a cause of material injury.

[34] Imports from Brazil, France, the United Kingdom and South Africa have increased since 1979. Report at A-25 to A-30.

[35] *Id.* at A-12.

[36] *Id.* at A-12.

[37] *Id.* at A-13. We note that quarterly import data historically have been characterized by wide fluctuations.

[38] 19 U.S.C. 1677(4)(A).

[39] 19 U.S.C. 1677 (10).

[40] Report at A-3 through A-5.

[41] Office of General Counsel Memorandums GC-F-109 and GC-F-265.

[42] Report at A-10 through A-11.

the domestic industry comprised by producers of the *like product.* However, there are some significant relationships in this connection that have a bearing on overall domestic industry and import trends that I considered to be relevant economic factors in my analyses which are discussed more fully in my earlier views in Investigations No. 701–TA–152 and 153 (Preliminary) which was based only on earlier available data.

Reasonable Indication of Material Injury by Reason of Imports

Section 771(7)(B) directs the Commission in making material injury determinations to consider among other factors (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.[45]

Imports

In analyzing import trends of the product subject to the previous Investigations Nos. 701–TA–152 and 153 (Preliminary) and in this investigation, I aggregated the impact of alleged unfairly traded imports of PC Strand from Brazil, France, and the United Kingdom, as well as from Spain and South Africa.[46] [47]

I find that the volume of U.S. imports of Prestressed Concrete Steel Wire Strand from Spain during the January–April 1982 period as a percent of total U.S. consumption rose sharply from level imported during a like period in 1981, without an adjustment for inventories suggested by a footnote at A–27.

The trend since 1979 for Spanish exports of like products to the United States also as been up. Hence, I find there has been a significant rise in Prestressed Concrete Steel Wire Strand imports into the United States from Spain.

Imports of these like products from Spain, Brazil, France, the United Kingdom, and South Africa have shown a similar upward trend since 1980 with the January–April 1982 period up significantly from a similar period in 1981. The share that U.S. producers' shipments of these like products represented of total U.S. consumption of like products declined. [48]

Prices in the United States

U.S. producers' prices have been impacted, especially in the January–March 1982 period. Rod prices which represent a very important part of the total cost of producing Prestressed Concrete Steel Wire Strand have advanced by a significant amount from 1979 through the January–April 1982 period.[49]

However, U.S. producers' prices were virtually unchanged between January–March 1979 and January–March 1982.[50] Hence, I find that the effect of Spanish exports of Prestressed Concrete Steel Wire Strand to the United States has, when cumulated with other certain exporters products, materially injured the U.S. industry producers of like products.

Impact of Imports on Domestic Producers

The impact of imports of such Spanish Prestressed Concrete Steel Wire Strand on U.S. producers of like product, especially in the January–March 1982 period, has been to cause serious losses as evidenced by U.S. producers on their operations,[51] low cash flows from U.S. producers' operations,[52] negative U.S. producers' returns on investments,[53] reduction in number of workers and hours worked at U.S. producers' facilities engaged in the manufacture of Prestressed Concrete Steel Wire Strand when compared to the same period a year earlier.[54]

Hence, for these reasons and other reasons covered by the record, I find U.S. producers impacted by the importation of such like product from Spain.

In view of the above, I have determined that there is a reasonable indication that an industry in the United States is suffering material injury by reason of aforesaid alleged unfairly traded imports.

Threat of Material Injury

The Report of the Committee on Finance of the United States Senate on the Trade Agreements Act of 1979 provides in part with respect to threat:

> In determining whether an industry in the United States is threatened with material injury, the ITC will consider the likelihood of actual material injury occurring. It will consider any economic factors it deems relevant, and consider the existing and potential situation with respect to such factors. An ITC affirmative determination with respect to threat of material injury *must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture* * * *
>
> Economic factors which may indicate that a threat of material injury is present vary from case to case and industry to industry. The ITC will continue to focus on the conditions of trade and competition and *the nature of the particular industry* in each case.[55] (emphasis added)

The report of the Committee on Ways and Means of the House of Representatives on this same statute provides in part with respect to threat:

> In examining threat of material injury, the ITC will determine the *likelihood of a particular situation developing into actual material injury. In this regard,* demonstrable trends—for example, the rate of increase of the subsidized or dumped imports to the U.S. market taking into account the availability of other export market * * *[56] (emphasis added)

There is no doubt imports from Spain when cumulated with certain other countries have increased their market share.

I have been informed data and trends on Spanish and other foreign productive capacity have been designated confidential and therefore my observations herein must be even more generalized. In reviewing data available with repect to Spanish capacity, capacity utilization, potential export market opportunities cited as well as historical export trends to the U.S. etc., I am sufficiently convinced exports from Spain pose a reasonable indication of a real threat of imminent injury to the domestic industry at this time, especially when cumulated with other certain countries' like product exports to the United States. Spanish exports in tonnage terms rose significantly in the January–April 1982 period and earlier.[57]

Despite the fact that there is likely to be considerable forecasted growth in the future U.S. consumption of Prestressed Concrete Steel Wire Strand, I believe at this time that finding a reasonable indication of threat of material injury is justified. There is significant existing unused capacity available in Spanish facilities which probably will be utilized to increase exports of prestressed concrete steel wire strand to the United States to earn necessary foreign exchange.[58] It is not likely that adequate other markets within Spain or in third markets exist to which such Spanish capacity probably can be diverted.

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[45] Memorandum INV–F–042 dated April 13, 1982 and Report on Investigations Nos. 701–TA–152 and 153 (Preliminary) at A–13.

[46] 19 U.S.C. 1677(4)(B).

[46] 19 U.S.C. 1677(7)(B).

[46] *See* pages A–1 to A–2 of the Investigations Nos. 701–TA–152 and 153 Report. As related to these preliminary investigations and in November 1981, Counsel for U.S. producers filed petitions with Commerce alleging subsidies were bestowed on P.C. Strand imported from Spain and South Africa. These countries, however, were not signatories to the International Subsidy Code at the time of the instant investigation and therefore were not entitled to any injury test by the Commission. By memorandum of April 15, 1982, XL–F–022 from the Office of Executive Liaison and Special Advisor for Trade Agreements, I was advised that on April 14, 1982, Spain acceeded to the subsidies code subject to a certain reservation, and on that date was designated as a "County under the Agreement" for U.S. countervailing duty purposes. I believe the imports from these two countries could be cumulated with the other 3 countries subject to these Commission preliminary investigations. For my reasoning on cumulation, *see* Certain Steel Products from Belgium * * * at 127–129. See also April 8, 1982, General Counsel's memorandum GC–F–109.

[47] Much of the data pertinent to this area in this investigation has been designated as confidential and the discussion by necessity will, where appropriate,, focus on generalized trends.

[48] Report at A–27.

[49] Report at A–21 and A–22.

[50] Report at A–31.

[51] Report at A–20.

[52] Report at A–23.

[53] Report at A–18.

[54] Report at A–18 to A–19.

[55] S. Rep. No. 96–249, 96th Cong., 1st Sess., 88–89 (1979).

[56] H.R. Rep. No. 96–317, 96th Cong., 1st Sess., 47 (1979).

[57] Report at A–12.

[58] Report at A–12.

Hence, I believe that Spanish products will pose a real threat of imminent injury to the domestic industry.

Accordingly, I have determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of alleged unfairly traded imports from Spain.

By order of the Commission.

Issued: August 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24004 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-103 (Preliminary)]

Shop Towels of Cotton From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: August 26, 1982.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-103 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from People's Republic of China shop towels of cotton, provided for in item 366.2740 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn Borsari, Office of Industries, U.S. International Trade Commission; telephone 202/523-5703.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted following receipt of a petition filed by counsel for Milliken Industries, Inc. of La Grange, Ga. A nonconfidential copy of the petition is available for public inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone (202-523-0448). The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition, or by October 8, 1982 (19 CFR 207.17). This investigation will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457 and 47 FR 6190), and particularly Subpart B thereof.

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission not later than seven (7) days after the publication of this notice in the **Federal Register** (19 CFR 201.11). Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before September 16, 1982, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on September 14, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact Mr. Reuben Schwartz, Office of Industries, telephone 202/523-0114, not later than September 8, 1982, to arrange for their appearance. Parties in support of the imposition of antidumping duties and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts, A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR Part 201), 47 FR 6182, February 10, 1982. Further information concerning the conduct of the conference will be provided by Mr. Schwartz.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.

Issued: August 26, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-24000 Filed 8-31-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

August 25, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, extensions, or revisions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from who a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) an estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(h) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number

appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice.

Agency Clearance Officer Larry E. Miesse—202–633–4312

New

- Office of Juvenile Justice and Delinquency Prevention, Department of Justice

1982 Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities
Biennial
State or local governments, businesses or other institutions
Public and private juvenile correctional facilities: 3,000 responses; 5,050 hours; not applicable under 3504(h).
Andy Uscher—395–4814

- Immigration and Naturalization Service, Department of Justice

Supplementary Statement for Graduate Medical Students
Annual
Foreign graduate medical trainees
Individuals or households: 5,000 responses; 417 hours; not applicable under 3504(h)
Andy Uscher—395–4814

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82–23937 Filed 8–31–82; 8:45 am]

BILLING CODE 4410–01–M

LIBRARY OF CONGRESS

Copyright Office

Affixation of the Copyright Office Seal

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of new procedure.

Notice if hereby given that the Copyright Office seal may in the future be affixed by the Copyright Office to certain certificates of registration by means of a printing process rather than by the embossing process that has been, and is now, in use. This change has been adopted in order to help accelerate the issuance of certificates of registration.

The embossing process may, however, continue to be used to affix the seal to some certificates of registration and to other certifications. The method of affixation of the seal is intended to have no bearing upon the authenticity of any certificate or other certification issued by the Copyright Office. The seal will be affixed, in all cases, under the same supervision and safeguards as in the past.

Dated: August 18, 1982.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 82–23921 Filed 8–31–82; 8:45 am]

BILLING CODE 1410–03–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; OMB Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of OMB review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection: Exemptions and Continued Regulatory Authority in Agreement States Under Section 274 of the Atomic Energy Act, 10 CFR Part 150.

3. The form number if applicable: N/A.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC licensees.

6. An estimate of the number of responses: 83.

7. An estimate of the total number of hours needed to complete the requirement or request: 190.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: N/A.

9. Abstract: 10 CFR Part 150 provides exemptions to persons in Agreement States and also defines activities in Agreement States over which NRC regulatory authority exists.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Gwendolyn W. Pla, (202) 395–6880.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Md., this 24th day of August 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82–24020 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment was effective on April 28, 1982 for one-time only.

