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Highlights

32738 **Energy Conservation** HUD invites comments on draft performance criteria for solar heating and cooling systems in residential buildings. (Part II of this issue)

32848 **Grant Programs—Education** ED seeks applicants for new projects under the National Institute of Handicapped Research Program. (Part IV of this issue)

32608 ED also seeks applicants for new projects under the Community Education Program.

32598 **Estate Taxes** Treasury/IRS proposes to change regulations on transfer certificates in nonresident estates.

32594 **Banks** FRS proposes to add the issuance of travelers checks to the list of permissible nonbanking activities for bank holding companies.

32592 FRS proposes to alter margin regulations for Regulations T and U.

32723, 32724 **Treasury Notes** Treasury/Sec'y invites tenders for Series E-1988 and 20-year 1-month bonds of 2001 (2 documents).

32578 **Postal Service** PS begins tenth step of phased postage rate adjustments.

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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

32552 **Air Carriers** CAB revises rules on intermodal cargo services supplied by foreign and domestic air carriers.

32551 CAB allows air carriers and foreign carriers to include a description of their pickup and delivery service in regular cargo tariffs.

32560 CAB exempts all-cargo carriers from filing separate tariffs.

32602 **Immigrants** Commerce/Census estimates number of Cubans and Haitians who entered the U.S. between 4/1/80 and 10/1/80.

32563 **Export Controls—National Security** Commerce/ITA eliminates requirements for separate U.S. reexport authorization in certain cases.

32564 **Freedom of Information** Treasury/Customs conforms regulations on public disclosure of information to current law.

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Rules and Regulations

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Air Florida, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment adds Air Florida, Inc. to the list of carriers which have entered into agreements with the Service for preinspection of their passengers and crews at places outside the United States. Air Florida, Inc., entered into such agreement on June 4, 1981, providing that passengers and crews are to be preinspected at Bermuda prior to departure to the United States.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of the Immigration and Naturalization Service entered into an agreement with Air Florida, Inc. on June 4, 1981, to guarantee preinspection of its passengers and crews at Bermuda as provided by section 238(b) of the Act (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

§ 238.4 [Amended]

Accordingly, 8 CFR Part 238 is amended by adding "Air Florida, Inc.," in appropriate alphabetical sequence, to the list of carriers in § 238.4 *Preinspection outside the United States* under "At Bermuda".

(Secs. 103 and 238; 8 U.S.C. 1103 and 1228)

Dated: June 17, 1981.

Doris Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-18595 Filed 6-23-81; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket Nos. 36119 and 38329; Reg. ER-1229]

Tariffs; Amendments of Pick-Up and Delivery Tariff Filing Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER–1228, also adopted today, the CAB eliminated the requirement that pick-up and delivery services be described in separate tariffs. In this rule the Board makes conforming modifications that will allow air carriers and foreign carriers a choice whether or not to include a description of their pick-up and delivery service in their regular cargo tariffs. Separate charges for such services may no longer be incorporated in tariffs filed with the Board. The authority citation is amended to conform to the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5035.

SUPPLEMENTARY INFORMATION:

The Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for 14 CFR Part 221 is revised to read:

Authority: Secs. 101, 102, 204, 401, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 769, 771, 788, as amended; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1381, 1386, 1481, 1482.

§ 221.103 [Reserved]

2. Section 221.103 is removed and reserved, and the Table of Contents is amended accordingly.

3. Section 221.38(a)(3), *Rules and regulations*, is revised to read as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(3) All the rates or charges for, and the provision governing, terminal services, and all other services which the carrier undertakes or holds out to perform on, for, or in connection with air transportation, except that, in the case of pick-up and delivery services, the tariff need only specify the extent to which the air transportation rates named in the tariff include such services; and, where pick-up and delivery services are provided only at an additional charge, such additional charges shall not be included in the tariffs.

* * * * *

4. Section 221.53, *Airport-to-airport application, accessorial services*, is revised to read as follows:

§ 221.53 Airport-to-airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply from airport-to-

airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport-to-airport but that additional services are furnished subject to additional charges, and, except for pick-up and delivery services, the tariff shall set forth charges for all other services and other provisions applicable thereto, as required by § 221.38, clearly and explicitly specifying the extent to which such services will be furnished.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone only upon payment of an additional charge.

(c) The airport-to-airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published in a governing rules tariff conforming to § 221.102, except that additional charges for pick-up and delivery services shall not be included in the tariffs.

§ 221.100 [Amended]

5. Paragraph (c)(2) of § 221.100 is removed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18677 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 222

[Docket Nos. 38329 and 36119; Reg. ER-1228]

Intermodal Cargo Services by Foreign Air Carriers; Elimination of Restrictions on Surface Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board is eliminating existing restrictions on surface cargo transportation in connection with air transportation, except to the extent that the services of foreign air carriers must be restricted for international civil aviation policy reasons. Foreign air carriers will be required to apply for Statements of Authorization, which will be approved if a foreign carrier's government has granted economic rights of equal value or utility to U.S. air carriers. This action is taken on the Board's initiative in response to the policy directives of the International Air Transportation Competition Act of 1979 and the Motor Carrier Act of 1980.

DATES: Adopted: June 4, 1981. Effective: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5035.

SUPPLEMENTARY INFORMATION: On June 17, 1980, the Board proposed to eliminate many of its existing restrictions on the provision by air carriers and foreign air carriers of intermodal cargo services, *i.e.*, surface cargo transportation in connection with air transportation, except for those restrictions that had to be maintained for reasons of international civil aviation policy (EDR-403, ODR-22, 45 FR 42318, June 24, 1980). Specifically, the Board proposed to repeal the rules established in the *Substitute Service Case*, Order 75-3-37, March 12, 1975; to dismiss the show cause proceeding instituted in Order 76-11-9, November 3, 1976, where the Board proposed to extend the rules of the *Substitute* Service Case to the domestic portions of international cargo movements; to approve the airway bill notice proposed by the International Air Transport Association (IATA) as it related to the substitution of other means of transportation for air transportation on international cargo movements; to disapprove IATA Resolution 507(b), which would permit unrestricted trucking services by air carriers and foreign air carriers to interior points in the United States that are 700 miles beyond U.S. gateways on South Pacific-U.S. routes; to eliminate the requirement that carriers file separate pick-up and delivery tariffs under Part 222 of the Board's regulations; and to amend Part 222 to allow denial of intermodal service rights to foreign air carriers that are citizens of countries that restrict the operations of U.S. air carriers. The Board proposed to amend Part 222 to require foreign air carriers to obtain Statements of Authorization to conduct intermodal cargo services beyond a 35-mile pick-up and delivery zone. Board denial of a Statement of Authorization would have been subject to stay or disapproval by the President within 10 days, or as otherwise provided in the Board's order. Comments on the proposed rules were due on August 22, 1980; reply comments were due September 22, 1980.

Comments were filed by the General Services Administration, the Department of Transportation, the Flying Tiger Line Inc., American Airlines, Inc., Summit Airlines, Inc., Emery Air Freight, El Al Israel Airlines, Ltd., Scandinavian Airlines System, Varig, S.A., the Air Freight Association of America and the Arizona Department of Transportation. Reply comments were filed by Flying Tiger and Singapore Airlines, Ltd. The comments were uniformly favorable to the Board's proposal to eliminate its restrictions on intermodal services, and all persons agreed with the Board's basic premise that "the most efficient intermodal system will be attained if the Board does not impose regulatory restraints on the carriers' flexibility to tailor air/truck services to meet demand". EDR-403 at 4-5. The former rules and restrictions reflect a time when the Board depended on regulatory intervention, rather than the competitive marketplace, to determine the quality, extent, and price of air transportation. With passage of the Airline Deregulation Act of 1978, the International Air Transportation Act of 1979, and Public Law 95-163, which deregulated the domestic all-cargo industry, Congress has mandated increased reliance upon competition in all aspects of the Board's jurisdiction, except where foreign policy considerations require a different course of action. For these reasons, the Board has decided to finalize its proposal, with the modifications described below.

The only aspect of the proposed rulemaking that generated a significant amount of discussion was the proposal to retain Board control over the intermodal services of foreign air carriers through a Statement of Authorization procedure. While all of the commenters, including the foreign air carriers, recognized that these rights could not be granted to foreign air carriers without an examination of the restrictions that have been placed by foreign governments on the operations of U.S. air carriers, there was disagreement about the types of carriers that should be subject to the new procedures and about the substantive standards that the Board should use in deciding whether to approve an application. The foreign carriers, which

represented Israel, Brazil, Singapore, and the countries in Scandinavia, argued that bilateral agreements and the existence of reciprocity and comity between those countries and the United States would warrant approval of their intermodal service applications. The U.S. carriers took note of the subsequent passage of the Motor Carrier Act of 1980, which provides an exemption from regulation by the Interstate Commerce Commission (ICC) for surface transportation of cargo that has a prior or subsequent movement on a foreign air carrier only after agreement by the United States and approval by the Board. Borrowing from the legislative history of that provision, they argued that the Board should approve an application for a Statement of Authorization only if there was a specific bilateral agreement permitting such services and after examining all of the restrictions that foreign governments had placed on the operations of U.S. carriers as well as the relative economic value of unrestricted intermodal rights within the United States versus the value of air and surface rights granted by a foreign government to U.S. carriers. In reply comments, Flying Tiger argued that the foreign air carriers that had filed supporting comments had not established that their intermodal service applications should be approved under the substantive standards of the Motor Carrier Act of 1980, while Singapore Airlines stated that the U.S. carriers had advocated too strict a policy for Board approval.

Effect of Motor Carrier Act of 1980

Passage of the Motor Carrier Act of 1980 was anticipated when the Board published EDR-403, as the Board had submitted comments on that legislation, including the exemption noted above, while it was pending before Congress. We issued the proposed rule with the intention that it would complement the pending legislation on surface transportation regulation, and that it would also serve a broader regulatory purpose than would be encompassed by the Motor Carrier Act. The following sets forth the background of the Board's role in development of that legislation and the functions we expect the new rules to fulfill.

The original versions of the Motor Carrier Act of 1980, S. 2245 and H.R. 6418, contained blanket exemptions from ICC regulation for transportation of cargo having a prior or subsequent movement by air, whether or not the air transportation was performed by a U.S. air carrier or a foreign air carrier. In correspondence to the Senate and the House, the Board expressed its strong support for elimination of restrictions over intermodal services, as we believed that this would enhance competition and improve service to the shipping public. However, we noted that some foreign governments had denied U.S. carriers a free and equal opportunity to compete, and that it would be counterproductive to imply that the United States was granting unrestricted intermodal rights to all foreign air carriers. Therefore, we stated that "Congress should make it clear that in exempting intermodal services from ICC control, it intends to preserve the Board's power to grant or deny intermodal service rights to foreign air carriers. * * * Since intermodal service rights are normally exchanged in the course of negotiations over air rights, jurisdiction to regulate surface transportation by foreign air carriers in connection with air transportation should rest exclusively with the CAB. * * *"[1] The Senate responded to the Board's concern by amending the motor carrier bill to exempt from ICC jurisdiction:

> * * * transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent thereto, has been or will be transported by an air carrier or, to the extent so agreed by the United States, by a foreign air carrier * * *[2]

Reference to Board approval of intermodal services by foreign air carriers was omitted because the Senate committee believed that the need for such approval was already encompassed in the Federal Aviation Act. Indeed, the Senate Report on this bill made it clear that:

> Foreign air carriers would only be able to take advantage of this section if there was a specific bilateral agreement allowing them to do so and *approval by the Civil Aeronautics Board* of such authority.[3]

While the Board welcomed this acknowledgment of its independent jurisdiction over intermodal operations by foreign air carriers, we were concerned about the reference to a bilateral agreement. As we explained in a letter to the Chairman of the House subcommittee that was considering H.R. 6418:

> Most air transport agreements do not mention trucking rights, and these rights are more easily exchanged on the basis of reciprocity and comity * * * therefore, we suggest that the House adopt the Senate's statutory language, except for the phrase "to the extent so agreed by the United States", and make it clear in the report of the bill that the Board may approve intermodal services by a foreign air carrier even in the absence of a specific bilateral air transport agreement.[4]

The ICC exemption for intermodal services in H.R. 6418 was subsequently amended to read as follows:

> * * * transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Civil Aeronautics Board or its successor agency) by a foreign carrier. * * *[5]

The committee report explained that:

> * * * motor carrier transportation which is incidental to transportation by foreign air carriers is exempt only to the extent agreed to by the United States and approved by the Civil Aeronautics Board. Agreement by the United States may take the form of a bilateral executive agreement, a memorandum of consultations, or an exchange of notes or letters, specifically allowing carriers from a foreign country to perform or to use such surface transportation within the United States. Further, each foreign air carrier wishing to use the agreed-upon rights will have to obtain authority from the Board * * *[6]

This version of the Motor Carrier Act was subsequently passed by both houses of Congress.[7]

This legislative history makes it clear that the approval mechanism for intermodal services by foreign air carriers was a limited exception to the congressional aim of deregulating the surface portion of all intermodal services, to meet the purposes described in the Board's correspondence. In allowing an exemption from ICC jurisdiction under certain circumstances, Congress recognized the jurisdiction of the Board over the activities of foreign air carriers. Therefore, we see this legislation as an endorsement of our proposal to eliminate all restrictions on intermodal services by U.S. air carriers, and to adopt an approval mechanism for intermodal services by foreign air carriers. The approval mechanism will apply both to foreign carriers seeking an ICC exemption under section 7 of the Motor Carrier Act and to foreign carriers holding licenses from the ICC. We do not intend to allow a foreign air carrier

[1] See the letters from Chairman Cohen to Representative James J. Howard and to Senator Howard H. Cannon, dated March 6, 1980, which we have filed in Docket 38329 for public reference.

[2] *See* S. Rep. No. 641, 96th Cong., 2d Sess. 46 (1960).

[3] *Id.* at 8 (emphasis added).

[4] *See* correspondence to James J. Howard dated April 24, 1980, in Docket 38329.

[5] H. Rep. No. 1069, 96th Cong., 2 Sess. 60 (1980).

[6] *Id.* at 19.

[7] Motor Carrier Act of 1980, § 7(b), 49 U.S.C. § 10526(a)(8)(B), Pub. L. No. 96-296, 94 Stat. 793 (1980).

to evade the congressional purpose of the Motor Carrier Act by obtaining an ICC license for surface transportation under normal procedures, and by connecting its surface transportation services under such license with its foreign air transportation services. A Statement of Authorization will be required for any connected air/surface operations by a foreign air carrier (outside of the 35-mile pick-up and delivery zone), regardless of whether it relies upon the terms of the Motor Carrier Act for its surface authority. The Board has broad jurisdiction to impose terms, limitations, and conditions on the services provided under a foreign air carrier permit,[8] including whether a foreign carrier may load cargo on its aircraft that it has previously transported by surface means. In other words, a foreign carrier may move cargo by truck anywhere in the United States that it is authorized by ICC license or exemption; but when it intends to connect that service with its air services, it must obtain Board permission.

Except for an interim period, the Board will approve an application for a Statement of Authorization only if there is an agreement between a foreign carrier's government and the United States allowing intermodal services. Approval in such circumstances will automatically allow an ICC exemption. However, we note that only a small handful of existing bilateral agreements contain specific reference to intermodal service rights, and we do not wish to restrict the foreign carriers unnecessarily. Therefore, we will be receptive to applications by foreign air carriers for exemption from the requirement of this rule that there be an agreement by the United States permitting intermodal service. The Board will grant such exemptions pending negotiation of new agreements. Since the Board has no power to grant exemptions from the ICC Act, a foreign carrier desiring to operate intermodal services outside of the 35-mile pick-up and delivery zone in the absence of a U.S. agreement would need to obtain an ICC license or use the services of an ICC-licensed surface carrier during the interim period.

Criteria for Approval and Delegation of Authority

Flying Tiger, American, and Summit have cited the legislative history of the Motor Carrier Act to emphasize that the Board should weigh the economic value of intermodal trucking rights in the United States against the value of such rights in foreign countries, and also the impact of any other restraints that foreign countries have placed on the operations of U.S. carriers, such as ground-handling restrictions, restraints on currency remittances, and local trading monopolies, before granting a Statement of Authorization. We agree. The initial test for approval of a Statement of Authorization will be reciprocity, *i.e.*, a balance between the intermodal rights requested and the rights that have been granted to U.S. carriers. We will also evaluate the existence of any other restraints or discriminatory practices that prevent free competition by U.S. air carriers.

American requests that objective criteria be stated for a finding of reciprocity, and it has complained that the proposed delegation of authority to the Director, Bureau of International Aviation, is too broad to allow meaningful consideration of this issue. We cannot satisfy American's request for objective criteria, as we expect that each application will raise unique economic issues that cannot be categorized at this time. While the above discussion describes the broad areas of inquiry, the types of restrictions that have been placed on U.S. air carriers vary greatly from country to country, and a balance between the rights requested and the economic rights available to U.S. carriers can only be decided on a case-by-case basis. However, we will meet the carrier's concern for more thorough Board consideration of these issues by narrowing the proposed delegation to the Director under Section 385.26(w). The Director will be allowed to approve an application for a Statement of Authorization only if "no person with a substantial interest raises objections citing specific facts of nonreciprocity or of restraints on competition by U.S. air carriers." This means that the mere filing of allegations by an objector will not be sufficient for Board consideration. Objections must be supported by dates, places, and estimates of economic impact or loss of specific business opportunities. If these facts are not provided, the Director may take any action that is justified by his evaluation of reciprocity between the United States and an applicant's home country. Of course, any person dissatisfied with the Director's decision may file an appeal to the Board under section 385.50 of the Board's Regulations.

American also states that, under the Motor Carrier Act, an application for a Statement of Authorization may not be approved unless there is a specific bilateral air transport agreement allowing such services. However, the legislative history of that Act, as quoted above, makes it quite clear that "agreement" by the United States may also consist of a memorandum of consultations or an exchange of notes or letters. As a general policy, the Board intends to follow the criteria of the Motor Carrier Act in issuing Statements of Authorization, including the requirement of an "agreement."[9]

As noted above, a written exchange between the United States and a foreign country would not be necessary for Board approval of an interim exemption request. The absence of an "agreement" by the United States merely means the absence of a prerequisite for exemption from ICC regulation under the Motor Carrier Act. Thus, if the Board were to approve an application for an interim exemption in these circumstances upon a finding of reciprocity and comity, the foreign air carrier could obtain a license from the ICC to conduct intermodal services. We should point out that where an agreement precludes intermodal services, the Board would be required by section 1102 of the Federal Aviation Act to disapprove an exemption request.

Freight Forwarders and Surface Carriers

There seems to be some disagreement among the commenters as to whether the new rules should apply to U.S. indirect air carriers, such as air freight forwarders, to indirect foreign air carriers, or to surface carriers using joint fares with foreign air carriers. Emery requests an explicit statement that U.S. air freight forwarders are considered "U.S. air carriers" for purposes of the Motor Carrier Act exemption, and thus can enjoy the exemption without a Statement of Authorization even if they use the services of foreign direct air carriers. Emery does not object to such rights for foreign air freight forwarders if issues of reciprocity are considered. Flying Tiger has no objection to allowing a foreign air carrier to tender cargo to a U.S. carrier outside of the 35-mile pick-up and delivery zone, but it argues that the U.S. carrier would need an ICC license, as it would not qualify for an exemption under the Motor Carrier Act. The Air Freight Association of America argues that the rule should apply to both direct and indirect foreign air carriers.

[8] *See, e.g.*, 16 C.A.B. 371, 378, August 28, 1952; 34 C.A.B. 837, 842 (December 4, 1961) *petition to review dismissed*, 304 F.2d 952 (D.C. Cir. 1962).

[9] Where there is no agreement by the United States authorizing the intermodal services proposed in an application, the Director, Bureau of International Aviation, will have delegated authority to reject the application.

but not to indirect U.S. air carriers that assume all responsibility and control for the entire intermodal movement under their own airway bills.

We have decided to maintain the original scope of the proposed rule, *i.e.*, a Statement of Authorization will only be required for intermodal services that are conducted by a direct foreign air carrier, under its responsibility and control, and under its own through airwaybill from origin to final destination. Intermodal services consisting of surface movements by U.S. indirect air carriers, indirect foreign air carriers, and surface carriers, utilizing either the indirect carrier's through airwaybills or joint rates with foreign air carriers, will all receive blanket approval under the new rule, except where the indirect carriers or surface carriers are owned or controlled by, or under an exclusive dealing relationship with, the direct foreign air carrier providing the air movement. Any other result would be contrary to the intent of the Airline Deregulation Act, the International Air Transportation Competition Act, and the Motor Carrier Act, which direct the Board and the ICC to eliminate unnecessary governmental restraints on competition and to allow the free marketplace to determine the quality and price of joint air/truck transportation.

As explained above, the original version of the Motor Carrier Act contained a blanket exemption from ICC regulation for all intermodal services, whether conducted by U.S. or foreign air carriers. This was based on congressional belief that this sector of cargo transportation could be, and should be, regulated by the marketplace. It was amended to exclude foreign air carriers only because blanket approval would weaken the United States' bargaining position and hamper efforts to obtain removal of foreign restrictions on U.S. air carriers. We believe that these purposes can be satisfied if the prior-approval requirement is extended in general only to direct foreign air carriers providing intermodal services under their own responsibility and control.

In our experience, the ability to offer through transportation at a through air rate, with sole responsibility and control, is a valuable economic right that foreign countries are anxious to secure for their direct air carriers. On the other hand, most foreign countries do not even license air freight forwarders as air carriers, and our experience in administering the registration procedure for foreign air freight forwarders under Part 297 of our regulations indicates that most countries have little concern about whether the Board approves foreign air freight forwarder applications by their citizens. Relatively few countries impose any air carrier licensing requirements or other restrictions on U.S. air freight forwarders, and those that do usually either prohibit forwarding completely or proscribe such activity by foreign citizens. Where countries pursue such policies, we will reserve the right under section 222.2(d) to prohibit intermodal services by indirect foreign air carriers that are citizens of those countries.[10] Likewise, we will reserve the right in section 222.2(d) to require approval of intermodal services pursuant to joint rates between direct foreign air carriers and other carriers that provide the surface movement (which would otherwise be authorized because the direct foreign air carrier had no control over the surface movement). This will provide the Board with a method of dealing with foreign carriers that attempt to evade the purpose of the rule through unusually favorable joint fare pro-rate arrangements with surface carriers.

Where the surface movement of an intermodal service is provided by a U.S. air freight forwarder, foreign air freight forwarder, or a surface carrier, and is not under the responsibility or control of the foreign direct air carrier, we believe that the surface movement will be exempt from ICC jurisdiction under the Motor Carrier Act. As explained above, all three types of carriers will receive blanket approval from the Board under the new rules, and the only other requirement under the Motor Carrier Act is an agreement by the United States. We believe that permission from the United States government to conduct these services is implicit in the bilateral air transport agreements and the principles of reciprocity and comity under which international air transportation is conducted to and from the United States. All air cargo transportation is inherently intermodal, as the cargo must be moved between the air terminal and the origin or destination by surface means. Historically, foreign air carriers have been permitted to conduct their own pick-up and delivery services within a circumscribed air terminal zone, and such a zone is certainly implicit for every point in the U.S. that a foreign air carrier is licensed to serve by air.[11] Beyond that zone, foreign air carriers have been allowed to tender cargo to connecting carriers, in the same way that they are allowed to transfer passengers to connecting domestic air carriers for travel in the United States beyond the terminals named in their permits. Thus, in allowing other carriers, whether U.S. air freight forwarders, foreign air freight forwarders, or surface carriers, to assume responsibility and control under their own tariffs and waybills for transportation beyond the 35-mile pick-up and delivery zones, we are merely adhering to the structure of intermodal services implicit in every agreement that does not contain explicit permission for a direct foreign air carrier to conduct its own intermodal services. Direct foreign air carriers that do not have a Statement of Authorization to conduct intermodal services will not be able to achieve such a result through indirection, as sections 222.2 (b) and (c) will exclude services by U.S. indirect air carriers, indirect foreign air carriers, or surface carriers where the direct foreign air carrier has responsibility or control over the surface movement, holds itself out to the public as having such responsibility or control, or has an ownership, control, or exclusive dealing relationship with the indirect carrier or surface carrier.

[10] We may also consider issues of reciprocity and comity relating to intermodal service in the grant or denial of registration to a foreign air freight forwarder under sections 297.22 and 297.25 of the Board's regulations.

Pick-up and Delivery Tariffs

In EDR–384, Docket 36119, 44 FR 41829, July 12, 1979, we proposed to eliminate Part 222 because changes in the Board's policies regarding cargo tariffs had made the filing of pick-up and delivery tariffs unnecessary. The amendments to Part 222 that we are adopting in this rule will meet the purposes of that rulemaking by retaining a pick-up and delivery zone only to delineate that area within which a direct foreign air carrier may conduct intermodal services without a Statement of Authorization. Therefore, as proposed in EDR–384, it will no longer be necessary for carriers to file separate tariffs describing their pick-up and delivery services beyond the 35-mile zone. To the extent that a carrier wishes to inform the public through the tariff system of the ground transportation it has available in connection with its air

[11] We will continue this practice through the 35-mile pick-up and delivery zone in section 222.2(a). Emery requests that we adopt the old ICC pick-up and delivery zone, which included a somewhat complex system of overlapping 35-mile zones. We have decided to retain our current formulation, which is easier to understand and to administer. Under section 222.2(a), the zone will extend 35 miles from the city limits of a point that a foreign air carrier is authorized to serve and 35 miles from the airport by which it serves that point.

transportation, it may include such information in its regular tariffs filed pursuant to Part 221 of the Board's Regulations.

Only one carrier, American Airlines, objected to the elimination of pick-up and delivery tariffs, on the grounds that no action should be taken to alter tariff-filing obligations until the D.C. Court of Appeals had reached its decision in *National Small Shipments Conference, Inc., et al. v. CAB*, No. 78-2163 (C.A.D.C.).[12] In that case, several persons had objected to the Board's decision to exempt all domestic air cargo carriers from the tariff-filing requirements of section 403 of the Act. Since the Board's actions were subsequently affirmed by the Court of Appeals, American's objection is now moot.[13] Concurrently with this rule, we will adopt the amendments to Parts 221, 291, and 385 proposed in EDR-384. These amendments will allow carriers to include pick-up and delivery service information in their regular tariffs.

Presidential Review

Finally, the Department of Transportation suggests that the Board provide 30 days for Presidential review of an order denying a Statement of Authorization, instead of 10 days as originally proposed, to allow other agencies and departments to review the matter and advise the President. We agree that a longer time period is desirable, and we will adopt the 30-day period recommended by the Department of Transportation.

Effectiveness

These rules are being made effective in 120 days to provide sufficient time for the filing of exemption applications by foreign carriers representing countries that have not entered into agreements with the United States concerning intermodal services. Section 222.3 (Application for Statement of Authorization) will be submitted to the Office of Management and Budget (OMB) for review under the Federal Reports Act (44 U.S.C. 3512, as amended by the Paperwork Reduction Act of 1980, Pub. L. 96-511). The Board will publish a notice of OMB's decision as soon as it is received.

Authority

The authority citation for Part 222 is being changed to reflect the new **Federal Register** format. Section 403 is replaced by Section 402, since this part no longer concerns tariff filing and instead applies to foreign air carriers.