The amendment modifies the Technical Specifications for one time to extend a six hour time limit to nine hours to allow time to complete repairs and retests of the rod control system. The amendment was authorized on an expedited basis to maintain the plant at steady condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by the Technical Specifications unless amended.

The request for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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.

For further details with respect to this action, see (1) the request for amendment dated April 28, 1982, (2) the

Commission's letter dated April 30, 1982, (3) Amendment No. 15 to License No. NPF–8, 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, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3) and (4) maybe obtained upon request addresed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., 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. 82–24014 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–261]

Carolina Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised the license for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment extends (from August 12, 1982 until September 13, 1982) the implementation date of Technical Specifications that were required by Amendment No. 70 which modify corporate and plant organizational structures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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.

For further details with respect to this action, see (1) the application for amendment dated August 6, 1982, (2) Amendment No. 72 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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, Md., this 24th day of August 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–24015 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409]

Dairyland Power Cooperative; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nulear Power Plant Components" to the Dairyland Power Cooperative. The relief relates to the Inservice Inspection Program for the La Crosse Boiling Water Reactor Unit No. 1 (the facility) located in Vernon County, Wisconsin. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief relates to certain inservice inspection requirements, pursuant to 10 CFR 50.55a(g)(6)(i) of the Commission's regulations, involving volumetric, visual and surface examinations of piping, component pressure boundary and support structural integrity.

The requests for relief comply 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 1, which are set forth in the related Safety Evaluation.

The Commission has determined that the granting of relief 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 action.

For further details with respect to this action, see (1) the licensee's letters dated May 11, 1979, July 27, 1979, January 24, 1980, July 14, 1980 and March 24, 1982, (2) the Commission's letter to the licensee dated August 25, 1982, and (3) the Commission's related Safety Evaluation including the attached Technical Evaluation Report prepared by Science Applications Incorporated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601. 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, Md., this 25th day of August 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–24016 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to add limiting conditions for operation and surveillance requirements associated with the feedwater trip system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations on 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice ot 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.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1982, (2) Amendment No. 62 to License No. DPR-36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. 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, Md., this 17th day of August 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-24017 Filed 8-31-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL and 50-444-OL; ASLBP Docket No. 82-471-02-OL]

Public Service Co. of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Saftey and Licensing Board for *Public Service Company of New Hampshire, et al.* (Seabrook Station, Units 1 and 2), Docket Nos. 50-443-OL and 50-444-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Jerry Harbor. Dr. Oscar H. Paris was a member of the Board, but, because of a schedule conflict is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Helen Hoyt, Chairman
Dr. Emmeth A. Luebke
Dr. Jerry Harbour

All other correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Jerry Harbour, Atomic Saftey and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Md., this 25th day of August 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-24019 Filed 8-31-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment of Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station Unit No. 1 (the Facility) located in San Diego County, California. The amendment is effective 30 days from its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications which incorporate modifications to the testing interval for safety injection system hydraulic valve testing.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 25, 1982, (2) Amendment No. 62 to Provisional Operating License No. DPR-13, 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 San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California. A single 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 25th day of August 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-24018 Filed 8-31-82; 8:45am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on September 16, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The subcommittee will discuss: (1) Natural circulation modeling in the Babcock and Wilcox Small Break LOCA Model; (2) Reactor Coolant Pump trip requirement status; (3) results of recent Semiscale tests and the status of the Mod-5 proposal; (4) status of Appendix K revision proposals; and (5) status of the LOFT Consortium effort.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday, September 16, 1982—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: August 26, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–24022 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on September 8, 1982 in Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notifiy the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, September 8, 1982–8:30 a.m.–10:30 a.m.*

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to Regulatory Guide 1.145, Revision 1, "Atmospheric Dispersion Models for Potential Accident Consequence Assessments at Nuclear Power Plants".

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.145, Revision 1, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to ensure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, DC 20555 or telecopy them to the Designated Federal Employee (202/634–3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy, (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 27, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–24023 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–352 and 50–353]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Evidentiary Hearing on Supplementary Cooling Water System Issues

August 23, 1982.

Please take notice that an evidentiary hearing limited to the supplementary cooling water system issues advanced by intervenor Del-Aware Unlimited, Inc. and admitted by the Atomic Safety and Licensing Board in this operating license proceeding will begin on October 4, 1982, at 9:30 a.m., and will continue through October 8, 1982, at the: Norristown Borough Hall, 235 East Airy Street, Norristown, Pennsylvania 19401.

The public is invited to attend but there will be no opportunity for public participation during this limited evidentiary hearing. The Board will provide the opportunity for statements by members of the public at public appearance sessions to be scheduled in the future.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

Bethesda, Maryland, August 23, 1982.

[FR Doc. 82–24024 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: 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 bonuses will be paid. Notice is hereby given that the Nuclear Regulatory Commission intends to award Senior Executive bonuses for the performance rating period October 1, 1981 through June 30, 1982, with payouts scheduled by September 30, 1982.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia G. Norry, Chair, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–7335.

Dated at Bethesda, Maryland, this 26th day of August, 1982.

For the Nuclear Regulatory Commission.

Victor Stello,

Chairman, Executive Resources Board.

[FR Doc. 82–24021 Filed 8–31–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Final Design Cost Estimate

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Decision on Adjustments to the Certification Cost Estimate for Compressor Station No. 8 on Phase I of the Eastern Leg of the Alaska Natural Gas Transportation System.

Take notice that on August 24, 1982, the Office of the Federal Inspector approved a Decision on Adjustments to the Certification Cost Estimate for Compressor Station No. 8 on Phase I of the Eastern Leg of the Alaska Natural Gas Transportation System. Copies of this decision are available by writing or telephoning: Mr. Richard Berman, Director, Audit and Cost Analysis, Office of the Federal Inspector, ANGTS, Room 2413, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044; (202) 275–1153.

Dated: August 27, 1982.

John T. Rhett,

Federal Inspector.

[FR Doc. 82-23965 Filed 8-31-82; 8:45 am]

BILLING CODE 6119-01-M

POSTAL RATE COMMISSION

[Order No. 445; Docket No. A82-14]

Glenwood, Utah 84730 (Ms. Grace Diane Jessen et al., Petitioners); Notice and Order of Filing of Appeal

Issued: August 27, 1982.

On August 9, 1982, Grace Diane Jessen filed written notice [1] with the Commission of her opposition to the decision of the United States Postal Service to consolidate the Glenwood, Utah post office. Ms. Jessen opposes the Glenwood consolidation because, in her view, the quality of mail service would decline, the loss of the official Glenwood post office would involve the loss of a recognized community symbol and the consolidation would not, in reality, result in substantial long term monetary savings, as indicated by the Postal Service in its Final Determination. Additionally, the Commission has received letters from Madge C. Hansen and Marsha Jackson, on August 17 and August 23, respectively. Both Ms. Hansen and Ms. Jackson are citizens of Glenwood and both oppose the proposed consolidation of its post office.

While these letters have not expressly referred to the Postal Reorganization Act (39 U.S.C. 101 *et seq.*), and did not attach a copy of the Postal Service's written determination, as required by our rules, we believe that the letters, nevertheless, should be construed as petitions for review pursuant to section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[2] We do this in order to preserve the petitioners' rights of appeal in light of the Commission's rules of practice which call for a liberal construction in order to secure a just and speedy determination of the issues presented.[3]

The petitions appear to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service has complied with the Act and with its regulations governing the closing or consolidation of post offices.[4] Upon preliminary examination, the petitioners appear to have raised the following issues of law:

1. Did the Postal Service consider the effect of this post office consolidation upon the community, in conformity with section 404(b)(2)(A) of the Act?

2. Did the Postal Service consider whether this consolidation is consistent with the policy of the Act that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining, as required by section 404(b)(2)(C) of the Act?

3. Did the Postal Service properly consider the economic savings which would result from the consolidation, as mandated by section 404(b)(2)(D) of the Act?

Other issues of law may become apparent when the Commission has had the opportunity to review the Postal Service's determination. Furthermore, the determination in the present case may be found to resolve some or all of the issues involved.

In view of the above and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by our review in this proceeding. In the event that the Commission finds such memorandum necessary, it will make its request by order, specifying the issues to be addressed. Following issuance of such a request, the memorandum shall be due within 20 days and a copy of the memorandum shall be served upon the petitioners by the Postal Service.

The Act does not contemplate appointment of an Officer of the Commission in Section 404(b) cases,[5] and none is being appointed in this proceeding.

The Commission's rules of practice require that the Postal Service file the Administrative Record of the case within 15 days after the date on which a petition for review is filed with the Commission.[6] We note that the Postal Service, on August 19, 1982, filed the Administrative Record in this case with the Commission.

A procedural schedule of the various phrases of this docket is set forth as an appendix.

The Commission orders:

A. The letters received from Grace Jessen, Madge Hansen and Marsha Jackson shall be construed as petitions for review pursuant to Section 404(b) of the Act (39 U.S.C. 404(b)).

B. That the Secretary of the Commission shall publish this order and notice in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

August 9, 1982—Filing of Petition.
August 27, 1982—Notice and Order of Filing of Appeal.
August 30, 1982—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
September 8, 1982—Petitioners' Initial Brief [*see* 39 CFR 3001.115(a)].
September 23, 1982—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].
October 8, 1982—(1) Petitioners' Reply Brief should petitioners choose to file [*see* 39 CFR 3001.115(c)].

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just

[1] On August 24, 1982, Ms. Jessen filed a formal petition for review of the consolidation. While directed to the United States Postal Service, the petition otherwise conforms to our rules. Additionally, the petition has attached a copy of the Postal Service's Final Determination, dated July 28, 1982, to consolidate the Glenwood post office. We are treating the August 24 filing as merged with the August 9 letter which, as noted above, we are deeming to be a formal appeal.

[2] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[3] 39 CFR 3001.1.

[4] 42 FR 59079-85, (Nov. 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[5] In the Matter of Gresham, S. C., Route #1, Docket No. A82-1 (May 11, 1978).

[6] 39 CFR 3001.113(a).

decision may require, in scheduling or dispensing with oral argument.

December 7, 1982—Expiration of 120 day decisional schedule [*see* 39 USC 404(b)(5)].

[FR Doc. 82-24026 Filed 8-31-82; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12615; 812-5203]

AMAX International Finance Corp.; Filing of an Application

August 24, 1982.