Accordingly,

1. We repeal the rules established in the *Substitute Service Case*, Order 75-3-37, March 12, 1975;

2. We dismiss the show cause proceeding instituted in Order 76-11-9, November 3, 1976;

3. We approve the IATA airwaybill notice provisions that were disapproved in Orders 78-8-10, August 3, 1978; 78-11-146, November 30, 1978; and 79-6-47, June 5, 1979;

4. We disapprove IATA resolution 507(b), Docket 30332; and

5. We retitle and reissue Part 222 of the Board's Economic Regulations (14 CFR Part 222) *Air Cargo Pick-up and Delivery Zones, Filing of Tariffs; Application for Authority to File*, to read:

PART 222—INTERMODAL CARGO SERVICES BY FOREIGN AIR CARRIERS

Sec.

222.1 Applicability.
222.2 Scope of permissible intermodal cargo services.
222.3 Application for Statement of Authorization.
222.4 Procedure on receipt of application for Statement of Authorization.
222.5 Cancellation or conditioning of a Statement of Authorization.

Authority: Sec. 204, 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

§ 222.1 Applicability.

This part applies to all air transportation of property that includes both air movement by a direct foreign air carrier and surface transportation to or from any point within the United States (hereafter referrred to as "intermodal cargo services").

§ 222.2 Scope of permissible intermodal cargo services.

(a) Under its foreign air carrier permit, a direct foreign air carrier may provide or control the surface portion of intermodal cargo services within a zone extending 35 miles from the boundary of the airport or city it is authorized to serve. A direct foreign air carrier shall not provide or control the surface portion of intermodal cargo services outside of this 35-mile zone unless authorized to do so by the Board in accordance with §§ 222.3, 222.4 and 222.5.

(b) A direct foreign air carrier shall be considered to control the surface portion of intermodal cargo services if it has or publicly represents that it has any responsibility for or control over the movement of, or has any ownership, controlling or exclusive dealing relationship with, the carrier actually providing the surface transportation.

(c) Except as provided in paragraphs (a) and (b) of this section with respect to control by a direct foreign air carrier, any U.S. or foreign indirect air carrier, surface carrier or surface freight forwarder may provide the surface portion of intermodal cargo services without limitation as to geographic area within the United States.

(d) The Board may withdraw the authority of an indirect foreign air carrier to provide the surface portion of intermodal cargo services, or the authority of a direct foreign air carrier to offer intermodal cargo services pursuant to joint fares with other carriers providing the surface transportation, at any time, with or without hearing, if the Board finds it in the public interest.

§ 222.3 Application for statement of authorization.

(a) Application for a Statement of Authorization shall be filed with the Board's Regulatory Affairs Division, Bureau of International Aviation, in duplicate, on CAB Form 222 (obtainable from the Civil Aeronautics Board, Publications Services Division, Washington, D.C. 20428), attached as Appendix A. In most cases the Board will act upon applications for Statements of Authorization within 60 days.

(b) Persons objecting to an application for a Statement of Authorization shall file their objections with the Regulatory Affairs Division, Bureau of International Aviation, within 28 days of the filing date of the application. The Board will list the names and nationalities of all persons applying for Statements of Authorization in its Weekly Summary of Filings.

(c) An application shall include a copy of any bilateral agreement, memorandum of consultations, or diplomatic note or letter, in support of the authority requested. Documents that appear in official U.S. publications may be incorporated by reference.

§ 222.4 Procedure on receipt of application for Statement of Authorization.

(a) After review of an application form filed under § 222.3, the Board will take one or more of the following actions:

(1) Indicate by stamp on CAB Form 222 the effective date of the Statement of Authorization, and return to the carrier the duplicate copy of Form 222 as evidence of approval under this part;

(2) Request additional information from the applicant;

[12] Flying Tiger filed in support of the proposed rule.

[13] *National Small Shipments Conference, Inc. et al. v. CAB*, 618 F.2d 819 (D.C. Cir. 1980).

(3) Set the application for notice and hearing procedures;

(4) Disapprove the application or approve it subject to such terms, conditions, or limitations as may be required by the public interest; or

(5) Reject the application on the grounds that there is no agreement by the United States authorizing the proposed services.

(b) An order disapproving an application or subjecting it to conditions or limitations shall be transmitted to the President for stay or disapproval. If the President does not stay or disapprove the Board's order, it shall become effective on the 31st day after transmittal to the President, or within any longer time period established in the order.

§ 222.5 Cancellation or conditioning of a Statement of Authorization.

A Statement of Authorization may be canceled or made subject to additional terms, conditions, or limitations, at any time, with or without hearing, if the Board finds that it is in the public interest to do so. An order canceling or conditioning a Statement of Authorization shall be submitted to the President for stay or disapproval and shall become effective on the 31st day after transmittal or within any longer time period established by the Board.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

Appendix A

CAB Form 222 UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD FOREIGN AIR CARRIER APPLICATION FOR STATEMENT OF AUTHORIZATION FOR INTERMODAL CARGO SERVICES	DO NOT WRITE - FOR OFFICIAL USE ONLY

TO: CIVIL AERONAUTICS BOARD
ATTENTION: Regulatory Affairs Division
Bureau of International Aviation
Washington, D.C. 20428

Application is made for a Statement of Authorization to conduct intermodal cargo services under provisions of the applicants' foreign air carrier permit and Economic Regulation Part 222.

☐ Initial Application ☐ Change of Name/Address/Nationality

☐ Application for Removal of conditions

1. Name of Applicant:

   Nationality:

2. Send Authorization to:
   (Name and Address)

3. (a) estimated annual tonnage of cargo to be shipped by surface transportation: _____

   (b) percentage of total air cargo to be shiped by surface transportation beyond 35-mile pick-up and delivery zone.

4. Area in the United States to be served by surface transportation

CERTIFICATION

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge.

Signature: _____

Date: _____ Name: _____
(please type)

Place: _____ Title: _____
(see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary, or Treasurer of a corporation, or a partner or owner of other non-corporate applicants.

FOR CAB USE ONLY

Special conditions or limitations/reasons for disapproval/rejection/findings.

[FR Doc. 81-18676 Filed 6-23-81; 8:45 am]
BILLING CODE 6320-01-C

14 CFR Part 291

[Docket Nos. 36119 and 38329; Regulation ER-1230]

Domestic Cargo Transportation; Exemption From Requirement To File Pick-up and Delivery Tariffs

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1228, also adopted today, the CAB eliminated the requirement that pick-up and delivery services be described in separate tariffs. In this rule we adopt a conforming amendment to Part 291, so that all-cargo carriers are exempted from filing such tariffs. The authority citation is amended to put it in the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for 14 CFR Part 291 is revised to read:

Authority: Secs. 102, 204, 407, 408, 409, 416, 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 766, 767, 768, 771, 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1377, 1378, 1379, 1386, 1388.

2. Paragraph (a)(1) of § 291.31 is amended by removing paragraph (a)(1)(ii) and revising it to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsections of the Act:

(1) Section 403, with the exception of air transportation of property wholly within the states of Alaska and Hawaii.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18678 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 384

[Reg. OR-184; Amdt. No. 16]

Statement of Organization, Delegation of Authority, and Availability of Records and Information

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its regulations to reflect the transfer of international fares and rates from the Bureau of Domestic Aviation to the Bureau of International Aviation. This action is at the Board's own initiative.

DATES: Adopted: June 19, 1981. Effective: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert P. Aswall, Chief, International Fares and Rates Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5218, or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5298.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in OR-183, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 384, *Statement of Organization, Delegation of Authority, and Availability of Records and Information*, as follows:

1. The authority for Part 384 is amended to read:

Authority: Secs. 204, 1001, Pub. L. 85-726, as amended, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481.

2. Paragraphs (c) and (g) of § 384.7, *Organization and delegation of authority*, are revised to reflect organizational changes that have taken place in the accompanying rulemaking as follows:

§ 384.7 Organization and delegation of authority.

* * * * *

(c) The Bureau of Domestic Aviation, which is the Board component involved in domestic and overseas ratemaking, licensing, and the maintenance of proper competitive conditions among air carriers. This Bureau handles matters involving commercial passenger, baggage, and freight rates, service mail rates, subsidy rates, and military charter rates. It also handles domestic air transportation matters involving certificates, exemptions, and mergers for scheduled, charter, helicopter, and all-cargo air carriers, air taxi operators, and freight forwarders. Special tariff permission applications involving foreign air transportation are coordinated with the Bureau of International Aviation.

* * * * *

(g) The Bureau of International Aviation, which is the Board component primarily concerned with the licensing and maintenance of proper competitive conditions among air carriers and foreign air carriers and ratemaking with respect to foreign air transportation. Matters involving certificates, permits, and exemptions for scheduled, supplemental, and all-cargo air carriers, foreign air carriers, and air taxi operators pertaining to foreign air transportation are handled by the Bureau of International Aviation. This Bureau advises the Board on the formulation of positions to be taken by the United States concerning international air transport matters; serves as liaison between the Board and the Department of State and the Interagency Group on International Aviation; and provides representation in connection with international conferences, consultations and negotiations with foreign countries on air transport matters. Special tariff permission applications involving foreign air transportation are coordinated with the Bureau of Domestic Aviation.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18675 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Organization Regulations Amdt. No. 113 to Part 385; Regulation OR-183]

Delegations and Review of Action Under Delegation: Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its delegations to reflect organizational changes that have taken place, to delegate to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, authority to issue final service mail rate orders that make technical changes in the rates proposed in a show cause order, and to make other editorial amendments. This amendment is at the CAB's own initiative.

DATES: Adopted: June 19, 1981. Effective: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert P. Aswall, Chief, International Fares and Rates Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5218 or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Civil Aeronautics Board, 1825

Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: Part 385, *Delegations and review of action under delegation: nonhearing matters*, describes the organization of the Board and grants continuing delegations of authority to senior staff for certain functions. There have been a number of organizational changes within the Board that are not reflected in the present rule. This rulemaking updates the delegations of authority to reflect these recent changes, delegates some additional authority to the Chief, Domestic Fares and Rates Division and makes other minor editorial corrections.

International fares and rates have been transferred from the Bureau of Domestic Aviation to the Bureau of International Aviation. In order to reflect this reorganization, we are adding a new section, § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.* Authority over foreign fares and rates presently found in § 385.16, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation* is removed and placed in the new § 385.26a. The new delegation to the Chief of BIA's International Fares and Rates Division includes authority to investigate and suspend the effectiveness of certain tariffs, approve certain applications for free or reduced rate air transportation, issue orders concerning International Air Transport Association (IATA) agreements, approve certain applications for exemptions from section 403 of the Act and applicable Board tariff regulations, and approve applications for relief from data filing requirements involving new foreign rates and fares. Paragraph (g) of § 385.26a delegates authority to cancel a suspension and/or dismiss an investigation of a tariff when adjustments to the Standard Foreign Fare Level, or changes in the applicable range of fare flexibility, have rendered the issues moot or when the course of action is clear under current Board policies. This delegation is made because the present requirement of Board action is burdensome and inefficient.

A number of changes are made in § 385.15, *Delegation to the Chief, Tariffs Division, Bureau of Domestic Aviation.* Paragraph (f) of that section delegates authority to investigate and suspend the effectiveness of tariffs that are substantially similar to a prior tariff under investigation or suspension and which were filed by or on behalf of a party to the prior tariff within 90 days of the earlier tariff's expiration, modification or cancellation. The Chief of BDA's Tariff Division retains authority over all such tariffs in interstate and overseas transportation, while the Chief of BIA's International Fares and Rates Division is delegated this tariff authority in matters involving foreign air transportation. Paragraph (h), which delegates authority to approve or disapprove applications for permission to furnish free or reduced rate air transportation in overseas or foreign air transportation, is amended to refer only to overseas air transportation. Authority over such applications in foreign air transportation is delegated to the Chief of BIA's International Fares and Rates Division in § 385.26a(b). Application for special tariff permission will continue to be handled by the Chief of BDA's Tariff Division. However, because of the transfer of international fares and rates to the Bureau of International Aviation generally, it is understood that the Chief of BIA's International Fares and Rates Division will be consulted on special tariff permission applications involving foreign air transportation. The purpose of the consultation is to ensure coordination between the Bureau of Domestic Aviation and the Bureau of International Aviation on significant tariff policy questions.

Section 385.15a and 385.16, are both entitled, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.* Section 385.15a is consolidated into § 385.16, and it now appears in § 385.16(t). Paragraph (t) adds a reference to part numbers § 302.1501-1508 that were inadvertently omitted in the text of § 385.15a. Paragraph (d) of § 385.16 is deleted because the Board no longer has direct jurisdiction over MAC charter operators. Similarly, paragraph (e) of § 385.16 is deleted because the Board no longer has separate classifications of stations that are used in determining the service mail rate formulas. Paragraphs 385.16 (n) and (o) relating to free or reduced rate air transportation for travel agents, and travel agent training program instructors and employees, have been outdated by Part 223, *Free and reduced rate transportation*, and are therefore deleted.

Paragraph (g) of § 385.16 delegates authority to BDA's Chief, Domestic Fares and Rates Division to issue final orders for the Board establishing temporary or final service mail rates in those cases where no objection has been filed in response to the show cause order, and where the rates established are the same as those proposed in the show cause order. However, in those instances where modifications of a technical nature, such as computational corrections, in the mail rate calculations are required, it is necessary to follow either of two procedures. One is to issue another show cause order under authority delegated by § 385.16(f), with the usual 10-day period for filing notice of objection, followed by issuance of a final order under authority delegated by section 385.16(g) if no further objections are filed. The other alternative is to prepare a draft final order for consideration and adoption by the Board. Both of these procedures are time-consuming and delay the adoption of the final rates. Moreover, the latter directs the time and attention of the Board to a matter of little significance. Therefore, the Board is amending its delegations of authority to allow the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, to issue final orders for service mail rates that require only modifications of a technical nature to rates proposed in a show cause order.