Notice is hereby given that AMAX International Finance Corporation ("Applicant"), a Delaware corporation and a wholly-owned subsidiary of AMAX, Inc. ("AMAX") c/o W. Loeber Landau, Esq., Sullivan and Cromwell, 125 Broad Street, New York, NY 10004, a New York corporation, filed an application on June 3, 1982, and an amendment thereto on July 26, 1982, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. 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 states that all of its outstanding shares of capital stock are owned by AMAX. Applicant further states that its sole business activity will be the provision of funds to AMAX and its affiliates or subsidiaries. Applicant states that AMAX is engaged, directly and through ventures in which it holds substantial interests, in the exploration for, and mining of, ores and minerals and the smelting, refining and other treatment of minerals and metals, as well as the production of coal, oil and natural gas. Applicant states that AMAX has transferred to it all of the issued and outstanding shares of AMAX Iron Ore Corporation ("Iron Ore"), a Delaware corporation that participates in a mining venture in Western Australia. Applicant further states that in April, 1982, it issued notes of $75,000,000 aggregate principal amount at 16¼ percent. The notes are due in 1992 and are unconditionally guaranteed as to payment of principal, premium, if any, and interest by AMAX. Applicant states that the proceeds of this issue were advanced to Iron Ore. In June, 1982, the Applicant issued approximately $50,000,000 aggregate principal amount of its notes guaranteed by AMAX and denominated in Swiss Francs. The net proceeds were loaned to a wholly-owned subsidiary of AMAX.

Applicant states that it desires to issue and sell additional long-term, intermediate-term, and short-term debt securities in the United States and worldwide. Payment of principal of, premium, if any, and interest on such securities will be unconditionally guaranteed by AMAX. Applicant further states that it intends to lend to, deposit with or invest in, AMAX, subsidiaries of AMAX or affiliates of AMAX substantially all of the proceeds of sales of such securities.

Applicant states that such loans, deposits or investments might be deemed "investment securities" under Section 3(a) of the Act if made to or in AMAX subsidiaries or affiliates not majority-owned by Applicant. Applicant asserts that because it currently holds all of the shares of Iron Ore, such shares and the loans made to Iron Ore are not "investment securities" under Section 3(a); further Applicant asserts that since such shares and loans currently comprise more than 60% of its total assets, it cannot be currently deemed an investment company. However, Applicant contemplates that the issuance of additional securities or disposal of some or all of its shares of Iron Ore could cause the percentage of its total assets that consists of loans, deposits or investments in nonmajority-owned subsidiaries of the Applicant to exceed 40 percent.

Section 6(c) of the Act provides, however, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act 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. Applicant asserts that an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act 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.

Applicant represents that none of the subsidiaries or affiliates of AMAX receiving the funds advanced by Applicant will be investment companies nor will such subsidiaries or affiliates invest such funds in investment companies. Applicant represents that, so long as any of its debt securities are outstanding, it will remain a wholly-owned subsidiary of AMAX or one of AMAX's subsidiaries, and will not hold securities issued by any person other than AMAX and subsidiaries of AMAX, except for temporary investments of the kind in which AMAX itself customarily invests. Applicant undertakes not to make any material change in its business as described in the application without giving prior notice of such change to the Commission and undertakes, if necessary, either to file a request for amendment or modification of the exemption or a request that the exemption be continued in effect or to notify the Commission that it will no longer rely upon the exemption.

Applicant an AMAX are United States corporations fully subject to the Securities Act of 1933 ("1933 Act") and other United States securities laws. Applicant represents that they will comply with those laws in connection with any securities issued in the United States by the Applicant, whether subject to the registration requirements of the 1933 Act or exempt therefrom. Applicant represents that where it proposes to rely on such an exemption, it will consult with counsel as to the need for registration and the question of integration of such offering with other offerings for purposes of the 1933 Act.

Applicant represents that, in the case of an offering of its debt securities in the United States not requiring registration under the 1933 Act, the Applicant and AMAX would undertake to provide to any offeree to whom they offer such securities in the United States current memoranda or other documents at least as comprehensive as memoranda or documents customarily used in such offerings of securities in the United States. In the event of subsequent offerings, the memoranda would be updated at the time thereof to reflect material changes in the financial position of AMAX.

Notice is further given that any interested person may, not later than September 20, 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 interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he 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 herein 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. 82-24033 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-5483]

Whitehall Corp., Common Stock, $0.10 Par Value; Application To Withdraw From Listing and Registration

August 26, 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 Whitehall Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 25, 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 17, 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. 82-24028 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

August 26, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Diebold, Inc., Common Stock, $1.25 Par Value (File No. 7-6306)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 17, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24035 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

August 26, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Foremost-McKesson, Inc., Common Stock, $2 Par Value (File No. 7-6305)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 17, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24036 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19012; File No. SR-DTC-82-4]

Filing and Immediate Effectiveness of Proposed Rule Change by Depository Trust Company ("DTC")

August 25, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 23, 1982, Depository Trust Company ("DTC") filed with the Securities and Exhange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change revises DTC's fee schedule, with regard to services for its participants with

positions in corporate securities issues, to better reflect DTC's costs in performing these services. The revised fee schedule, which is effective as of July 1, 1982, includes the following revisions: (1) new fees for Unit Swingover Instructions, Payment Orders, Rollovers/Redemptions and Computer Communication Facility Transmissions; (2) increased fees for Depository Facility Deposits, Dividend/Interest/Reorganization Credits, Participant Terminal System ("PTS") Inquiries/Unsolicited Messages/other Messages, Withdrawals by Transfer per assignment (by paper), Reconciliation Charges (photocopies of statements or certificates), Eligible Securities Booklets, Security Position Listings; and (3) reduced fees for Pledges and Releases by PTS and Direct Mail of Withdrawals by Transfer.

With regard to the Institutional Delivery (ID) System the proposed rule change (1) increases the fees charged to brokers and institutions for all Confirms and Affirms; (2) established a new fee for investment manager affirms to be collected by DTC in equal parts from the broker and the clearing bank or, in the absence of a clearing bank, entirely from the broker; (3) establishes a new fee to banks, for each Confirm the bank requests; (4) establishes a new fee to brokers for each Unaffirmed and Eligible Trade Report line item; (5) establishes a new fee to brokers and banks for Deliver and Receive Tickets; and (6) reduced the fee to deliverers and receivers for Deliver Orders.

Concurrent with the filing of the proposed rule change, DTC submitted to the Commission the comment letters it received from its participants regarding the revised fee schedule. DTC further believes that the proposed rule change is consistent with Section 17 A(b)(3)(F) of the Act in that it assures the safeguarding of securities and funds in the custody of the clearing agency.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before September 22, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should made to File No. SR-DTC-82-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change 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 5th Street, N.W., Washington, D.C. Copies of the filing and any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-24029 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12616; 812-5222]

Investors Life Insurance Co. of North America, et al.; Application

August 24, 1982.

Notice is hereby given that Investors Life Insurance Company of North America, a stock life insurance company organized under the laws of Pennsylvania ("Investors Life"), CIGNA Separate Account I ("CIGNA Account"), INA/Putnam Separate Account ("INA Account"), "Separate Accounts" of Investors Life, and INA Security Corporation ("INA Security"), 1600 Arch Street, Philadelphia, PA 19101, the principal underwriter (hereinafter collectively referred to as "Applicants"), filed an application on June 18, 1982, and amendments thereto on August 4 and 13, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting, to the extent requested Investors Life, CIGNA Account, INA Account and INA Security from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder, and pursuant to Section 11 of the Act, approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicants represent that the contracts issued by the INA Account ("old contracts") have been funded by shares of Cigna Annuity Fund, Inc. ("Fund") since December 16, 1981, in response to Internal Revenue Service Ruling 81-225 which adversely affected those contracts. The Fund was initially established as a money market fund but has amended its registration statement to create four separate portfolios with differing investment objectives. The money market shares funding the INA Account contracts are now only one of the series of investment portfolios.

Applicants state that all four portfolios of the Fund will be used to fund single premium individual variable annuity contracts ("new contracts") to be issued by the CIGNA Account. According to Applicants, purchase payments received for the new contracts are first reduced by any premium tax then due under applicable state law and then allocated to one or more of the Divisions of the CIGNA Account for the allocation of shares of a specified class of the Fund. According to Applicants, no sales charge deduction is imposed on the purchase payment and, under the contract, an owner may withdraw up to 10% of such value in any contract year without charge. An amount withdrawn in excess of 10% of the contract value is subject to a contingent deferred sales charge. The charge is six percent (6%) in the first contract year and declines by one percent (1%) each contract year thereafter so that there is no charge in the seventh and later contract years.

Applicants state, however, that in no event will the total amount of all such contingent deferred sales charges exceed 8½% of the individual new contract payment. Applicants state that other contract charges include (1) an annual administration charge of $25, deducted by Investors Life at the beginning of each contract year prior to the commencement of annuity payments; (2) an additional $5 charge imposed at the beginning of each contract year after the first for the second and each subsequent transfer of contract value among CIGNA Account Divisions during the immediately preceding year; and (3) a net asset charge for the assumption by Investors Life of mortality and expense risks under the contract. The net asset charge will be 1.2% on an annual basis, determined daily. Of this 1.2% charge, applicants estimate that approximately 0.8% will be for the assumption of mortality risks, and 0.4% will be for the guarantee by Investors Life that the

expenses charged to contract holders will never be raised even though the costs to Investors Life may exceed the amounts charged and the risk that sales expenses may exceed the revenue generated by the contingent deferred sales charge.

With respect to the annual administrative charge and the transfer charges, applicants represent that these charges do not exceed anticipated expenses to be incurred in administering the contracts or transfers, and no profit is expected to be realized from either charge. Deductions for premium taxes will not exceed the actual expenses incurred.

Applicants assert that the mortality and expense risk charge is reasonable in relation to the risks assumed and consistent with the protection of investors as it is designed to protect Investors Life from undue risk of loss, and is reasonable in light of anticipated needs, prior experience and current industry practices.

Section 6(c)

Section 6(c) of the act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemptions pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an agreement containing, in substance, the provisions required by Section 26(a)(2) and 26(a)(3).

Section 26(a) requires that such agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of such Section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Applicants request exemption from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to (a) permit assets of the CIGNA Account to be held in safekeeping by Investors Life and (b) permit payment to Investors Life of the contingent deferred sales charges, the annual administrative charges, the transfer charges, the mortality and expense risk charges and deductions for premium taxes. Applicants also request exemptions from these provisions to the extent necessary to extend Commission approval of existing fees and charges on the old contracts to the additional funding arrangements to be provided by new INA Account divisions funded by shares of the new Fund portfolio series.

Sections 2(a)(32), 2(a)(35), 22(c), 27(a)(3), 27(c)(1), 27(d) and Rules 22c-1

Section 2(a)(32) of the Act defines a redeemable security as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter of such company, to sell such certificate unless it is a redeemable security.

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities.

Section 22(c) of the Act and Rule 22c-1 thereunder prohibit a registered investment company issuing redeemable securities, such as the contracts, from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security.

Section 27(d) of the Act, in pertinent part, requires that the holder who surrenders his or her periodic payment plan certificate within eighteen months of issuance receive his or her account value plus an amount equal to the excess paid for sales expenses which exceed 15% of the purchase payments made by the certificate holder.

Applicants have requested exemptive relief from these provisions of the Act to the extent that the proposed sales charges might be inconsistent with the terms of these sections of the Act.

Request for Approval of Certain Offers of Exchange Pursuant to Section 11 of the Act

Section 11(a) of the Act provides that it shall be unlawful for any registered, open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset value of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company.

As set forth above, Applicants propose that both old and new contract owners be permitted to transfer all or part of their investment in one account division of the Separate Accounts to another account division subject to certain transfer charges. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit the transfers described in the contracts, where permitted under applicable law and by the retirement plan under which a given contract is issued.

Notice is further given that any interested person may, not later than September 17, 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 interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he 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 personnally 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 request. 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 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. 82-24031 Filed 8-31-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12612; 812-5204]

Lincoln National Pension Insurance Co., and Lincoln National Pension Variable Annuity Account C

August 24, 1982.

Notice is hereby given that Lincoln National Pension Insurance Company ("LNP") and Lincoln National Pension Variable Annuity Account C (the "Separate Account"), 1300 South Clinton Street, Fort Wayne, Indiana 46801, a separate account of LNP registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively, "Applicants"), filed an application on June 4, 1982 and an amendment thereto on August 19, 1982 for an amended order of the Commission, pursuant to Section 6(c) of the Act exempting certain transactions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act, and Rule 22c-1 thereunder, to the extent necessary to permit the transactions described in the application. 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 received an order of the Commission on December 16, 1981, (Investment Company Act Release No. 12113) ("prior order"), pursuant to Section 6(c) of the Act, exempting certain transactions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act, and Rule 22c-1 thereunder, and, pursuant to Section 11 of the Act, approving certain offer of exchange. Applicants now seek to amend the prior order to allow Applicants to revise their contingent deferred sales charge, to add a "free withdrawal" provision to the contracts, and to waive the sales charge in certain circumstances; and to conform the order to certain changes in Texas law.

Contingent Deferred Sales Charges

The prior order permitted Applicants to impose a contingent deferred sales charge on single-premium deferred contracts of 2 percent of the proceeds withdrawn in years 1–5, with no charge for withdrawals after the contract has been in force for 5 years. For periodic payment contracts, the prior order permitted Applicants to impose a charge of 8 percent amounts withdrawn in years 1–5, and 4 percent of amounts withdrawn in years 6–10.

For a single-premium deferred contract purchased in whole or in part with the proceeds of other annuity contracts issued by LNP or Lincoln National Life Insurance Company ("LNL") (other than contracts surrendered pursuant to an offer of exchange), Applicants still propose to deduct a contingent deferred sales charge of 2% of any amount withdrawn in years 1–5 that is attributable to the proceeds of such other contract, with no charge for withdrawals of such amounts after the contract has been in force for 5 years. However, for all other amounts withdrawn from single-premium deferred contracts, Applicants now propose to deduct a contingent deferred sales charge calculated as a percentage of the proceeds withdrawn, depending on the year of withdrawal as follows: (contract year/charge) ½%; ⅝%; ⅜%; ¼%; ⅛%; ⅛%; ⅛%; and 8+0%.

For periodic payment plans Applicants propose to apply one of three different contingent deferred sales charges, depending on the source of the funds withdrawn. With respect to amounts that are attributble to the proceeds of other annuity contracts issued by LNP or LNL (other than contracts surrendered pursuant to an offer of exhange) and deposited to a periodic payment contract in a lump sum of $5,000 or more, the charge will be 2% of any portion of this amount withdrawn in years 1–5, with no charge for withdrawals of such amounts after the contract has been in force for 5 years. With respect to other amounts that were deposited to a periodic payment contract in a lump sum of $5,000 or more, the charge will be a percentage of any portion of this amount withdrawn, depending on the year of withdrawal, as follows: (contract year/charge) ½%; ⅝%; ⅜%; ¼%; ⅛%; ⅛%; ⅛%; and 8+0%. For all other amounts withdrawn for periodic payment contracts beyond the amount of any lump sum deposits, including all increases in contract value, there will be a charge of 8% of proceeds withdrawn in years 1–5; a charge of 4% for withdrawals in year 6–10; and no charge made for withdrawals after the contract has been in force for 10 years.

Applicants state that the aggregate contingent deferred sales charge under both single-premium deferred and periodic payment contracts shall not exceed 9 percent of the total purchase payments under the contracts. Moreover, for both single-premium deferred and periodic payment contracts, on the first partial withdrawal in each contract year the contract owner may withdraw up to 15% of the contract value as of the date of the withdrawal without charge. In addition, LNP will waive the surrender charge on total surrender if the contract owner is totally and permanently disabled. Contingent deferred sales charges will be applied in the following order. For all contracts, withdrawals will first be deemed to be free withdrawals to the extent eligible. (Free withdrawals will reduce the amounts eligible for withdrawal at reduced sales charges in the order of priority set forth below); second, for periodic payment contracts, amounts withdrawn will be attributable to the remaining proceeds of other annuity contracts issued by LNP or LNL and deposited in a lump sum of $5,000 or more, if any; third, amounts withdrawn will be attributable to other remaining amounts deposited in a lump sum of $5,000 or more, if any; fourth, amounts withdrawn will be attributable to other amounts deposited and increases in contract value. Similiarly, for single-premium deferred contracts, amounts withdrawn beyond the free withdrawal will first be deemed attributable to the proceeds of other annuity contracts issued by LNP or LNL, if any; second, amounts withdrawn will be deemed other remaining amounts deposited.

Applicants request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to implement the proposed transactions involving the payment of the revised contingent deferred sales charges.

Texas Optional Retirement Program

The prior order exempted Applicants from the provisions of Sections 22(e), 27(c)(1), and 27(d) of the Act to the extent necessary to permit Applicants to comply with § 51.358 of the Texas Education Code so that redemption values under individual contracts issued to participants in the Optional Retirement Program ("ORP") may be

made available only upon termination of employment, retirement, death or total disability of the participating faculty member. The Texas legislature has revised and relocated the ORP provisions in § 36.105 of Title 110B of the Texas Revised Civil Statutes, Public Retirement Systems. The New ORP statute contains language similar to the old statute. However, § 36.105 provides that the benefits of an annuity purchased under ORP are available only if the participant terminates participation in the program by death, retirement, or termination of employment in all institutions of higher education. Therefore, Applicants request exemptions from Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit withdrawal values under individual contracts issued to participants in the ORP to be made available, in accordance with the revised statute, only upon termination of employment, retirement, or death of the participating faculty member.

If the requested order is granted, Applicants will make appropriate reference in each prospectus used in the Texas ORP market and will require each participant to sign a statement acknowledging such restriction. LNP will insure that the substance of the above disclosures is included in any sales literature used in ORP market and will instruct the sales people involved in soliciting in this market specifically to bring this restriction to the attention of potential participants.

Section 6(c)

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 20, 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 interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he 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 request. 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 September 20, 1982 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. 82–24030 Filed 8–31–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 12614; 812–4863]

Narragansett Capital Corp., et al.; Application

August 24, 1982.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, Arthur D. Little, Robert D. Manchester, William P. Lane, Gregory P. Barber, and Roger A. Vandenberg ("Individual Applicants") (collectively referred to with Narragansett as "Applicants"), 40 Westminster Street, Providence, RI 02903, filed an application on July 14, 1982, seeking an order of the Commission pursuant to Sections 6(c), 17(b) and 57(c) of the Act: amending a prior order of the Commission (Investment Company Act Release No. 12347, April 2, 1982) ("Original Order"); exempting the Applicants from the provisions of Sections 12(d)(1)(A), 17(a), 60 and 57(a) of the Act; and permitting, pursuant to Sections 57(a)(4) and 17(d) of the Act and Rule 17d–1 thereunder, the proposed transactions. 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.

By application filed April 23, 1981, and amendments thereto on July 20, 1981 and November 23, 1981 (as amended, the "Original Application"), Applicants requested an order of the Commission pursuant to Sections 6(c), 17(b), and 57(c) of the Act, exempting Applicants, to the extent necessary, from the provisions of Sections 2(a)(3), 12(d)(1)(A), 18(a), 17(a), and 60 and permitting Applicants, pursuant to Section 17(d) and Rule 17d–1 thereunder, to establish and participate in a limited partnership to be known as Narragansett First Fund ("First Fund"). On February 25, 1982, the Commission issued a notice (Investment Company Act Release No. 12248) ("Original Notice") and on April 2, 1982, the Commission issued the Original Order granting the relief requested by the Original Application. All interested persons are referred to the Original Application, Notice and Order for statements of the facts and representations contained therein.

As contemplated by the Original Application, Narragansett would have become the sole general partner of First Fund, and the Individual Applicants would have become Class B Limited Partners. As presently proposed, Narragansett and the Individual Applicants would form a limited partnership under the name Narragansett Management Partners ("Management Partnership"), which would become the general partner of First Fund. As explained below, Narragansett would also have a direct interest in the First Fund through its investment as a limited partner.

According to the application, the Management Partnership would have Narragansett as its sole general partner and the Individual Applicants as its sole limited partners. Profits and losses accruing to the Management Partnership, as well as cash or other property available for distribution, would be allocated 75 percent to Narragansett and 5 percent to each of the five Individual Applicants. Since the Management Partnership would have a 20 percent interest in First Fund, the net economic interest of each of Narragansett and the Individual Applicants in First Fund will be equivalent to that which each would have had under the terms set forth in the Original Application, where the investor limited partners would have had a 80 percent interest, Narragansett a 15 percent interest and each of the Individual Applicants a 1 percent interest in the profits and distributions of First Fund. The only economic differences with respect to allocation of profits, losses and distributions are (i) that losses are now proposed to be allocated 1 percent to the Management Partnership (and thereafter allocated among its partners in accordance with their capital accounts), while previously slightly in excess of 1 percent of such losses would have been allocated to Narragansett and the Individual

Applicants collectively, and (ii) that, as discussed below, the priority right of the limited partners to receive distributions of capital gains proceeds prior to dissolution has been increased. Ultimately, however, the rights, of the partners to profit and distributions remain the same, i.e. 80 percent to the limited partners of the First Fund and 20 percent to Narragansett and the Individual Applicants.