Since these amendments are administrative in nature, affecting rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for Part 385 is amended to read:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. The Table of Contents is amended to remove § 385.15a, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation*, and to add a new § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.*

§ 385.15 [Amended]

3. Paragraph (h) of § 385.15, *Delegation to the Chief, Tariffs Division, Bureau of Domestic Aviation*, is removed.

§ 385.15a [Amended]

4. Section 385.15a, *Delegation to Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation*, is removed.

5. In § 385.16, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation*, paragraphs (d), (e), (k), (n), (o), and (r) are removed and reserved, paragraphs

(g), (l), (m), and (p) are revised and a new paragraph (t) is added, as follows:

§ 385.16 Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation the authority to:

* * * * *

(d) [Reserved]

(e) [Reserved]

(f) * * *

(g) Issue final orders establishing temporary and final service mail rates (1) in those cases where no objection has been filed following release of the show cause order, and where the rates established are the same as those proposed in the show cause order, and (2) in those cases where it is necessary to make modifications of a technical nature in the rates proposed in the show cause order.

* * * * *

(k) [Reserved]

(l) Approve or disapprove air carrier applications involving interstate and overseas air transportation filed under section 416(b) of the Act for exemption from section 403 of the Act, air carrier tariffs, and applicable Board regulations, in cases where the disposition of the application is governed by established Board policy and precedent. Such approval or disapproval may be taken by order, by letter or by stamp or notation on a copy of the application.

(m) Approve or disapprove applications requesting relief from requirements of Board orders that carriers file data relating to experience under new rates and fares in interstate and overseas air transportation.

(n) [Reserved]

(o) [Reserved]

(p) Approve or disapprove applications for permission to furnish free or reduced-rate interstate or overseas air transportation to commissioned and enlisted military personnel when on official business of an air carrier to which they have been assigned for educational training purposes.

* * * * *

(t) Issue a letter, in the case of air mail contracts filed with the Board under 14 CFR 302.1501–1508 against which no complaints have been filed, stating that the contract will not be disapproved by the Board and may become effective immediately. The letter will state that it is issued under delegated authority and may be appealed to the Board by any person.

6. A new section, § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation,* is added as follows:

§ 385.26a Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.

The Board delegates to the Chief, International Fares and Rates Division, Bureau of International Aviation, the authority with respect to foreign air transportation to:

(a) Institute an investigation of, or institute an investigation and suspend the effectiveness of, a tariff or change in a tariff which:

(1) Is substantially similar to a prior tariff under investigation or suspension; and

(2) Is filed by or on behalf of one or more of the carriers party to the prior tariff; and

(3) Is filed within 90 days after the expiration, modification, or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification.

(b) Approve or disapprove applications filed under section 403(b) of the Act and § 223.8 of this chapter for permission to furnish free or reduced rate air transportation in foreign air transportation.

(c) With respect to International Air Transport Association (IATA) agreements filed with the Board pursuant to section 412 of the Act or pursuant to Board Order E–9305 of June 15, 1955:

(1) Disclaim jurisdiction with respect to IATA agreements which do not affect air transportation within the policy set forth in Order E–12304, dated March 31, 1958;

(2) Approve agreements which do not directly apply in air transportation;

(3) Issue orders approving, disapproving, or approving subject to conditions, IATA agreements relating to fare and rate matters, with respect to the following:

(i) Agreements naming additional specific commodity rates (rates below general cargo rates) under new, existing, or amended descriptions; amending descriptions; and/or extending or canceling existing specific commodity rates.

(ii) Agreements reached by unprotested notice pursuant to previously approved resolutions.

(iii) Agreements establishing or amending proportional or constructed fares or rates.

(iv) Agreements naming specified fares or rates to be integrated into previously approved fare or rate structures.

(v) Agreements amending or extending application of construction rules.

(vi) Agreements amending application of special (reduced) fare resolution provisions.

(vii) Agreements providing for delays in inaugurals.

(viii) Agreements establishing, amending, or terminating charges for nontransportation services and other ancillary fare or rate agreements involving administrative, procedural, or technical provisions, not affecting fare or rate levels.

(ix) Agreements establishing, amending, or terminating a surcharge or discount on foreign-originating air transportation to reflect a currency fluctuation.

(4) Issue orders describing filed agreements, establishing procedural dates for submission of justification, comments and replies, which support or oppose agreements, and prescribing the particular types of data to be included in such submission.

(d) Approve or disapprove air carrier applications involving foreign air transportation filed under section 416(b) of the Act for exemption from section 403 of the Act, air carrier tariffs, and applicable Board regulations, in cases where the disposition of the application is governed by established Board policy and precedent. Such approval or disapproval may be taken by order, by letter, or by stamp or notation on a copy of the application.

(e) Approve or disapprove applications requesting relief from requirements of Board orders that carriers file data relating to experience under new foreign rates and fares.

(f) Approve or disapprove applications for permission to furnish free or reduced-rate foreign air transportation to commissioned and enlisted military personnel when on official business of an air carrier to which they have been assigned for educational training purposes.

(g) Cancel the suspension of and/or dismiss an investigation of a tariff relating to service predominantly in foreign air transportation:

(1) when subsequent adjustments to the Standard Foreign Fare Level made pursuant to section 1002(j)(9) of the Act, or subsequent increases in the applicable range of fare flexibility have rendered the suspension and/or investigation moot; or

(2) where the course of action is clear under current Board policy and precedent.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18674 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Organization Regulations Amdt. No. 111 to Part 385; Dockets 38329 and 36119; Regulation OR-181]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Delegations to the Director, Bureau of International Aviation, and to the Director, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1228, also adopted today, the CAB established a new procedure by which foreign air carriers may file for approval to conduct intermodal cargo services, *i.e.*, transportation of cargo by surface means in connection with foreign air transportation. In the same rule, the Board eliminated the requirement that pick-up and delivery services be described in separate tariffs. For the reasons stated in ER-1228, the CAB delegates authority to the Director, Bureau of International Aviation, to approve applications to conduct intermodal services where no person raises significant objections, and to require an applicant to submit additional information. In addition, the Board revokes the authority delegated to the Director, Bureau of Domestic Aviation, to grant exemptions from the former pick-up and delivery tariff filing requirements. The authority citation is revised according to the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5035.

The Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for 14 CFR Part 385 is revised to read:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

§ 385.13 [Amended]

2. Paragraphs (w) and (oo) of § 385.13, *Delegation to the Director, Bureau of Domestic Aviation*, are removed and reserved.

3. Section 385.26, *Delegation to the Director, Bureau of International Aviation*, is amended by adding a new paragraph (w) to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

The Board delegates to the Director, Bureau of International Aviation, authority to:

* * * * *

(w)(1) Approve applications for Statements of Authorization to conduct intermodal cargo services under Part 222 of this chapter (Economic Regulations) where no person with a substantial interest raises objections citing specific facts of nonreciprocity or of restraints on competition by U.S. air carriers; (2) reject applications under Part 222 where there is no agreement by the United States permitting the proposed services; or (3) require that an applicant under Part 222 submit additional information.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18679 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 374, 376, and 379

Elimination of Separate U.S. Reexport Authorization in Certain Cases Involving COCOM Countries

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

ACTION: Final rule.

SUMMARY: This rule simplifies certain reexport procedures consistent with a Presidential decision contained in a report on export disincentives submitted to the Congress on September 9, 1980.

The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. This rule amends the Regulations to eliminate the requirement for a separate U.S. reexport authorization in those cases where the same transaction has been explicitly approved in COCOM. The Regulations still require submission of reexport requests to OEA for transactions that do not qualify under this procedure. A reexport that is made without either approval in COCOM or direct U.S. reexport authorization is a violation of the Export Administration Regulations. The Office of Export Administration expects that this change will reduce administrative costs and eliminate delays associated with export control licensing without weakening the effectiveness of national security export controls.

EFFECTIVE DATE: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 (50 U.S.C. app. 2401 *et seq.*) (Supp. III (1979)) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on these regulations are welcome on a continuing basis. Because this regulation relates to a foreign affairs function of the United States, it is not subject to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

Accordingly, the Export Administration Regulations (15 CFR Part 368-399) are amended as follows:

PART 374—REEXPORTS

1. In § 374.2, a new paragraph (i) is added to read as follows:

§ 374.2 Permissive reexports.

* * * * *

(i) Reexports from COCOM countries to Country Group P, Q, W, or Y that meet the conditions set forth in § 374.3(e);

2. In § 374.3, a new paragraph (e) is added to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(e) *Reexports from COCOM Countries.* (1) Separate specific reexport authorization by the Office of Export Administration is not required if *all* of the following conditions are met:

(i) The commodities being exported:

(A) are identified by an "A" on the CCL,

(B) are *not* included in the notes in Supplement No. 1 to Part 385,

(C) are valued at more than $4,000 (except that commodities in CCL entries 1548, 1555, 1559, and 1781, and entries beginning with the digits 2 and 3, are eligible regardless of value), and

(D) if included in entry 1565A, have at least one parameter falling in the extreme right hand, *i.e.* (d), column of boxes on Form ITA–6031P, Computer System Parameters.

(ii) The reexport is from a COCOM participating country, i.e., Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, or the United Kingdom;

(iii) The reexport is made in accordance with the conditions of the licensing authorization issued by the applicable COCOM participating country;

(iv) The reexport is to a country in Country Group P, Q, W, or Y; and

(v) The reexport has received unanimous approval from COCOM.

(2) All other reexports that require authorization under the Export Administration Regulations and do not qualify under these conditions must have specific authorization from OEA.

(3) The United States Government will begin its review upon receipt of a case submitted to COCOM by another COCOM participating country. When the COCOM submission does not include sufficiently detailed supporting information, additional information will be sought from the submitting government. Because the U.S. Government frequently requires more extensive technical information than is contained in COCOM documents, the reexporting party may wish to submit such supplementary information, or request the original U.S. exporter to submit such information, directly to OEA, in order to facilitate prompt U.S. review of the COCOM submission.

(4) A party to the transaction who wishes to know the status of a COCOM submission may contact the Office of East-West Trade, EB/TDC, Department of State, Washington, D.C. 20520, telephone (202) 632–2584.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

3. In § 376.12, a new paragraph is added at the end of the Note reading as follows:

§ 376.12 Parts, components, and materials in foreign-made end products.

* * * * *

Note.—In order to determine * * *

1. * * *

2. * * *

3. * * *

Even though the answers to the above questions indicate that prior written approval is required, a request need not be submitted if the export of the foreign-made end product meets the conditions of § 374.3(e).

PART 379—TECHNICAL DATA

4. In § 379.8, paragraph (b) is amended by adding a new subparagraph (3) to read as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.

* * * * *

(b) *Permissive Reexports.* * * *

(3) *COCOM Authorization.* Separate specific authorization by the Office of Export Administration to export or reexport any foreign produced direct product of U.S. technical data is not required if *all* of the following conditions are met:

(i) The commodities being exported:

(A) are identified by "A" on the CCL,

(B) are *not* included in the notes in Supplement No. 1 to Part 385,

(C) are valued at more than $4,000 (except that commodities in CCL entries 1548, 1555, 1559, and 1781, and entries beginning with the digits 2 and 3, are eligible regardless of value), and

(D) If included in entry 1565A, have at least one parameter falling in the extreme right-hand, *i.e.* (d), column of boxes on Form ITA–6031P, Computer System Parameters.

(ii) The export or reexport is from a COCOM participating country, *i.e.*, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, or the United Kingdom;

(iii) The export or reexport is made in accordance with the conditions of the licensing authorization issued by the applicable COCOM participating country;

(iv) The export or reexport is to a country in Country Group P, Q, W, or Y; and

(v) The transaction has received unanimous approval in COCOM (see § 374.3(e)).

(Secs. 5, 13, and 15 of the Export Administration Act of 1979, 93 Stat. 503, 50 U.S.C. app. 2401, *et seq.* (Supp. III 1979); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: June 11, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-18035 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 103, 152, and 175

[T.D. 81-168]

Customs Regulations Relating to Availability of Information

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document revises the Customs Regulations relating to the public disclosure of information. There have been substantial changes to the relevant law since publication of the prior regulations. The revision brings the regulations into conformity with the current law.

This action has been taken after publication of a notice of proposed rulemaking and careful analysis of public comment received.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8681).

SUPPLEMENTARY INFORMATION: These amendments do not constitute a major regulation within the meaning of Executive Order 12291, relating to Federal Regulation.

Background

A proposed revision of Part 103, Customs Regulations (19 CFR Part 103), relating to the public disclosure of information was published in the **Federal Register** on August 20, 1979 (44 FR 48709). This revision was deemed necessary due to the amendments to the Freedom of Information Act by Public Law 93–502, 80 Stat. 1561, and the conforming amendments to the Department of the Treasury regulations concerning public access to records (31 CFR Part 1) published in the **Federal Register** on February 20, 1975 (40 FR 7439).

Part 103 sets forth procedures whereby the public may obtain access to records created and maintained by the United States Customs Service. The procedures involve the publication of certain information in the **Federal**

Register, the public inspection or copying of information, and the submission of specific requests for records to Headquarters, United States Customs Service, or to offices of the regional commissioners of Customs. Also included are procedures for appeal of an initial administrative determination to deny such a request and a uniform schedule of fees for the search and duplication of Customs records. Officers of the Customs Service who are responsible for making the initial and appellate determinations as to whether a request for records shall be granted are designated. Exemptions from disclosure, conforming to the Freedom of Information Act amended by Public Law 93–502 are set forth.