Applicants represent that management rights will remain as proposed in the Original Application, since Narragansett, as the sole general partner, will have the sole right to manage the business and affairs of the Management Partnership, and through such position will have the sole right to manage the business and affairs of First Fund.

The Original Application also described the provisions of the First Fund partnership agreement relating to the acquisition by Narragansett of the partnership interests of the Individual Applicants upon termination of their employment. These provisions will remain in effect with respect to their interests in the Management Partnership.

Applicants assert that the principal reason for the restructuring of the interests of Narragansett and the Individual Applicants in First Fund as described herein is to simplify the terms of the First Fund partnership agreement and to define more clearly the relationship between the investor limited partners on the one hand and Narragansett and the Individual Applicants on the other. Applicants submit that the restructuring of the general partner's interest in First Fund as described above does not materially modify the economic or legal interests of the Individual Applicants in First Fund from those that were set forth in the Original Application.

As contemplated by the Original Application, the contribution of the Applicants with respect to their 20% interest in the profits of First Fund was to have been $325,000, comprised of $250,000 from Narragansett as general partner and $15,000 from each of the five Individual Applicants as Class B Limited Partners. Applicants currently anticipate that the contribution of the Applicants to First Fund through the Management Partnership will be $500,000, comprised of $375,000 from Narragansett and $25,000 from each of the Individual Applicants. Applicants state that their contributions will be effected as contributions to the capital of the Management Partnership, with Narragansett's 375,000 of capital contribution representing a 75% interest and each $25,000 of capital contribution representing a 5% interest in the profits and losses of the Management Partnership. Upon receipt of these capital contributions, the Management Partnership will make a $500,000 contribution to the capital of First Fund for its 20% general partnership interest in the profits of First Fund. Applicants represent that the increase in contributions is intended to evidence an increased financial commitment by the Applicants to the success of First Fund.

Narragansett proposes to purchase for its own account in addition to its investment as the general partner of the Management Partnership, an amount equal to 10% of the limited partner capital (up to $5,000,000) on the same basis as the other limited partners. Narragansett represents that it has determined to make this investment to evidence its commitment to the financial success of the First Fund and its confidence in the ability of First Fund to generate a superior return for its investor partners as well as its managing partner. Narragansett represent that it has also determined that the First Fund represents the best means of obtaining additional funds to finance nonSBIC investments and this additional investment was necessary to assure the successful offering of limited partnership interests in the First Fund.

As originally contemplated, distributions of profit from First Fund prior to dissolution, were to be made (i) *pro rata* to the partners in accordance with their percentage interests with respect to non-capital gains profit, (ii) *pro rata* to the partners in accordance with their percentage interests with respect to that portion of any capital gains profits sufficient to pay federal and state income taxes thereon, (iii) the balance of any capital gains profit to the investor limited partners only until such partners had received total distributions equal to 100% of their capital contributions, and (iv) thereafter to all of the partners in accordance with their capital accounts. As currently proposed, the priority of the limited partners with respect to distributions of capital gains profit will be increased from 100% to 130% of their capital contributions. Applicants represent that this change is intended to improve the marketability of the First Fund limited partnership interests. Applicants assert that this change affects only the timing of the return to the investor limited partners and not the amount of such return, since there will be no change in the allocation of profits to the capital accounts of the partners.

Section 12(d)(1)(A) of the Act makes it unlawful for any registered investment company to purchase or otherwise acquire the securities of any other investment company if immediately after such acquisition the acquiring company and any companies controlled by the acquiring company own in the aggregate (i) more than 3 per centum of the voting stock of the acquired company; (ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the total assets of the acquiring company; or (iii) securities issued by investment companies having an aggregate value in excess of 10 per centum of the total assets of the acquiring company.

Both the Management Partnership and First Fund may be considered to be investment companies for purposes of Section 12(d) of the Act. Narragansett will directly or indirectly control each of these entities through its ownership of the sole general partnership interest in the Management Partnership. Narragansett will acquire the general partner's 75 per centum interest in the Management Partnership for $375,000, and could invest up to $5,000,000 for 10% of the limited partners' interests in the First Fund. The interests of Narragansett in the Management Partnership and the First Fund could, if Narragansett makes its $375,000 investment in the Management Partnership and its maximum investment as a limited partner of the First Fund, have an aggregate value immediately after the purchase of such interests, which might be in excess of 5 per centum of the then value of the total assets of Narragansett ($94,412,011 as of December 31, 1981). The interests of Narragansett in the Management Partnership and the First Fund and in the stock of Narragansett Venture Corporation, a small business investment company owned by Narragansett, will probably have an aggregate value in excess of 10 per centum of the value of the total assets of Narragansett. Accordingly, the Applicants request an amendment to the Original Order exempting Narragansett from the provisions of Section 12(d)(1).

Section 17(a) of the Act, in general, makes it unlawful for any affiliated person of a registered investment company, or any affiliates of such person (1) to sell any security or other property to such registered investment person (except securities of which the buyer is the issuer or the seller is the issuer and which are part of a general offering to the holders of a class of its securities, or securities deposited with a trustee of a unit investment trust), (2) to purchase from such registered company or any company controlled by such registered company any security (except

securities issued by the seller), or (3) to borrow money or other property from such registered company (unless the borrower is controlled by the lender).

Section 2(a)(3) of the Act defines affiliated person to include: (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held, with power to vote, by such other person, (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person and (D) any officer, director, partner, copartner, or employee of such other person.

Applicants represent that Narragansett will be the sole general partner of the Management Partnership which itself will be the sole general partner of First Fund. Applicants further represent that Narragansett will have sole authority to manage and act for both such partnerships, and both will be controlled by Narragansett. Accordingly, each of Narragansett, the Management Partnership and First Fund will be an affiliated person of the other.

Applicants state that the Individual Applicants will hold a 5% limited partnership interest in the Management Partnership, and, thereby, an indirect 1% interest in the profits of First Fund, and an indirect interest in .05% of the cumulative losses of First Fund. Thus, each Individual Applicant, as a 5% limited partner in the Management Partnership, might be considered to be an affiliate of each other partner of the Management Partnership as well as of the Management Partnership itself.

The proposed sale by the Management Partnership of its limited partnership interests to the Individual Applicants may be deemed to violate Section 17(a)(2), and the potential repurchase of such interests by Narragansett pursuant to the terms of the Management Partnership Agreement may be deemed to violate Section 17(a)(1). Likewise, the proposed sale by First Fund, an affiliate of Narragansett, of its general partnership interest to the Management Partnership, a company controlled by Narragansett, and the proposed sale by the First Fund of its limited partnership interest to Narragansett may be deemed to violate Section 17(a)(1).

Section 17(b) of the Act provides, however, that notwithstanding the prohibitions contained in Section 17(a) any person may file with the Commission an application for an order exempting a proposed transaction from one or more of the provisions of Section 17(a). Accordingly, the Applicants seek an amendment to the Original Order exempting from Section 17(a) the sale by the Management Partnership of limited partnership interests therein to the Individual Applicants, the repurchase of those interests by Narragansett pursuant to the provision of the Partnership Agreement of the Management Partnership upon termination of the employment of any Individual Applicant by Narragansett, the purchase by the Management Partnership of the general partnership interest in the First Fund and the purchase by Narragansett of the limited partnership interest in the First Fund.

Section 17(d) of the Act and Rule 17d–1 thereunder, in brief, make it unlawful for any affiliated person of any registered investment company to effect any transaction in connection with any joint enterprise or joint arrangement in which the registered investment company is a participant, except pursuant to an order of the Commission.

Applicant states that the joint investments by Narragansett and the individual Applicant in the Management Partnership and indirectly in the First Fund and the investment by Narragansett directly in the First Fund may be deemed to be a joint participation in the profits. In addition, as described in the Original Application, the expenses incurred by Narragansett in connection with the organization and operation of First Fund and the other investment entities controlled by Narragansett which are not directly attributable to any one entity will be allocated among all such entities on the basis of the fair value of assets of each entity as compared to the total assets under management, subject, in the case of the First Fund, to an annual limitation of 2% of assets of the First Fund. It is contemplated that any expense related to the organization and operation of the Management Partnership will be treated as expenses of the First Fund. Applicants accordingly request an amendment to the Original Order pursuant to Rule 17d–1 permitting the joint investment transactions involving the Applicants as well as the allocation of expenses as described herein.

As noted in the Original Application and the Original Notice, Narragansett intends to elect to be regulated as a business development company pursuant to Section 6(f) of the Act. Thereafter, Narragansett would no longer be subject to the provisions of Sections 1 through 53 of the Act, except to the extent made applicable in Sections 54 through 64. Pursuant to Section 60 of the Act, Narragansett will continue to be subject to the provisions of Section 12, restricting the acquisition by Narragansett of interests in the Management Partnership and/or First Fund. Therefore Narragansett has requested that this exemptive relief continue following any election to be regulated as a business development company. Similarly, Section 17 of the Act would not generally be applicable to the Applicants upon Narragansett's election to be regulated as a business development company. However, Section 57 provides a similar regulatory framework. As here pertinent, Section 57(a)(1) through (3) prohibits any director, officer, general partner, or employee of a business development company or any person affiliated with such a person by reason of Section 2(a)(3)(C) of the Act from engaging in any of the transactions prohibited under Section 7(a)(1) through (3), except to the extent permitted by rules under Section 17(a). In addition, Section 57(a)(4) prohibits any person controlling a business development company from engaging in any joint transaction in contravention of rules under Section 17(d). Therefore, once Narragansett elects to become a business development company, Applicants will need, and have requested, exemptive relief pursuant to Section 57(c) to the same extent as that requested under Section 17(b) and will need and have requested approval of the joint transactions pursuant to Section 57(a)(4) and Rule 17d–1 thereunder to the same extent as that requested under Section 17(d) and Rule 17d–1.

Section 57(c) provides that the Commission shall grant an exemption from Section 57(a)(1) through (3) if evidence establishes that (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the transaction is consistent with the company's policies; and (3) the proposed transaction is consistent with the general purpose of the Act.

Applicants submit that the changes and modifications to the proposed organization and operation of First Fund described herein are relatively immaterial, except in the case of Narragansett's additional commitment to invest 10% of the total invested by limited partners of the First Fund on the same basis as the other limited partners. Applicants represent that such

investment is intended to assist in the marketing of the limited partnership interests in the First Fund by demonstrating Narragansett's commitment to the success of the First Fund through its willingness to participate on the same terms as the potential investors.