Discussion of Major Comments

Comments received in response to publication of the proposed revision of Part 103 in the **Federal Register** (44 FR 48709) have been carefully analyzed and are summarized below.

The majority of comments were concerned primarily with the protection of confidential business information. These comments were critical of § 103.14 which permits limited access to information on vessel manifests to both accredited members of the press, and to the public and allows the publication of certain of this information. Generally, privileged or confidential information contained in vessel manifests is exempt from disclosure under § 103.12. In this regard, commenters believed that competitors could glean from vessel manifests and summary statistical reports shipping methods, ports of entry, sources of supply, volume cost and selling price of goods, and determine market expectations and plans for new markets. Concerns were expressed that this private data, developed at a cost to a firm, would become publicly available. According to these commenters, competitors would thereby gain a substantial market advantage. The commenters conceive that if one information service published identifying data for a shipment plus its quantity, and a second service published the data for the same shipment plus its price, a subscriber to both services would obtain the combination of information which Customs would not release to either the press or public.

Criticism is also raised that § 103.14 permits selective disclosure inasmuch as accredited members of the press are allowed to examine vessel manifests which the general public may not.

It is the position of the Customs Service that the proposed regulation adequately balances the interests of the parties involved by generally exempting from disclosure privileged or confidential information contained in vessel manifests, while still insuring relative ease of publication of legally available information. As an added precaution, § 103.14(d) permits, upon written application, a shipper, consignee, or importer to request, that its name be withheld from public disclosure. In addition, under § 103.14(b), a press representative must submit to Customs for review any copy or notation made from a vessel manifest. Therefore, although the press may examine information not available to the public, the ability to copy such information or take notes of such information is severely limited by § 103.14.

It is pertinent to note that, on the other hand, certain comments received oppose the suspension of disclosure provision as currently written inasmuch as it does not require some factual determination of specific harm to be made.

Parenthetically, it also must be noted that that portion of Treasury Decision 81–19, published in the **Federal Register** on January 29, 1981 (46 FR 9567), relating to vessel manifest disclosure requirements, has been incorporated into this document as § 103.14.

One commenter recommended that § 103.15, which provides for sanctions against Customs officers and employees for improper disclosure to exporters and importers, be broadened to encompass all unauthorized disclosures. In response to this comment, the language of § 103.15 has been changed to invoke sanctions for unauthorized disclosures to any person not authorized by law or regulation to receive the disclosed information.

In reference to judicial review of an administrative action on an information request, one commenter noted that the authority formerly possessed by the Civil Service Commission to investigate certain withholdings has been transferred to the Special Counsel, Merit Systems Protection Board. (Section 906(a)(10) of the Civil Service Reform Act of 1978). In response, appropriate changes in § 103.9 have been made.

Procedural Changes

In accordance with a change in the internal procedures in Customs Headquarters, the proposed section on the maintenance of files and records, which invested the Director, Entry Procedures and Penalties Division, at Headquarters with the responsibility for maintaining files on information requests, has been deleted. Henceforth, information requests should be made at the Disclosure Law Branch, Headquarters (§ 103.5(d)), and the appropriate division director at Headquarters shall make the initial determination to grant or deny a request for a record maintained in that particular division (§ 103.6(a)(2)). Appeal of an initial determination shall no longer be made to the Assistant Commissioner of Customs, but rather to the Director, Office of Regulations and Rulings (section 103.7).

Pursuant to Executive Order 12188 (45 FR 69273), which transferred responsibility for the administration of antidumping and countervailing duty laws to the Secretary of Commerce, references to records on antidumping and countervailing duty in § 103.11 have been deleted.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612) because the notice of proposed rulemaking on which the final rule is based was issued prior to January 1, 1981, the effective date of the Act.

Drafting Information

The principal authors of this document were Harold I. Loring and Todd J. Schneider, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 103, 152, and 175, Customs Regulations (19 CFR Parts 103, 152, 175) are amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved: May 7, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

Part 103, Customs Regulations (19 CFR Part 103), is revised to read as follows:

PART 103—AVAILABILITY OF INFORMATION

Sec.

103.0 Scope.
103.1 Public reading rooms.
103.2 Information available to the public.
103.3 Publication of information in the Federal Register.
103.4 Public inspection and copying.
103.5 Specific requests for records.
103.6 Grant or denial of initial request.
103.7 Administrative appeal of initial determination
103.8 Time extensions.
103.9 Judicial review.
103.10 Fees for services.
103.11 Specific Customs Service records subject to disclosure.

Sec.
103.12 Exemptions.
103.13 Segregability of records.
103.14 Information on vessel manifests and summary statistical reports.
103.15 Sanctions for improper actions by Customs officers or employees.
103.16 Information concerning fines, penalties, and forfeitures cases.
103.17 Testimony or the production of documents in court.

Authority.—R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 501, 65 Stat. 290; 5 U.S.C. 301, 552, 19 U.S.C. 66, 1624, 31 U.S.C. 483a. Additional authority and statutes interpreted or applied are cited in the text or in parentheses following the sections affected.

§ 103.0 Scope.

This part contains regulations implementing the public information provisions of the Freedom of Information Act, as amended (5 U.S.C. 552). For the purpose of this part the Office of the Chief Counsel is considered to be a part of the United States Customs Service. The regulations supplement the regulations of the Department of the Treasury concerning public access to records, which are found in 31 CFR Part 1 and which are applicable to all constituent units of the Department, including the United States Customs Service. In the event of any inconsistency between these regulations and those of the Department of the Treasury, the Department of the Treasury regulations shall govern. Included in this part are the procedures by which the public may obtain access to records maintained by the United States Customs Service. The regulations provide a uniform schedule of fees for the search and duplication of Customs opinions and rulings, orders made in the adjudication of cases, and other Customs records and documents. In addition, the part includes provisions governing the release of certain information to the press and the giving of testimony or the production of Customs documents in court proceedings. Persons seeking information or records may find it useful to consult with either the Chief, Disclosure Law Branch, United States Customs Service, Washington, D.C. 20229, the Public Information Division at Headquarters, the appropriate regional commissioner of Customs, or the public information officer in the appropriate Customs regional office, before invoking the formal procedures set forth in this part.

§ 103.1 Public reading rooms.

Each office listed below will maintain a public reading room or public reading area where the material required to be made available under 5 U.S.C. 552(a)(2) and this part may be inspected and copied:

United States Customs Service (Headquarters), 1301 Constitution Avenue, NW., Washington, D.C. 20229.
Region I—Boston, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110.
Region II—New York, 6 World Trade Center, New York, New York 10048.
Region III—Baltimore, U.S. Customhouse, 40 S. Gay Street, Baltimore, Maryland 21202.
Region IV—Miami, 99 S.E. 5th Street, Miami, Florida 33131.
Region V—New Orleans, Canal-LaSalle Building, Suite 2400, 1440 Canal Street, New Orleans, Louisiana 70112.
Region VI—Houston, 500 Dallas Street, Suite 1240, Houston, Texas 77002.
Region VII—Los Angeles, New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.
Region VIII—San Francisco, 211 Main Street, Suite 1000, San Francisco, California 94105.
Region IX—Chicago, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

The reading rooms are open to the public during regular business hours unless other hours are posted, Monday through Friday of each week, exclusive of national holidays. A fee for copies of requested material is charged in accordance with § 103.10.

§ 103.2 Information available to the public.

(a) *General.* The Freedom of Information Act, as amended (5 U.S.C. 552), provides for access to information and records developed or maintained by Fedral agencies. Subject only to the exemptions set forth in § 103.12, the public generally or any individual member is entitled to information or records which are described in paragraph (b) of this section and which are in the possession of the United States Customs Service. Access to that information is governed by the regulations in this part.

(b) *Three categories of information available.* Generally, 5 U.S.C. 552 divides agency information into three major categories and provides methods by which each category is available to the public. The three major categories, for which the disclosure requirements of the United States Customs Service are set forth in this part, are as follows:

(1) Information required to be published in the **Federal Register** (see § 103.3).

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 103.4).

(3) Information required to be made available to any member of the public upon specific request (see § 103.5).

§ 103.3 Publication of information in the Federal Register.

(a) *Requirements.* Subject to the application of the exemptions described in § 103.12 and subject to the limitations provided in paragraph (b) of this section, the United States Customs Service is required, by 5 U.S.C. 552(a)(1), to separately state, publish and keep current in the **Federal Register** for the guidance of the public the following information:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(2) A statement of the general course and method by which its function are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(3) Rules of procedure, descriptions of forms available and the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by it.

(5) Each amendment, revision, or repeal of matters referred to in subparagraphs (1) through (4) of this paragraph.

(b) *Limitations.*—(1) *Incorporation by reference in the* **Federal Register.** Matter reasonably available to an affected class of persons, whether published by a private organization or an agency of the United States, is published in the **Federal Register** for purposes of paragraph (a) of this section when it is incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register. Any matter which is incorporated by reference must be set forth in the privately- or publicly-printed document substantially in its entirely and not merely summarized or printed as a synopsis. There can be no incorporation by reference in the **Federal Register** of any matter where only a few persons having a special working knowledge of the activities of the United States Customs Service are familiar with its location and scope. The provisions of 5 U.S.C. 552(a)(1) and 1 CFR Part 20 control any incorporation of matter by reference.

(2) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in paragraph (a) of this section which is required to be published in the **Federal Register**, that person is not required in any manner to resort to, or be adversely affected by, that matter if it is not published or incorporated by reference. That is, any matter which imposes an obligation and which is not published or incorporated by reference can not adversely change or affect a person's rights.

§103.4 Public inspection and copying.

(a) *In general.* Subject to the application of the exemption described in § 103.12 the United States Customs Service is required, by 5 U.S.C. 552(a)(2) and §§ 174.32 and 177.10 of this chapter, to make available for public inspection and copying or, in the alternative, promptly publish and offer for sale, the following information:

(1) Final opinions and orders, including concurring or dissenting opinions, made in the adjudication of cases;

(2) Within 120 days of issuance, any precedential decision (including any ruling letter, internal advice memorandum, or protest review decision) issued under the Tariff Act of 1930, as amended, with respect to any Customs transaction;

(3) Those statements of policy and interpretations which have been adopted by the United States Customs Service but are not published in the **Federal Register**; and

(4) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) *Indexes.* The United States Customs Service is required by 5 U.S.C. 552(a)(2) to maintain and make available for public inspection and copying those current indexes which identify any item described in paragraphs (a) (1) through (3) of this section that is issued, adopted, or promulgated after July 4, 1967, and that is required to be made available for public inspection or published. Unless the Commissioner determines by an order published in the **Federal Register** that publication is unnecessary and impracticable, these indexes are published on a quarterly or more frequent basis and are available for purchase at each of the public reading rooms listed in § 103.1, at a cost not to exceed the direct cost of duplication.

(c) *Effect of failure to publish or make available.* No matter, described in paragraphs (a) (1) through (3) of this section which is required by this section to be made available for public inspection or published, may be relied upon, used, or cited as precedent by the United States Customs Service against a party, other than an agency, unless that party has actual and timely notice of such matter or unless the matter has been indexed and either made available for inspection or published, as provided by this section. This paragraph applies only to matters which have precedential significance and does not apply to matters which have been made available pursuant to § 103.3.

(d) *Deletion of identifying details.* To prevent an unwarranted invasion of personal privacy, in accordance with 5 U.S.C. 552(a)(2), identifying details contained in any matter described in paragraphs (a) (1) through (3) of this section are deleted before making that matter available for inspection or publication. However, in every case where identifying details are deleted, the basis for the deletion is explained in writing, giving specific reasons for the deletion and citing the applicable provision of 5 U.S.C. 552 and § 103.12, in an attachment to the document from which the identifying details have been deleted.

(e) *Public reading rooms.* The United States Customs Service has available for inspection and copying, in a reading room or otherwise, the matters described in paragraphs (a) (1) through (3) of this section which are required by paragraph (a) to be made available for public inspection or published in the current indexes. Facilities are provided whereby a person may inspect and obtain copies of the material. There is no fee for access to materials, but a fee is charged in accordance with § 103.10 for a copy of any material provided.

§ 103.5 Specific request for records.

(a) *In general.* Except with respect to the records made available under §§ 103.3 and 103.4, but subject to the application of the exemptions described in § 103.12, the United States Customs Service is required, by 5 U.S.C. 552(a)(3), upon a request for reasonably-described records that conforms in every respect to the rules and procedures of this part, to make the requested records promptly available to the requester. A request or an appeal from the initial denial of a request which does not comply with the requirements set forth in this part is not subject to the time limits of §§ 103.6, 103.7, and 103.8 until amended so as to comply. Nevertheless, every reasonable effort will be made to answer each request within the applicable time limits or, if necessary, to promptly advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended for consideration in accordance with this part. This section applies only to existing records which are in the possession or control of the United States Customs Service. There is no requirement that records be created or data be processed in other than the existing format in order to answer a request for records.

(b) *Requests for records not in control of the United States Customs Service—*(1) *Referral of request.* Where the request is for a record in the possession of, under the control of, or created by a constituent unit of the Department of the Treasury other than the United States Customs Service, the appropriate Customs officer shall transfer the request to the appropriate constituent unit and notify the requester of that transfer. Forwarding a request to another constituent unit is not a denial of access within the meaning of these regulations. If the United States Customs Service receives a request forwarded from another constituent unit of the Department of the Treasury, the time limits for response set forth in §§ 103.6(b) and 103.8(a) commence upon receipt of the request by the Freedom of Information and Privacy Branch, U.S. Customs Service. If the United States Customs Service receives a request for a record that is not in the possession or control of any constituent unit of the Department of the Treasury, the appropriate Customs officer shall return the request to the sender with an explanation of that fact.

(2) *Request for advice.* If the Customs Service has a copy of a requested unclassified record that was created by a Department or agency other than a constituent unit of the Department of the Treasury, the appropriate Customs officer shall ask that Department or agency for its advice on the release of the record. The appropriate Customs officer shall advise the other Department or agency that, in the absence of timely guidance from it, the United States Customs Service will proceed to make its own determination in accordance with this part. If it becomes necessary to respond to a requester because of the time limits set forth in §§ 103.6(b) and 103.8(a) without the advice of the other Department or agency, the appropriate Customs officer shall make the determination in accordance with this part and advise the requester accordingly. If the appropriate Customs officer denies access to the record under one of the exemptions set forth in § 103.12, that officer shall advise the requester of the right to appeal the denial and of the possibility of sending a request for the record directly to the

originating Department or agency. If a requester appeals from a denial to the United States Customs Service, the appropriate Customs officer shall ask the originating Department or agency for timely advice on whether to release the records. Nevertheless, the ultimate decision on the appeal from a denial of access to a record rests with the Director, Office of Regulations and Rulings, as set forth in § 103.7.

(3) *Classified records.* If the Customs Service has a copy of a requested record created by a Department or agency other than a constituent unit of the Department of the Treasury, and that record is classified or contains both classified and unclassified material, the request shall be referred to the originating Department or agency for a direct response. The requester shall be notified immediately of the referral. Such referral shall not constitute a denial of the request and no appeal rights accrue to the requester.

(c) *Form of request.* Although no standard form is prescribed for a request, in order to be subject to the provisions of this section and §§ 103.6 through 103.9, a request for records must—

(1) Be made in writing and signed by the person making that request;

(2) State that it is made pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), or these regulations, and have conspicuously printed on the face of the envelope the words "Freedom of Information Act Request" or "FOIA Request";

(3) Be addressed to the appropriate office or officer of the United States Customs Service, as set forth in paragraph (d) of this section;

(4) Reasonably describe the records in accordance with paragraph (e) of this section.

(5) Set forth the address where the person making the request desires to be notified of the determination as to whether the request will be granted;

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them; and

(7) State the firm agreement of the requester to pay the fees for search and duplication ultimately determined in accordance with § 103.10, or request that such fees be reduced or waived and state the justification for such request (see § 103.10(d)).

Where the initial request, rather than stating a firm agreement to pay the fee ultimately determined in accordance with § 103.10, places an upper limit on the amount the requester agrees to pay and that upper limit is likely to be lower than the estimated fee, or where the requester asks for an estimate of the fees to be charged, or if the fees are expected to exceed $50, the appropriate Customs officer shall promptly advise the requester of the estimated fee due and ask the requester to agree to pay that amount. Where the initial request includes a request for reduction or waiver of fees, the appropriate Customs officer shall determine whether to grant the request for reduction or waiver in accordance with § 103.10(d) and notify the requester of the decision. If the officer decides to charge the requester for all or part of the fees normally due, the officer shall ask the requester to agree to pay the amount so determined. The requirements of this paragraph are not met until the requester agrees, in writing, to pay the fees applicable to the request for records, if any, or has made payment in advance of the fees estimated to be due.

(d) *To whom requests for records should be address*—(1) *Headquarters.* Requests made by mail for records maintained at the Headquarters of the United States Customs Service should be addressed to "Freedom of Information Act Request," U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Requests may be delivered personally to the Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C.

(2) *Regional offices.* A person shall request records or information maintained in a field office of the United States Customs Service by either mailing or personally delivering the request to the regional commissioner of Customs of the region in which the field office is located. The addresses of the regional commissioners are listed in § 103.1.

(e) *Reasonable description of records.* A request for records must describe the records in reasonably sufficient detail to enable a Customs officer who is familiar with the subject area of the request to locate the records without placing an unreasonably burden upon the United States Customs Service. While no specific formula for a reasonable description of a record can be established, the requirement is usually satisfied if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, a requester should furnish any additional information which will more clearly identify the requested records. If a request does not reasonably describe the records being sought, the appropriate Customs officer shall ask the requester to refine the request. If necessary a requester may be granted a conference with knowledgeable Customs personnel. The requirement for a reasonably description is not a device for improperly withholding records from the public.

(f) *Date of receipt of request.* A request for records is considered to have been received for purposes of this part on the later of the dates on which—

(1) The requirements of paragraph (c) of this section have been satisfied; and, where applicable,

(2) The requester has agreed in writing, by executing a separate contract or otherwise, to pay the fees for search and duplication determined to be due in accordance with § 103.10; or

(3) The fees have been waived in accordance with § 103.10(d); or

(4) Payment in advance has been received from the requester.

A Customs officer or employee who receives a request for records and a separate agreement to pay, or a letter transmitting prepayment, or who issues a final notification of waiver of fees, shall stamp the date of receipt or dispatch by the responsible office on the materal. The latest of those dates is the date of receipt of the request. As soon as the date of receipt has been established, the appropriate Customs officer shall acknowledge receipt and inform the reqester of the title of the Customs officer who is responsible for acting on the request.

(g) *Search for record requested.* Upon the receipt of a request, the appropriate Customs officer shall attempt to identify and locate the requested records. With respect to records maintained in computerized form, a search for a record includes services functionally analogous to searches for records which are maintained in a conventional form. However, Customs personnel are not required to tabulate or compile information for the purpose of creating a record. Only records in existence at the time of the receipt of the request will be treated as falling within the scope of the request and no request for the continuing production of documents created after receipt of the request will be honored.

(h) *"Request for record" defined.* For purposes of uniformity in recordkeeping a "request for a record" is defined as a written request for a record of the U.S. Customs Service which has not been published in the **Federal Register**, the Customs Bulletin, by press release, or otherwise, or made available in a public reading room, or which has not previously been customarily furnished to requesters, whether or not the request makes reference to the Freedom of

Information Act, as amended (5 U.S.C. 552).

§ 103.6 Grant or denial of initial request.

(a) *Officers designated to make initial determinations.*

(1) *Regional offices.* The appropriate regional commissioner of Customs shall make any initial determination on a request for a record which is maintained in that region.

(2) *Headquarters.* For records located at Customs Service Headquarters, the initial determination to grant or deny a request shall be made by the appropriate Division Director at Customs Service Headquarters having custody of or functional jurisdiction over the subject matter of the requested records. In the event the request relates to records which are maintained in an office which is not within a division, the initial determination shall be made by the individual designated for that purpose by the Assistant Commissioner or Comptroller, as appropriate, having responsibility for that office.

(b) *Time limit for initial determinations.* The time limit for making an initial determination to grant or deny a request for records, including the time for notifying the requester of that determination, is 10 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request (see § 103.5(f)), unless the designated officer invokes an extension pursuant to § 103.8(a) or the requester otherwise agrees to an extension.

(c) *Grant of request.* If the appropriate Customs officer grants a request, and if the requester wants a copy of the requested records, that officer shall mail a copy of those records to the requester together with a statement of the fees for search and duplication at the time of the determination or promptly thereafter. If a requester wants to inspect the record, the appropriate Customs officer who grants the request shall send written notice to the requester stating the time and place of inspection and the amount of any fee involved in the request. In such a case, the appropriate Customs officer shall make the record available for inspection at the time and place stated, but in a manner so as not to interfere with its use by the United States Customs Service or to exclude other persons from making an inspection. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The requester is not allowed to remove a record from the inspection room. If, after making inspection, the requester wants a copy of all or a portion of the requested record, the appropriate Customs officer shall supply the desired copy upon payment of the established fee prescribed in § 103.10.

(d) *Denial of request.* The Customs officer who denies a request for records (whether in whole or in part) shall mail written notice of the denial to the requester. The letter of notification shall contain (1) the physical location of the requested records, (2) the applicable exemption(s) and reason for not granting the request, (3) the name and title or position of the Customs officer who denied the request, (4) advice on the right to administrative appeal in accordance with § 103.7, and (5) the title and address of the Customs officer who is to decide any appeal.

(e) *Inability to locate records within time limits.* If a requested record cannot be located and evaluated within the initial 10-day period or the extension period allowed under § 103.8(a), the Customs officer who is responsible for the initial determination shall continue to search for the records. However, that officer shall also notify the requester of the facts and inform the requester that he or she may consider the notification to be a denial of access within the meaning of paragraph (d) of this section, and provide the requester with the address for the submission of an administrative appeal. The requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to locate and evaluate the records. A voluntary extension of time does not waive a requester's right to appeal any ultimate denial of access or to appeal a failure to locate the records within the voluntary extension period.

§ 103.7 Administrative appeal of initial determination.

(a) *To whom appeals should be submitted.* A requester may submit an administrative appeal to the Director, Office of Regulations and Rulings, within 35 days after the date of notification described in § 103.6 or the date of the letter transmitting the last records released, whichever is later. A requester shall mail or personally deliver an appeal to the United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

(b) *Form of appeal.* The Administrative appeal shall—

(1) Be in writing and signed by the requester,

(2) Have conspicuously printed on the face of the envelope the words "Freedom of Information Act Appeal";

(3) Reasonably describe, in accordance with § 103.5(e), the records to which the appeal relates;

(4) Set forth the address where the requester desires to be notified of the determination on appeal;

(5) Specify the date of the initial request and the date and control number of the letter denying the initial request; and

(6) Petition the Director, Office of Regulations and Rulings, to grant the request for records and state any arguments in support thereof.

(c) *Disposition of appeal.* The Customs officer or employee who receives an appeal shall stamp the date of receipt on the appeal and the stamped date is the date of receipt for purposes of the appeal. The Director, Office of Regulations and Rulings, shall acknowledge and advise the appellant of the date of receipt and of the date that a response is due under this paragraph. The Director shall affirm the initial denial (in whole or in part) or grant the request for records and notify the appellant of that determination by letter mailed within 20 days (exclusive of Saturdays, Sunday, and legal public holidays) after the date of receipt of the appeal, unless extended pursuant to § 103.8(a). The purpose of the letter of denial is to inform the appellant of the reason for the denial and the right to judicial review of that denial under 5 U.S.C. 552(a)(4)(B). If the Director is unable to act on an appeal within the 20-day period (or any extension thereof pursuant to § 103.8(a)), the Director shall send written notice of that fact to the appellant. In those circumstances, an appellant is entitled to commence an action in a district court as provided in § 103.9 despite any continuation in the processing of an appeal. However, the appellant may also be invited, in the alternative, to agree to a voluntary extension of time in which to decide the appeal. A voluntary extension does not waive the right of the appellant to ultimately commence an action in a United States district court on the appellant's request.

§ 103.8 Time extensions.

(a) *Ten-day extension.* In unusual circumstances, the Customs officer who is responsible for deciding an initial request or an appeal may extend the time limitations set in §§ 103.6 and 103.7 after written notice to the requester or appellant. This notice must state the reason for the extension and the date on which the determination is expected to be dispatched. Any extension or extensions of time are limited to a cumulative total of not more than 10 additional working days. (For example, if an extension pursuant to this paragraph is invoked in connection with

an initial determination, any unused days of the extension period may be invoked in connection with the determination on administrative appeal by written notice from the Director, Office of Regulations and Rulings, who is to make the appellate determination. If no extension is sought for the initial determination, an extension of 10 days may be added to the ordinary 20-day period for appellant review.) Generally, extensions will be invoked only to the extent reasonably necessary to properly respond to a request. As used in this paragraph, "unusual circumstances" means at least one of the following:

(1) The need to search for and collect the requested records from field facilities or other establishments in buildings other than the building in which the office of the Customs officer to whom the request is made is located.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another Department or agency having a substantial interest in the determination of the request, among two or more constituent units within the Department of the Treasury, or within the United States Customs Service (other than the legal staff or Public Affairs Division) having substantial subject-matter interest therein. Consultations with personnel of the Department of Justice concerned with requests for records under the Freedom of Information Act, as amended (5 U.S.C. 552), do not constitute a basis for an extension under this subparagraph.

(b) *Extension by judicial review.* If the United States Customs Service fails to comply with the time limitations specified in §§ 103.6 and 103.7 and the requester commences an action under § 103.9, the court in which the suit was initiated may retain jurisdiction and allow the United States Customs Service additional time to review its records, if the Customs Service shows the existence of exceptional circumstances and the exercise of due diligence in responding to the request.

§ 103.9 Judicial review.

(a) *Failure to comply with time limitations.* If the United States Customs Service fails to comply with the time limitations specified in §§ 103.6, 103.7 or 103.8, a requester is considered to have exhausted the administrative remedies with respect to the request.

(b) *Procedure of initiating judicial review.* If a request for records is denied upon appeal pursuant to § 103.7, or if no determination is made within the 10-day or 20-day periods specified in §§ 103.6 and 103.7, respectively, together with an extension pursuant to § 103.8(a) or by agreement of the requester, the requester may commence an action under 5 U.S.C. 552(a)(4)(B) in a United States district court in the district (1) in which the requester resides, (2) in which the requester's principal place of business is located, (3) in which the records are situated, or (4) in the District of Columbia. Service of process in that action is governed by the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. The Chief Counsel, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 is the officer designated to receive any service of process.

(c) *Proceeding against officer or employee.* Under 5 U.S.C. 552(a)(4)(F), the Special Counsel, Merit Systems Protection Board, has authority, upon the issuance of a written finding by a court that the Customs officer or employee who was primarily responsible for withholding a record may have acted arbitrarily or capriciously, to initiate a proceeding to determine whether disciplinary action is warranted against that officer or employee. The Special Counsel, after investigation and consideration of the evidence submitted, submits its findings and recommendations to the Commissioner of Customs and the Secretary of the Treasury. The Special Counsel also sends copies of the findings and recommendations to the officer or employee or the representative of that officer or employee.

§ 103.10 Fees for services.

(a) *In general.* (1) The fees prescribed in this section are for search and duplication and under no circumstances is there a fee for determining whether an exemption can or should be asserted, for deleting exempt matter being withheld from records to be furnished, or for monitoring a requester's inspection of records made available in this manner.