Applicants submit on the basis of the matters set forth in the Original Application, as amended and supplemented hereby, that the amendments to the Original Order requested herein are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act; that the terms of the Applicant's participation in the transactions described herein are reasonable and fair, do not involve overreaching on the part of any person concerned and are consistent with the policy of Narragansett, as recited in its Registration Statement and reports filed under the Act; and that Narragansett's participation in the proposed transactions is not on a basis less advantageous than that of the Individual Applicants or of the investor limited partners in First Fund.

Notice is further given that any interested person may, not later than September 20, 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 interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he 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 presonnally or by mail upon Applicant at the address stated above. Proof of such service (by affidvit 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 herein 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. 82-24082 Filed 8-31-82; 8:45 a.m.]

BILLING CODE 8010-01-M

[Rel. No. 12613; 812-5231]

Templeton Growth Fund, Ltd.; Filing of Application

August 24, 1982.

Notice is hereby given that Templeton Growth Fund, Ltd. ("Applicant"), 44 Victoria Street, Suite 800, Toronto, Ontario M5C 1Y2, an open-end, diversified management investment company, incorporated under the laws of Canada on September 1, 1954, and permitted to register under the Investment Company Act of 1940 (the "Act") and to register its shares for sale in the United States under the securities Act of 1933 by order of the Commission (Investment Company Act Release No. 2020) dated October 7, 1954 ("1954 Order"), as amended by Commission order (Investment Company Act Release No. 10657) dated April 11, 1979, pursuant to Section 7(d) of the Act and Rule 7d–1 thereunder, filed an application on July 1, 1982, for an order of the Commission further amending the 1954 Order to permit the Applicant to (a) maintain securities of foreign issuers in the custody of foreign branches of United States banks, and (b) do so under custodial arrangements that the Applicant's board of directors finds to be consistent with the best interests of the Applicant. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

The 1954 Order was granted on the basis, among other things, that Applicant would maintain all of its assets (except for amounts under $10,000 for immediate cash requirements) in the custody of a custodian bank in the United States, as required by paragraph (b)(8)(v) of Rule 7d–1 under the Act. In its order of April 11, 1979, the Commission amended the 1954 Order to authorize Japanese securities in Applicant's portfolio to be maintained in a Japanese branch of a United States bank, provided that Applicant:

(1) Will at no time maintain more than 30% of its total assets outside the possession of a custodian physically situated within the United States without the approval of the Commission;

(2) Will maintain an "expropriation" [insurance] policy covering 50% of the value of the Applicant's securities held in Japan; and

(3) Will transfer promptly its Japanese securities to its custodian within the United States at any time upon written request by the Commission.

Applicant now seeks authority to maintain securities of any foreign issuer in a foreign branch of a United States bank, subject to appropriate safeguards in the custodial agreement. It asks also to be relieved of any specific requirement for "expropriation" insurance and to be allowed, instead, to make such custodial arrangements as its board of directors finds to be consistent with the best interests of the Applicant. If this is allowed, Applicant would obtain such insurance only to the extent, if any, that its board of directors considers necessary upon due consideration of risk factors it considers relevant.

If Applicant is given the authority it seeks it will continue to be subject to the requirement that it will at no time maintain more than 30% of its total assets outside the possession of a custodian physically situated within the United States without the approval of the Commission. In addition, it will be required, at any time upon written request by the Commission, promptly to transfer any securities held outside the United States to its custodian within the United States.

Applicant states that a distinctive feature of its investment policy is to seek investment opportunities in any nation where, in the opinion of Applicant's board of directors, Applicant's objective of growth is likely to be achieved. Applicant may invest in securities issued by companies and governments of any nation without limitation as to the amount of securities listed on a recognized United States or foreign securities exchange, and also may invest in unlisted securities up to fifteen percent (15%) of its total assets. Applicants states that, as of April 30, 1982, approximately $210 million or 31% of Applicant's assets were invested in securities of issuers outside the United States, iincluding Canadian issuers (14.8%), Dutch issuers (6.0%), Japanese issuers (4.1%), and Australian issuers (3.2%).

Applicant asserts that, as an international investor, it faces certain problems with respect to the custody and movement of securities purchased and sold for its account in foreign securities markets. According to Applicant, excellent investment opportunities have often come to its attention concerning issuers located in various countries that enjoy substantial

economic and political stability such as Canada, Holland and Australia, as well as Japan. Applicant argues that, to the extent that unnecessary financial or other burdens are imposed that make it more difficult or more costly for the Applicant to take advantage of these opportunities or to carry or terminate investments in those countries, Applicant is less able successfully to fulfill its investment objectives and best serve the interests and wishes of its shareholders. Applicant claims that the restrictions currently imposed on it under the 1954 Order, as presently amended, have such an effect. Morever, to the extent that the Commission has substantially eliminated similar burdens with respect to domestic investment companies, Applicant believes that it may be placed at a significant and unfair competitive disadvantage.

According to Applicant, if it were permitted to maintain custody of securities issued and traded in foreign countries at foreign branches of United States banks, it would benefit from reduced costs and greater operational efficiencies. In addition, it would be better able to achieve best price and execution for its portfolio transactions.

To the extent Applicant is presently precluded from utilizing custodial services located in other countries, it is required physically to transfer securities purchased in those countries away from the primary markets to a qualified custodian in the United States. Applicant asserts that the transmittal of the securities, and the need to insure the securities against loss during the period of transmittal involves expense that would otherwise be unnecessary. Therefore, its ability to return the securities to the primary market for timely settlement after disposition is made more costly and more difficult. Some markets—Hong Kong, for example—require settlement of all transactions within as little as 24 hours. According to the Applicant, the custodial requirements currently imposed upon Applicant are a strong deterrent to any investment in those markets—a deterrent that has no relation to the merits of available investments or to the existence or absence of any significant risk. Applicant asserts that the costs and burdens imposed under its present order cannot easily be justified, to the extent that a fully responsible United States custodian may be found within the borders of a politically and economically stable country in which the primary market is located or which is at least nearer than the United States to the primary market for a particular issue.

In addition, Applicant states that numerous securities traded in foreign securities markets are bearer instruments. Because the issuer does not know the identity of the owner it cannot provide individual notice of corporate actions affecting the owner's interests. Applicant states that a significant benefit of a locally situated custodian would be its ability and obligation to collect and transmit information with respect to corporate actions of concern to the Applicant, and to act promptly and responsibly for the Applicant in connection with rights offerings or in the tendering of coupons for dividends or interest payments.

Applicant represents that, by dealing only with foreign branches of United States banks, it will obtain precisely the same degree of contractual responsibility that it would enjoy if the securities were retained in the custody of the same bank in an office in the United States:

(a) The custodial agreement will provide, among other things, that it will be governed by the laws of one of the United States and that the custodian bank consents to the jurisdiction of the courts of that state or of the United States to resolve any dispute arising under or in connection with the agreement. Moreover, the Applicant will obtain an express agreement that the custodian bank will be held to the identical legal standard of care with respect to the safekeeping of securities held at its foreign branch as would apply to the same securities held in the United States. In addition, the custodian will be required to indemnify and hold Applicant harmless from and against any loss which should occur as a result of the failure of its foreign branch to exercise due care with respect to the safekeeping of Applicant's securities to the same extent that the custodian would be required to indemnify and hold Applicant harmless if the custodian were holding the securities in the United States.

(b) Under express terms of the custodial agreement, Applicant's securities will not be subjected to any right, charge, security interest, lien or claim of any kind in favor of the custodian or any of its domestic or foreign creditors except a claim of payment for safe custody or administration; the securities will be adequately segregated and accounted for by the custodian; benefical ownership of the securities will be freely transferable without the payment of money or value other than for safe custody or administration; and the custodian will furnish periodic reports to the Applicant with respect to its securities.

(c) The custodian will be required to give the independent public accountants of the Applicant such access to its books and records and to the securities of the Applicant as the accountants may require in connection with their audit of the books and records of the Applicant. The custodian will also be obliged to permit Applicant's auditors to inspect its system of internal accounting controls as it relates to the assets of Applicant held in custody at any such branch.

(d) The custodian likewise will be required to establish and maintain satisfactory protective procedures in each foreign branch holding the Applicant's securities. The procedures applicable to a foreign branch will be required to afford protection at least equal to the protection afforded by the procedures the custodian follows at offices in the United States with respect to similar securities.

(e) The custodial agreement between the Applicant and the custodian would be fully considered and annually reviewed and approved, as consistent with the best interests of the Applicant, by a majority of the Applicant's board of directors, including the independent directors, and will contain all provisions required under the conditions of the order hereby applied for. It will further be reviewed as soon as practicable after any material change in circumstances, and in that event will be continued only if approved by a majority of the board of directors.

In choosing a custodian, the Applicant will take into account, among other things, its general reputation and standing not only in the United States but also in the country in which any branch is located that the Applicant intends to utilize, its ability to provide efficiently the custodial services required at that branch and the relative costs for the services to be rendered by it through that branch.

Applicant also contemplates that its custodian will maintain a bond providing standard fidelity and non-negligent loss coverage with respect to securities that may be held in the custodian's offices outside of as well as within the United States. If, for any reason, the custodian proposes to discontinue such coverage, it will be contractually obligated to inform the Applicant. The Applicant recognizes that it, its officers, directors and investment manager would have a responsibility to consider the advisability of terminating the services

of any custodian that proposes to discontinue coverage of that character.

In determining whether proposed foreign custodial arrangements are consistent with the best interests of the Applicant, its board of directors will obtain expert assistance from its United States custodian, its attorneys and its accountants as well as from its officers and investment manager.

Applicant asserts that the order it seeks appears to be consistent with positions taken by the Commission *In the Matter of the Chase Manhattan Bank, N.A.*, in which the Commission has, among other things, authorized Chase Manhattan, as custodian of domestic investment company assets, to use unaffiliated foreign banks and unaffiliated foreign securities depositories as subcustodians. (Investment Company Act Release No. 12053, November 20, 1981 and No. 12002, October 23, 1981). Applicant further asserts that it appears also to be consistent with the Commission's release proposing to adopt Rule 17f–5 which would permit domestic management investment companies to maintain foreign portfolio securities in foreign banks or foreign securities depositories under certain conditions without regard to any domestic affiliation. (Investment Company Act Release No. 12354, April 5, 1982).

By their express terms, however, the Commission's exemptive order of November 20, 1981, and proposed Rule 17f–5 would not apply to foreign investment companies such as the Applicant, that are registered with the Commission under Section 7(d) of the Act. Applicant asserts however, that the risks of investment and custody outside the United States are substantially the same for all investment companies; custodial procedures that may be followed by some investment companies should be available to all; and all investment companies should be treated substantially alike in the character of judgment entrusted to their officers, directors and investment advisers. Any different approach, Applicant argues, would subject the Applicant and its shareholders to a significant competitive disadvantage which would be unfair and unnecessary.