(2) Customs publications which are available for sale through the Government Printing Office are on the shelves of the reading rooms and similar public inspection facilities, but those publications are not available for sale at those facilities. Those publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, pages from those publications may be copied at the public inspection facilities in accordance with the schedule of fees set forth in paragraph (g) of this section.

(b) *When charged.* Unless charges are inapplicable, or are waived or reduced in accordance with paragraph (c) or (d) of this section, fees are charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records.

(c) *Services performed without charge*—(1) *Certain classes of records.* The Commissioner of Customs or any of the Commissioner's designees may determine, under the rulemaking procedures of 5 U.S.C. 553, which classes or records under their control may be provided to the public without charge, or at a reduced charge.

(2) *Records provided to government units.* Normally, in accordance with paragraph (d)(2)(ii) of this section, no charge is made for providing records to Federal, State, or foreign governments, international governmental organizations, or local governmental agencies or offices.

(d) *Waiver or reduction of fees*—(1) *Records unavailable or exempt.* Fees may be waived or reduced at the discretion of the Customs officer who determines the availability of records, if the record is not found or is exempt from disclosure.

(2) *Request for waiver or reduction of fees.* Fees may be waived or reduced on a case by case basis in accordance with this paragraph by the Customs officer who determines whether to release the record. A request for a waiver or reduction of fees must be in writing. The appropriate Customs officer shall waive or reduce a fee if the officer determines either that—

(i) The records are being requested by, or on behalf of, an individual who in writing, under penalty or perjury, demonstrates indigency to the satisfaction of the officer and that compliance with the request does not constitute an unreasonable burden on the United States Customs Service; or

(ii) A waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public.

(3) *Appeal from denial of request.* An appeal from a denial of a request for waiver or reduction of fees is decided under the criteria set forth in subparagraph (2) of this paragraph by the Director, Office of Regulations and Rulings. An appeal shall be in writing and mailed to the Director within 35 days of the denial of the initial request for waiver or reduction. An appeal under this paragraph is entitled to a prompt decision.

(e) *Avoidance of unexpected fees.* In order to protect a requester from

unexpected fees, a requester is required to state in the request an agreement to pay the fees determined in accordance with paragraph (g) of this section or to state an acceptable upper limit on the cost of processing the request. If the fee for processing the request is estimated to exceed that limit, or if the requester has failed to state a limit and the cost is estimated to exceed $50 and there is no decision to waive or reduce the fees, the appropriate Customs officer shall—

(1) Inform the requester of the estimated costs;

(2) Extend an offer to the requester to confer with Customs personnel in an attempt to reformulate the request in a manner which will reduce the fee and still meet the needs of the requester, and

(3) Inform the requester that the running of the time period within which a determination on the request must be made is suspended until the request is reformulated in manner to reduce the cost or until the requester pays or agrees to pay the estimated cost.

(f) *Form of payment.* (1) A requester shall pay by a check or money order that is payable to the order of the United States Customs Service.

(2) If the estimated cost exceeds $50, the requester may be required to enter into a contract for the payment of actual costs, as determined in accordance with paragraph (g) of this section, which contract may provide for prepayment of the estimated costs in whole or in part.

(g) *Amount to be charged for specified services.* A fee for a service performed is imposed and collected as set forth in this paragraph. The Commissioner of Customs or the Commissioner's designee may set an appropriate fee for any service not described below. These extraordinary fees are imposed and collected pursuant to 31 U.S.C. 483a, subject to the constraints imposed by 5 U.S.C. 552(a)(4)(A).

(1) *Duplication.* (i) The charge for photocopies per page up to 8½" x 14" is at the rate of $0.10 each, except that no charge is imposed for copying 10 pages or less when less than one hour is spent in locating the records requested.

(ii) The charge for photographs, films and other materials is their actual cost. The United States Customs Service may furnish the records to be released to a private contractor for copying and charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee is charged where the requester furnishes the supplies and equipment and makes the copies at the Government location.

(2) *Unpriced printed materials.* The charge for unpriced printed material, which is available at the location where requested and which does not require duplication for copies to be furnished, is at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search services.* The charge for services of personnel involved in locating records is $5 for each hour or fraction thereof, except that no charge is imposed for a search of less than one hour. Where a computer search is required because of the nature of the records sought and the manner in which such records are stored, the fee is $5 for each hour or fraction thereof of personnel time associated with the search plus the actual cost of extracting the stored information in the format in which it is normally produced. This actual cost of extracting information is based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* The charge for transporting a record from one location to another, of for transporting a Customs officer or employee to the site of requested records when it is necessary to locate rather than examine the records, is the actual cost of the transportation.

§ 103.11 Specific Customs Service records subject to disclosure.

(a) *Administrative staff manuals and instructions.* Except as exempted by § 103.12, all administrative staff manuals and instructions to staff that affect any member of the public, and indexes thereto, are available for public inspection and copying in the United States Customs Service public reference facilities (see § 103.1), including the following:

Catalogue of Customs Forms.
Computer printout of precedent cases decided by the Office of Regulations and Rulings, Headquarters, United States Customs Service.
Customs Information Exchange Rulings and Rulings issued by the Office of Regulations and Rulings, organized chronologically by year, with identifying data deleted pursuant to §§ 103.12 and 103.14.
Customs Simplification Act (C.S.A.) Series Letters and Index (identifying information deleted pursuant to §§ 103.12 and 103.14).
Customs Statistical Manual.
Import Requirements on Articles Assembled Abroad from U.S. Component (Item 807.00, TSUS).
KWIC Index of United States Customs Service circulars letters, and supplementary monthly checklists.
Synopsis of Decisions of the Duty Assessment Process.

(b) *Other Customs Records.* In general, all other documents issued by the Secretary of the Treasury, the Commissioner of Customs, or other officers of the Department of the Treasury or of the United States Customs Service in matters administered by the United States Customs Service, if reasonably described, and unless exempted from disclosure under § 103.12, are available. The classes of records of the United States Customs Service which may be made available under this paragraph upon written request submitted in accordance with § 103.5 include, but are not limited to the following:

(1) Records relating to—(i) Comments submitted by private parties (which are not considered to include foreign governments) in response to a published notice of proposed rulemaking and of proposed changes in tariff classification, unless the submitter states that the information is privileged or confidential, giving reasons therefor, and the Commissioner of Customs agrees that the information contained therein is exempt from disclosure under § 103.12;

(ii) Advisory committees on Customs matters;

(iii) Rosters of licensed customhouse brokers;

(iv) Names of individual licensed customhouse brokers;

(v) Names and titles of all Customs personnel;

(vi) Performance awards;

(vii) Suggestion awards;

(viii) The administration of and decisions concerning import quotas; and

(ix) Customs laboratory methods.

(2) Decisions concerning—(i) Matters arising under the Tariff Schedules of the United States (19 U.S.C. 1202);

(ii) Whether or not specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959 (19 U.S.C. 1751 *et seq.*), and the disposition of articles previously entered under the Trade Fair Act; Customs participation and assistance at Trade Fairs;

(iii) The dutiable status of gifts pursuant to section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321);

(iv) The eligibility of vehicles used in international traffic pursuant to section 332(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), and other instruments of international traffic generally for duty-free entry;

(v) Prohibition from entry of merchandise produced by convict, forced, or indentured labor (19 U.S.C. 1307);

(vi) The entry or valuation of merchandise;

(vii) Liens in cases arising under section 564, Tariff Act of 1930, as amended (19 U.S.C. 1564);

(viii) Bills of lading, carriers' certificates, or rights in respect of merchandise, cases arising under section 483 or 484(c), (h), or (i), Tariff

Act of 1930, as amended (19 U.S.C. 1483, 1484(c), (h), (i));

(ix) Trademarks, trade names, copyrights, patents, and related matters;

(x) Country of origin marking requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304);

(xi) Psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry;

(xii) Entry of articles admitted temporarily free of duty under bond as provided in schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), and entry of articles admitted temporarily free of duty under A.T.A. Carnets, as provided in § 114.22(a) and (b) of this chapter;

(xiii) Tonnage taxes (regular, special, and discriminatory) and light money;

(xiv) The entry, clearance and use of vessels and permits for them to proceed coastwise;

(xv) The regulation of vessels in the foreign, coastal, fishing, and other trades of the United States;

(xvi) The limitation of the use of foreign vessels in waters under the jurisdiction of the United States;

(xvii) Salvage operations by vessels within the territorial waters of the United States (46 U.S.C. 316);

(xviii) The assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), and the remission or refund of such duties;

(xix) Requirements for entry, clearance, and use of aircraft;

(xx) The arrival or departure and the use of motor vehicles, railway trains, or other vehicles;

(xxi) Adequacy of premises at Customs bonded warehouses and control of the merchandise stored therein;

(xxii) Use of protective Customs seals and labels; and

(xxiii) The itineraries of foreign vessels which had been submitted for an advisory ruling to determine whether the primary object of a contemplated voyage would be considered to unlawful coastwise trade (see § 4.80a(d) of this chapter).

§ 103.12 Exemptions.

Pursuant to 5 U.S.C. 552(b), the disclosure requirements of 5 U.S.C. 552(a) are not applicable to U.S. Customs Service records which relate to the following:

(a) *Matters kept secret pursuant to Executive Order.* Matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and which are, in fact, properly classified pursuant to such Executive Order (see 31 CFR Part 2).

(b) *Certain internal rules and procedures.* Information relating solely to the internal personnel rules and practices of an agency.

(c) *Matters exempt from disclosure by statute.* Information specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), if the statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(d) *Privileged or confidential information.* Trade secrets and commercial or financial information obtained from any person which is privileged or confidential.

(e) *Certain inter-agency or intra-agency correspondence.* Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency.

(f) *Material involving personal privacy.* Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) *Certain investigatory records.* Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would—

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical security of law enforcement personnel.

§ 103.13 Segregability of records.

(a) *Reasonably segregable portions.* Where the record requested contains information which is exempt from disclosure under 5 U.S.C. 552(b) and § 103.12, the reasonably segregable portions of the record shall be made available to the requester. For purposes of this section, the term "reasonably segregable portions" means those portions of the record: (1) which are not exempt from disclosure by 5 U.S.C. 552(b) and § 103.12; (2) which, after deletion of the exempt material, still convey meaningful and nonmisleading information; and (3) from which it can reasonably be assumed that a skillful and knowledgeable person could not reconstruct the exempt portions.

(b) *Petitions by American manufacturers, producers, or wholesalers.* Identifying data is not to be deleted from petitions filed by American manufacturers, producers, and wholesalers pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516). See Part 175 of this chapter.

§ 103.14 Information on vessel manifests and summary statistical reports.

(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 103.12, accredited representatives of the press, including newspaper, commercial magazines, trade journals, and similar publications may be permitted to examine vessel manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the name and address of the shipper, general character of the cargo, number of packages and gross weight, name of vessel or carrier, port of exit, port of destination, and country of destination may be copied and published. However, if the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure of the above information is likely to pose a threat of personal injury or property damage, that information shall not be disclosed to the public.

(2) Commercial or financial information, such as the names of the consignees, and marks and numbers shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for

examination by a Customs officer designated for that purpose.

(c) *Disclosure to the public.* Members of the public shall be permitted to obtain information from, but not examine, vessel manifests, subject to the rules set forth in paragraphs (a) and (b) of this section. However, importers and exporters or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest.

(d) *Suspension of disclosure.* (1) Inward manifest. Except as provided in § 103.17, upon written application of a consignee or importer, access to the name of such consignee or importer, on an inward manifest will thereafter be refused.

(2) Outward manifest. If a shipper wishes to request confidential treatment by Customs of the shipper's name and address contained in an outward manifest, the following procedure shall be followed:

(i) A shipper, or authorized employee or official of the shipper, must submit a certification claiming confidential treatment of the shipper's name and address. The certification shall include the shipper's Internal Revenue Service Employer Number, if available.

(ii) There is no prescribed format for a certification.

(iii) The certification must be submitted to the Regional Commissioner for the Region in which the port of exportation is located.

(iv) Each certification will be valid for a period of two (2) years from the date of its submission to Customs.

(3) If any individual shall abuse the privilege granted him to examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

§ 103.15 Sanctions for improper actions by Customs officers or employees.

(a) The improper disclosure of the confidential information contained in Customs documents, or the disclosure of information relative to the business of one importer or exporter that is acquired by a Customs officer or employee in an official capacity to any person not authorized by law or regulations to receive this information is a ground for dismissal from the United States Customs Service, suspension, or other disciplinary action, and if done for a valuable consideration subjects that person to criminal prosecution.

(b) Sanctions for improper denials of information by Customs officers or employees are set forth in § 103.9(c).

§ 103.16 Information concerning fines, penalties, and forfeitures cases.

Except as otherwise provided in these regulations or in other directives (including those published as Treasury Decisions), district directors of Customs and other Customs officers shall refrain from disclosing facts concerning seizures, investigations, and other pending cases until Customs action is completed. After the penalty proceeding is closed by payment of the claim amount, payment of a mitigated amount, or judicial action, the identity of the violator, the section of the law violated, the amount of penalty assessed, loss of revenue, mitigated amount (if applicable), and the amount of money paid may be disclosed to the public by the appropriate district director of Customs. Public disclosure of any other item of information concerning such cases, whether open or closed, shall only be made in conformance with the procedures provided in § 103.5.

§ 103.17 Testimony or the production of documents in court.

(a) *General.* In answer to a legal process or demand from a court issued on behalf of the United States or an officer thereof, Customs officers or employees shall produce in court, and may testify with respect to, any official Customs papers or documents demanded which are in Customs custody. When the process or demand is issued on behalf of a party other than the United States, Customs officers or employees shall produce in court, and may testify with respect to, those papers and documents, but only to the extent that the party on whose behalf the papers or documents are demanded is permitted under these regulations to inspect or copy those papers or documents. An exception to the above two rules may be made only on the written order of the Commissioner of Customs or the Commissioner's designee. When requested, copies may be authenticated pursuant to the provisions of section 1733, title 28, United States Code.