Applicant asserts that although Chase Manhattan did not seek relief with respect to Section 7(d) registrants, and consequently the question was not considered in that context, the Commission's proposal to exclude Section 7(d) registrants from proposed Rule 17f–5 is substantilly based upon the possible difficulties a United States shareholder may have in enforcing his rights againsts a foreign investment company. Applicant argues that it is primarily for this reason that the Commission has required those companies to maintain their securities in United States banks.

The Applicant now seeks only to utilize foreign branches of United States banks, and points out that a foreign branch of a domestic bank will generally qualify as a custodian. The Applicant agrues that the foreign branch may and should be viewed as the substantial equivalent of a domestic office of the bank for all purposes relevant to the instant application, particularly if appropriate contractual obligations are undertaken. If the Applicant's request should be granted, Applicant will continue to be, subject to all other requirements imposed by the Commission in its order of April 11, 1979, including the requirement that no more than 30 percent of Applicant's assets will be permitted to be in the possession of custodians outside the United States without the Commission's approval. Applicants further recognize that the requirements of the order of April 11, 1979, would necessarily extend to cover all foreign securities permitted by the Commission to be held in foreign branches of United States banks.

Notice is further given that any interested person may, not later than September 20, 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 interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he 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 herein 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. 82–24034 Filed 8–31–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82–160]

"MEAD JOHNSON & COMPANY"; Recordation of Trade Name

On May 19, 1982, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "MEADE JOHNSON & COMPANY" was published in the **Federal Register** (47 FR 21672). The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 60 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "MEAD JOHNSON & COMPANY" is hereby recorded as the trade name of Mead Johnson & Company, located at 2404 Pennsylvania Street, Evansville, Indiana 47721. The trade name is used in connection with the following merchandise which is manufactured in numerous foreign countries: Pharmaceuticals and medicines; chemicals; toiletries; vitamins; medical appliances; foods for infants and invalids and other nutritional foods.

Dated: August 26, 1982.

A. Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 82–24039 Filed 8–31–82; 8:45 am]

BILLING CODE 4820–02–M

Office of the Secretary

[Supplement to Dept. Cir. Public Debt Series—No. 21–82

Interest Rate on Notes Designated Series V—1984

The Secretary announced on August 25, 1982, that the interest rate on the

notes designated Series V—1982, described in Department Circular—Public Debt Series—No. 21–82 dated August 19, 1982, will be 11⅝ percent. Interest on the notes will be payable at the rate of 11⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-23927 Filed 8-31-82; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

New Directions Advisory Committee; Notice of Meeting

There will be a meeting of the New Directions Advisory Committee on Wednesday, September 8, 1982, at 12:00 noon in Room 600, 1750 Pennsylvania Avenue, NW. The Committee will meet with the International Communication Policy Coordination Group of the United States Information Agency to discuss policies and plans for the near future. Because there will be a discussion of the U.S. response to disinformation programs and policies of foreign governments, it has been determined that disclosure of the matters to be discussed would 1) significantly frustrate implementation of proposed Agency action (5 U.S.C. 552b(c)(9)(B)) and 2) divulge properly classified information (5 U.S.C. 552b(c)(1)). The meeting, therefore, will be closed to the public.

Dated: August 27, 1982.

Jane S. Grymes,

Federal Register Liaison Officer.

Determination to Close the New Directions Advisory Committee Meeting of September 8, 1982

Based on the information provided to the United States Information Agency by the New Directions Advisory Committee, I hereby determine that the meeting scheduled by the Committee for September 8, 1982, may be closed to the public.

The meeting will involve a discussion of sensitive foreign policy issues such as the appropriate United States response to disinformation programs and policies of foreign governments. Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action (5 U.S.C. 552b(c)(9)(B)), and divulge properly classified information (5 U.S.C. 552b(c)(1)).

Dated: August 27, 1982.

Gilbert A. Robinson,

Acting Director.

[FR Doc. 82-24087 Filed 8-31-82; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Computer Matching Program; Federal Personnel Indebted to the Veterans Administration

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given that the VA OIG (Veterans Administration Office of Inspector General), in coordination with other Federal agencies, is conducting a series of computer matches as part of the VA's participation in the President's Council on Integrity and Efficiency Project entitled "Federal Employees Receiving Government Assistance." The matches will compare various Federal military and civilian personnel records with certain VA program records for the purpose of identifying and locating Federal personnel who currently are indebted to the VA or have received VA benefits to which they are not entitled. The goals of the matches are to reduce the amount of outstanding debt owed by individuals to the VA, to identify and eliminate the methods by which individuals obtain benefits without entitlement, and to recoup the dollar-value of received benefits from individuals who were not entitled to the benefits. Administrative, personnel, and civil actions, as appropriate, will be used by the VA during the collection process which will follow the matches. For the information of all concerned, the text of the VA matching program report, describing these computer matches, follows. In accordance with the OMB Matching Guidelines, dated May 11, 1982, copies of this report have been sent to OMB and both Houses of Congress.

FOR FURTHER INFORMATION CONTACT: Jim Durnil, (202) 389–2901.

Dated: August 25, 1982

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Veterans Administration, Office of Inspector General

Computer Matching Program; Federal Personnel Indebted to the Veterans Administration

Authority for and Purpose of the Program: The OIG (Office of Inspector General), pursuant to the authority granted by the Inspector General Act of 1978 (Pub. L. 95–452), has initiated a computer matching program. This program is designed to identify Federal personnel who have defaulted on VA loans or who have been provided VA benefits erroneously and from whom VA has been unable to collect. For purposes of this matching program, the term "Federal Personnel" includes Federal civilian employees and retirees; U.S. Armed Forces active duty personnel, retirees, and reservists; and survivors/beneficiaries of individuals in any of these categories.

Description of the Matching Program: This matching program will involve computer matches of Federal personnel data files from OPM (Office of Personnel Management), DOD (Department of Defense), TVA (Tennessee Valley Authority), and USCG (U.S. Coast Guard) with five VA program files described below. The VA program files are from two major program areas: Veterans Benefits Programs managed by the DVB (Department of Veteran Benefits) and Medical Service Programs managed by the DM&S (Department of Medicine and Surgery).

Files to be used in this matching program are: a. Veterans Administration:

(1) Patient Medical Records—VA (24 VA 136), 42 FR 49739.

(2) Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22/28), 47 FR 372.

(3) Loan Guaranty Home, Condominium, Mobile Home Loan Applicant Records and Paraplegic Grant Applications Records—VA (55 VA 26), 42 FR 49758.

(4) Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records—VA (46 VA 00), 47 FR 29432.

(5) Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA (36 VA 00), 47 FR 29432.

(6) Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38 VA 23), 47 FR 368.

b. Office of Personnel Management:

(1) General Personnel Records System (OPM/GOVT–1), specifically the Central Personnel Data File (CPDF) within this system of records, 45 FR 78415 et seq.

(2) Civil Service Retirement and Insurance Records System (OPM/Central–1), specifically the Civil Service Retirement and Insurance File within this system of records, 45 FR 78415 et seq.

c. Department of Defense (Defense Logistics Agency):

Defense Manpower Data Center Data Base (S322.10 DLA–LZ), 47 FR 2544.

d. Department of Transportation (U.S. Coast Guard):

(1) Active Duty Military Payroll System (DOT/CG 525), 46 FR 59752.

(2) Personnel Management Information System (DOT/CG 624), 46 FR 59766.

e. Tennessee Valley Authority:

(1) Personnel Files (TVA–2), 46 FR 62993.

(2) Payroll Records (TVA–11), 46 FR 62993.

(3) Retirement System Records (TVA–26), 46 FR 62993. Objectives to be Met by the Matching Program:

The objectives of this matching program are to detect and identify Federal employees, retirees, or their survivors who have defaulted on VA loans or who have been provided VA benefits in error, and to provide sufficient locator information to permit initiation of collection or recoupment actions. While this program has been established as a one-time matching project, analysis of the results may support changing one or more of the individual matches to recurring projects.

Procedures of Matching Program: Step 1. Acquisition of Data Files. The four source agencies will provide the VA OIG computer tapes containing personal information on Federal personnel. DVB and DM&S will make available to the OIG copies of automated program files containing information about persons on the compensation, pension, education, accounts receivable, insurance award, guaranteed/insured loan, and patient treatment systems. All files will be safeguarded in accordance with the National Bureau of Standards' *Federal Information Processing Standards 41 and 31.* The information provided to the OIG will be acquired, controlled, and used in compliance with the Privacy Act of 1974 (5 U.S.C. 552a), 38 U.S.C. 3301 and 4132, implementing VA regulations, and the OMB Matching Guidelines, dated May 11, 1982.

Step 2. Computer Processing. The OIG Office of Audit will conduct the computer matching of the files. Results of the matches will be turned over to DVB or DM&S, as appropriate, for followup action.

Step 3. Routine Collection. DVB and DM&S will review the products of the match to determine the individuals for whom collection procedures should be initiated or reopened. VA will attempt to contact those individuals to try to resolve the accounts. VA will work with those responding who deny or dispute the liability.

Step 4. Federal Employee Assistance. VA will take the following actions concerning Federal employees who fail to respond to direct contact attempts:

(a) A letter will be sent to the debtor at his or her Federal employing agency requesting that the person immediately contact the VA. PERSONAL/PRIVATE—TO BE OPENED BY ADDRESSEE ONLY will be stamped in a prominent location on the envelope. The envelope will also contain a request that a forwarding address be furnished if the letter is undeliverable as addressed.

(b) Each federally employed debtor will have 60 days to respond. If the debtor is still nonresponsive, the employing agency will be asked to contact the employee about his or her indebtedness. With the concurrence of the VA General Counsel, a listing of those debtors for whom personal contact is being requested will be provided to the responsible administrative office for the employing agency.

Step 5. Litigation. The merits of each claim remaining unresolved will be reviewed and, if appropriate, the claim will be referred for followup action by a U.S. Attorney or VA District Counsel. Where there are reasonable grounds to believe there has been a violation of criminal law, the matter will be referred to the appropriate authorities for investigation and consideration of criminal prosection.

Step 6. Records Maintained by DVB and DM&S. Any manual records resulting from the match will be maintained by DVB and DM&S. As claims are settled or repaid, the various files will be updated to reflect these changes.

Date of Matching Program: In accordance with the OMB Matching Guidelines, the computer matches were initiated after the publication of the routine use notices for all systems of records involved in the matching program. The match programs and referral of cases to DVB and DM&S should be completed during Fiscal Year 1982. The period of time which will be required by DVB and DM&S for completion of collection actions cannot be determined.

Disclosure of Records: a. VA Systems of Records Extracts to OIG. The transfer of extracts from the five VA Systems of Records to the OIG for performing the matches is an intra-agency "need-to-know" disclosure permitted under 5 U.S.C. 552a(b)(1) and is consistent with the statutory language creating the OIG which is found in Section 6(a)(1) of Public Law 95–452.

b. Source Agency Records to OIG. The transfer of extracts from the personnel files of the four source agencies to the OIG for performance of the matches will be carried out pursuant to the agencies' publications of routine use notices in the **Federal Register.** On completion of the match program, source agency files will be returned to their originators or electronically erased to prevent further access.

c. Transfer of Match Products from OIG to DVB and DM&S. The transfer of the products of the match (e.g., name, SSN, date of birth of the potential debtor) from the VA OIG to DVB and DM&S is an intra-agency, "need-to-know" disclosure permitted under 5 U.S.C. 552a(b)(1). Valid match information will become part of the appropriate VA system of records. Invalid match information will be erased or destroyed.

d. VA Request for Personnel Contact by Federal Employing Agencies. The transfer of information between VA and Federal employing agencies to permit personal contact of Federal employees is pursuant to the routine uses published in the **Federal Register** for the five VA systems of records.

e. Referral of Claims for Litigation. As appropriate, cases will be referred to U.S. Attorneys or VA District Counsels for the respective agency systems of records.

Efforts Taken to Protect Against Unauthorized Access to or Disclosure of Personal Records: a. The procedures set forth for the implementation of the proposed matching program incorporate (1) strong provisions to assure that the information disclosed is adequately safeguarded and that unwarranted disclosures do not occur, and (2) existing statutes and regulations regarding indebtedness of Federal employees.

b. Federal personnel identified as potentially receiving benefits without entitlement will have their eligibility for and receipt of VA benefits verified by DVB and DM&S, and those determined to be eligible for the benefits they are receiving will have no information disclosed from their records. Federal personnel identified as being in debt to the VA but in satisfactory adherence to repayment plans will have no information disclosed from their records. VA regulations and 38 U.S.C. 3102 and 4005a provide for waiver and subsequent appeal by any individual who feels that an appeal is warranted. Every effort will be made to ensure that each individual's personal and privacy rights are protected.

[FR Doc. 82–23918 Filed 8–31–82; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 170
Wednesday, September 1, 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

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-34A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 27994.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, September 8, 1982.

CHANGES IN THE MEETING: Additional item added to the agenda.

8. Investigation 337-TA-99 (Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation)—vote on whether, and if so how, to modify previous remedy determinations.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

S-1243-82 Filed 8-27-82; 4:25 pm]

BILLING CODE 7020-02-M

2

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 1:30 p.m., Monday, September 13, 1982.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Closed Special Conference. The Commission unanimously voted to close this Conference because it is likely to specifically concern the conduct or disposition by the Commission of a particular case of formal agency adjudication conducted pursuant to the procedures in section 554 of Title 5, U.S.C., within the meaning of 5 U.S.C. 552b(c)(10) and 49 CFR 1012.7(d)(12).

In addition to the Commission, the following staff will be in attendance:

Commissioners' Staff

Gail Gibbons
Martina Lewis
Elaine Kaiser
Edward Guthrie
Maynard Dixon
Ernest Abbott
William Harsh, Jr.

Office of Proceedings

Heber Hardy
Louis Gitomer
Richard Walsh
Ellen Goldstein
William Drew

MATTER TO BE CONSIDERED: Finance Docket No. 30,000, Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company—Control—Missouri Pacific Corporation And Missouri Pacific Railroad Company et al.

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Director, Office of Public Affairs; telephone (202) 275-7252.

[S-1244-82 Filed 8-30-82; 9:11 am]

BILLING CODE 7035-01-M

Reader Aids

Federal Register
Vol. 47, No. 170
Wednesday, September 1, 1982

INFORMATION AND ASSISTANCE

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Code of Federal Regulations	
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
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Executive orders and proclamations	523-5233
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Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

38493-38672.....1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 1	September 16	October 1	October 18	November 1	November 30
September 2	September 17	October 4	October 18	November 1	December 1
September 3	September 20	October 4	October 18	November 2	December 2
September 7	September 22	October 7	October 22	November 8	December 6
September 8	September 23	October 8	October 25	November 8	December 7
September 9	September 24	October 12	October 25	November 8	December 8
September 10	September 27	October 12	October 25	November 9	December 9
September 13	September 28	October 13	October 28	November 12	December 13
September 14	September 29	October 14	October 29	November 15	December 13
September 15	September 30	October 15	November 1	November 15	December 14
September 16	October 1	October 18	November 1	November 15	December 15
September 17	October 4	October 18	November 1	November 16	December 16
September 20	October 5	October 20	November 4	November 19	December 20
September 21	October 6	October 21	November 5	November 22	December 20
September 22	October 7	October 22	November 8	November 22	December 21
September 23	October 8	October 25	November 8	November 22	December 22
September 24	October 12	October 25	November 8	November 23	December 23
September 27	October 12	October 27	November 12	November 26	December 27
September 28	October 13	October 28	November 12	November 29	December 27
September 29	October 14	October 29	November 15	November 29	December 28
September 30	October 15	November 1	November 15	November 29	December 29

CFR CHECKLIST; 1981-82 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981/82. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $615 domestic, $153.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1982):

Title	Price
1-2	$5.50
3	7.00
4	7.50
5 Parts:	
1-1199	8.00
1200-end	6.00
7 Parts:	
0-45	8.50
46-51	7.50
52	8.50
53-209	8.50
210-299	8.00
300-399	6.50
400-699	7.50
700-899	7.50
900-999	9.50
1000-1059	7.50
1060-1119	7.50
1120-1199	6.50
1200-1499	7.50
1500-1899	6.50
1900-1944	8.50
1945-end	8.50
8	6.00
9 Parts:	
1-199	7.50
200-end	7.50
10 Parts:	
0-199	8.50
200-399	7.50
400-499	8.00
500-end	8.00
12 Parts:	
1-199	6.50
200-299	14.00
300-499	7.00
500-end	8.50
13	8.00
14 Parts:	
1-59	8.00
60-139	8.00
140-199	6.50
200-1199	8.50
1200-end	6.50
15 Parts:	
0-299	6.50
300-399	7.50
400-end	7.50
16 Parts:	
0-149	7.00
150-999	7.00
1000-end	7.50
CFR Index	9.50

CFR Unit (Rev. as of Apr. 1, 1982):

17 Parts:	
240-end	8.00
18 Parts:	
400-end	7.50
20 Parts:	
1-399	6.50
400-499	8.00
500-end	8.50
21 Parts:	
1-99	7.00
100-169	7.50
170-199	7.00
200-299	5.50
300-499	8.50
500-599	8.00
600-799	6.00
800-1299	7.00
1300-end	5.50
22	9.00
24 Parts:	
0-199	7.00
500-799	7.00
800-1699	7.50
1700-end	7.00
26 Parts:	
1 (§§ 1.0-1.169)	9.00
1 (§§ 1.170-1.300)	7.50
1 (§§ 1.301-1.400)	7.00
1 (§§ 1.401-1.500)	7.50
1 (§§ 1.501-1.640)	7.50
1 (§§ 1.641-1.850)	7.50
1 (§§ 1.851-1.1200)	8.50
1 (§§ 1.1201-end)	9.00
30-39	7.00
40-299	8.50
300-499	7.00
600-end	5.50

CFR Unit (Rev. as of July 1, 1981):

28 (Rev. 11/1/81)	**8.00**
29 Parts:	
0-99	9.50
100-499	6.50
500-899	9.00
900-1899	6.50
1900-1910	9.00
1911-1919	6.00
1920-end	8.50
30 Parts:	
0-199	8.50
200-end	9.00
31 Parts:	
0-199	7.00
200-end	8.00
32 Parts:	
1-39, Vol. I (rev. Aug. 1, 1981)	9.00
1-39, Vol. II (rev. Aug. 1, 1981)	13.00
1-39, Vol. III (rev. Aug. 1, 1981)	9.50
40-399	13.00
400-699	10.00
700-799	8.50
800-999	8.00
1000-end	7.00
33 Parts:	
1-199	9.50
200-end	8.50
34 Parts:	
1-399	14.00
400-end	8.50
35 (Rev. 12/31/81)	**6.50**
36 Parts:	
1-199	6.50
200-end	7.50
37	6.50
38 Parts:	
0-17	8.00
18-end	7.00
39	6.50
40 Parts:	
0-51	8.50
52	9.50
53-80	9.00
81-99	9.50
100-149	12.00
150-189	7.50
190-399	13.00
400-424	8.00
425-end	8.00
41 Chapters:	
1 (1-1 to 1-10)	8.00
1 (1-11 to App.)-2	7.50
3-6	8.50
7	5.25
8	5.00
9	8.00
10-17	7.50
18 (Volume I)	8.00
18 (Volume II)	9.50
18 (Volume III)	8.00
19-100	8.00
101	9.00
102-end	7.00

CFR Unit (Rev. as of Oct. 1, 1981):

42 Parts:	
1-60	7.50
61-399	6.50
400-end	9.00
43 Parts:	
1-999	7.00
1000-3999	8.50
4000-end	6.50
44	**7.50**
45 Parts:	
1-199	7.00
200-499	6.00
500-1199	7.50
1200-end	7.00
46 Parts:	
1-29	5.50
30-40	5.50
41-69	7.50
70-89	6.00
90-109	6.50
140-155	6.50
156-165	7.00
166-199	6.50
200-399	8.00
400-end	8.00
47 Parts:	
0-19	7.50
20-69	9.50
70-79	8.00
80-end	8.50
49 Parts:	
1-99	6.00
100-177	9.00
178-199	8.00
200-399	7.50
400-999	8.00
1000-1199	7.50
1200-1299	8.00
1300-end	7.00
50 Parts:	
1-199	6.50
200-end	8.00

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The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1981

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Individual copies—$2.00 each (domestic).

1982

Subscription (mailed as issued):
$250.00 (domestic).
Individual copies—$2.25 each (domestic).

List of Public Laws

Last Listing August 25, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1193 / Pub. L. 97–241 To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. (Aug. 24, 1982; 96 Stat. 273) Price: $3.25.

S. 2073 / Pub. L. 97–242 To repeal outdated size and weight limitations now imposed on the United States Postal Service. (Aug. 24, 1982; 96 Stat. 300) Price: $1.75.