(b) *Request of Customs Court.* Except as stated in § 103.12, nothing in this part precludes Customs officers or employees from producing in the United States Customs Court, any Customs papers or documents, in Customs custody, or from testifying or otherwise rendering all proper assistance to the court in proceedings before it when request therefor is made by the court; nor from furnishing to counsel for the United States information in, and permitting inspection of, Customs papers and documents requested by such counsel, nor from testifying on behalf of the United States or otherwise assisting such counsel in the performance of official duties.

(c) *Subpoena or subpoena duces tecum.* Upon being served with a subpoena or subpoena duces tecum from a court or court officer calling for testimony or the production of papers or documents in cases not covered by paragraph (a) or (b) of this section, or in cases where the testimony or documents desired would disclose matters the disclosure of which would be contrary to these regulations, the Customs officer involved shall refer the matter to Headquarters for instructions, with a report that specifically describes the testimony or documents desired. The Customs officer involved shall include in that report his or her opinion on whether the giving of the testimony or the furnishing of the documents would disclose information not permitted to be disclosed under these regulations. That officer also shall state in what particulars, if any, the disclosure of the information and work incidental to that disclosure would interfere with the orderly conduct of Customs business. If instructions are not received prior to the date set or appearance or production of documents, or if the Commissioner of Customs or the Commissioner's designee declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the Customs officer or employee whose testimony is requested, the Customs officer or employee shall appear in court or before the officer concerned in answer to the subpoena and respectfully decline to produce the documents called for or to testify, except to the extent specifically authorized elsewhere in this section, citing this regulation as authority for the refusal. If the matter has not already been referred to Headquarters for instructions, the Customs officer or employee shall advise the court or officer that it will be so referred.

(d) *In camera inspection of records.* Nothing in this section authorizes Customs officers or employees to withhold records from a court, pursuant to its order, for *in camera* inspection to

determine the propriety of claimed exemptions to disclosure.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301; 19 U.S.C. 66, 1624))

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

§ 152.42 [Amended]

Section 152.42(b) of the Customs Regulations (19 CFR 152.42(b)) is amended by substituting "103.12(d)" for "103.7(d)" in the last sentence.

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

PART 175—PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

§ 175.21 [Amended]

Section 175.21(b) of the Customs Regulations (19 CFR 175.21(b)) is amended by substituting "103.11(b)" for "103.8(b)" and by substituting "103.12(d)" for "103.10".

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

Parallel Reference Table

(This table shows the relation of sections in Revised Part 103 to Superseded Part 103)

Revised Sec.	Superseded Sec.
103.0	103.0.
103.1	103.1.
103.2 (a)	New.
103.2 (b)	New.
103.3 (a)	New.
103.3 (b)	New.
103.4 (a)	New.
103.4 (b)	New.
103.4 (c)	New.
103.4 (d)	103.4 (b) New.
103.4 (e)	New.
103.5 (a)	103.2 (b), (c), and (d) New.
103.5 (b)	103.2 (c) New.
103.5 (c)	103.2 (b) and (c) New.
103.5 (d)	103.2 (a) New.
103.5 (e)	103.2 (d) New.
103.5 (f)	New.
103.5 (g)	New.
103.5 (h)	103.6 (c).
103.6 (a)	103.2 (f), 103.3 (a).
103.6 (b)	New.
103.6 (c)	New.
103.6 (d)	New.
103.6 (e)	103.4 (d) New.
103.7 (a)	103.5 (a) New.
103.7 (b)	New.
103.7 (c)	103.5 (b) & (c) New.
103.8 (a)	New.
103.8 (b)	New.
103.9 (a)	New.
103.9 (b)	103.4 (c) (2) New.
103.9 (c)	New.
103.10 (a)	New.
103.10 (b)	103.9 (b) New.
103.10 (c)	103.9 (c) New.
103.10 (d)	New.
103.10 (e)	New.
103.10 (f)	New.
103.10 (g)	103.9 (b) New.
103.11 (a)	103.7.
103.11 (b)	103.8 (a) and (b).
103.12 (a)	103.10 (a) New.
103.12 (b)	103.10 (b) New.
103.12 (c)	New.
103.12 (d)	103.10 (d).
103.12 (e)	103.10 (e).
103.12 (f)	103.10 (f).
103.12 (g)	103.10 (g) New.
103.13 (a)	New.
103.13 (b)	New.
103.14 (a)	103.11 (a).
103.14 (b)	103.11 (b).
103.14 (c)	103.11 (c).
103.14 (d)	103.11 (d).
103.15 (a)	103.12.
103.15 (b)	New.
103.16	103.13.
103.17 (a)	103.14 (a).
103.17 (b)	103.14 (b).
103.17 (c)	103.14 (c).
103.17 (d)	New.

Parallel Reference Table

(This table shows the relation of the superseded sections of Part 103 to the revised sections in Part 103)

Superseded Sec.	Revised Sec.
103.0	103.0.
103.1	103.1.
103.2 (a)	103.5 (d); 103.6 (a).
103.2 (b)-(d)	103.5 (a), (c), (e).
103.2 (e)	103.5 (b).
103.2 (f)	103.6 (a).
103.4 (b)	103.4 (d).
103.4 (c) (2)	103.9 (b).
103.4 (d)	103.6 (e).
103.5 (a)	103.7 (a).
103.5 (b), (c)	103.7 (c).
103.6 (a), (b)	Deleted.
103.6 (c)	103.5 (h).
103.7	103.11 (a).
103.8 (a), (b)	103.11 (b).
103.9 (b)	103.10 (b); 103.10 (g).
103.9 (c)	103.10 (c).
103.10 (a)	103.12 (a).
103.10 (b)	103.12 (b).
103.10 (d)	103.12 (d).
103.10 (e)	103.12 (e).
103.10 (f)	103.12 (f).
103.10 (g)	103.12 (g).
103.11 (a)	103.14 (a).
103.11 (b)	103.14 (b).
103.11 (c)	103.14 (c).
103.11 (d)	103.14 (d).
103.12	103.15 (a).
103.13	103.16.
103.14 (a)-(c)	103.17 (a)-(c).

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Recodification of 29 CFR Chapter XXVI

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Recodification.

SUMMARY: This recodification of Chapter XXVI of Title 29 of the Code of Federal Regulations divides the chapter into nine subchapters, and makes technical amendments to existing rules to conform the cite references contained therein. In the past, PBGC's regulations were numbered consecutively as they were issued. Because of an anticipated increase in the number of PBGC regulations, due largely to the passage of the Multiemployer Pension Plan Amendments Act of 1980, the rules should be recodified into logical categories, concerning administrative matters, single-employer plans and multiemployer plans. The intended effect of the recodification is better organization, thus making it easier for the public to locate and use PBGC regulations.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; 202-254-4862.

SUPPLEMENTARY INFORMATION: In order to help the public better understand this recodification, the following table lists PBGC's regulations with the current part numbers and with the new part numbers that will become effective June 29, 1981.

Table of Changes in Part Numbers

Current part No.	Name of rule	New part No.
2601	Bylaws of the Pension Benefit Guaranty Corporation.	No change
2602	Payment of premiums	2610
2603	Examination and copying of Pension Benefit Guaranty Corporation records.	No change
2604	Notice of intent to terminate	2616
2605	Guaranteed benefits	2613
2606	Annual report	2611
2607	Disclosure and amendment of records under the Privacy Act.	No change
2608	Allocation of assets in non-multiemployer plans.	2618
2609	Limitations on guaranteed benefits	2621
2610	Valuation of plan benefits in non-multiemployer plans.	2619
2611	Valuation of plan assets	2620
2612	Trades or businesses under common control.	No change
2613	Employer liability for single employer plan terminations; rules pertaining to withdrawals from and terminations of plans to which more than one employer contributes other than multiemployer plans.	2622
2614	Responsibility and ethical conduct of employees.	2602
2615	Determination of plan sufficiency and termination of sufficient plans.	2617
2617	Reporting and notification requirements for reportable events.	2615
2618	Rules for administrative review of agency decisions.	2606
2620	Rules for administrative enforcement of post employment conflict of interest restrictions.	2604
2652	Allocating unfunded vested benefits	2642
2670	Definitions	No change
2671	Election of single-employer plan status.	No change

Chapter XXVI of Title 29, Code of Federal Regulations is recodified as follows:

1. Chapter XXVI is recodified by dividing it into Subchapters A through I and redesignating the parts as follows:

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

SUBCHAPTER A—INTERNAL AND ADMINISTRATIVE RULES

Part
2601 Bylaws of the Pension Benefit Guaranty Corporation.
2602 Responsibility and ethical conduct of employees.
2603 Examination and copying of Pension Benefit Guaranty Corporation records.
2604 Rules for administrative enforcement of post employment conflict of interest restrictions.
2605 [Reserved]
2606 Rules for administrative review of agency decisions.
2607 Disclosure and amendment of records under the Privacy Act.
2608–2609 [Reserved]

SUBCHAPTER B—RULES APPLICABLE TO SINGLE-EMPLOYER AND MULTIEMPLOYER PLANS

2610 Payment of premiums.
2611 Annual report.
2612 Trades or businesses under common control.
2613 Guaranteed benefits.
2614 [Reserved]

SUBCHAPTER C—SINGLE-EMPLOYER PLANS

2615 Reporting and notification requirements for reportable events.
2616 Notice of intent to terminate.
2617 Determination of plan sufficiency and termination of sufficient plans.
2618 Allocation of assets in non-multiemployer plans.
2619 Valuation of plan benefits in non-multiemployer plans.
2620 Valuation of plan assets.
2621 Limitations on guaranteed benefits.
2622 Employer liability for single employer plan terminations; rules pertaining to withdrawals from and terminations of plans to which more than one employer contributes other than multiemployer plans.
2623–2629 [Reserved]

SUBCHAPTER D—SINGLE-EMPLOYER PLANS

2630–2634 [Reserved]

SUBCHAPTER E—SINGLE EMPLOYER PLANS

2635–2639 [Reserved]

SUBCHAPTER F—WITHDRAWAL LIABILITY IN MULTIEMPLOYER PLANS

2640–2641 [Reserved]
2642 Allocating unfunded vested benefits.
2643–2659 [Reserved]

SUBCHAPTER G—UNCOLLECTIBLE WITHDRAWAL LIABILITY PROGRAM FOR MULTIEMPLOYER PLANS

2660–2669 [Reserved]

SUBCHAPTER H—INSOLVENCY, REORGANIZATION, TERMINATION, AND OTHER RULES APPLICABLE TO MULTIEMPLOYER PLANS

2670 Definitions.
2671 Election of single-employer plan status.
2672–2689 [Reserved]

SUBCHAPTER I—SUPPLEMENTAL GUARANTEE PROGRAM FOR MULTIEMPLOYER PLANS

2690–2699 [Reserved]

PART 2602 [REDESIGNATED AS PART 2610 AND AMENDED]

2. In Part 2602, "2602" is redesignated "2610" in all the section numbers and in all references to that part and to sections within the part.

§ 2603.55 [Amended]

3. In § 2603.55(c), "§§ 2606.52–2606.53" is amended to read "§§ 2603.52–2603.53."

PART 2604 [REDESIGNATED AS PART 2616 AND AMENDED]

4. In Part 2604, "2604' is redesignated "2616" in all the section numbers and in all references to that part and to sections within the part.

PART 2605 [REDESIGNATED AS PART 2613 AND AMENDED]

5. In Part 2605, "2605" is redesignated "2613" in all the section numbers and in all references to that part and to sections within the part.

§ 2605.8 [Amended]

6. In § 2605.8(b)(2), "§ 2608.7" is amended to read "§ 2618.7," and "Part 2610" is amended to read "Part 2619."

PART 2606 [REDESIGNATED AS PART 2611 AND AMENDED]

7. Part 2606, is redesignated "2611" in all the section numbers and in all references to that part and to sections within the part.

PART 2608 [REDESIGNATED AS PART 2618 AND AMENDED]

8. In Part 2608, "2608" is redesignated "2618" in all the section numbers and in all references to that part and to sections within the part.

§ 2608.2 [Amended]

9. In § 2608.2, in the definition of "Basic-type benefit," "Part 2605" is amended to read "Part 2613" and "Part 2609" is amended to read "Part 2621"; in the definition of "Expected retirement age," "Part 2610" is amended to read "Part 2619"; and in the definition of "Guaranteed benefit," "Part 2605" is amended to read "Part 2613."

§ 2608.3 [Amended]

10. In § 2608.3(a), "Part 2611" is amended to read "Part 2620."

11. In § 2608.3(b), "Part 2615" is amended to read "Part 2617."

§ 2608.4 [Amended]

12. In § 2608.4(b)(4), "Part 2609" is amended to read "Part 2621."

§ 2608.10 [Amended]

13. In § 2608.10(c), "Part 2610" is amended to read "Part 2619."

§ 2608.12 [Amended]

14. In § 2608.12(a), "Part 2605" is amended to read "Part 2613."

§ 2608.13 [Amended]

15. In § 2608.13(a), "Part 2605" is amended to read "Part 2613."

16. In § 2608.13(b)(3)(ii), "Part 2609" is amended to read "Part 2621."

§ 2608.14 [Amended]

17. In § 2608.14, "Part 2609" is amended to read "Part 2621," "2609.3(b)" is amended to read "§ 2621.3(b)," and "§ 2609.7" is amended to read "§ 2621.7."

PART 2609 [REDESIGNATED AS PART 2621 AND AMENDED]

18. In Part 2609, "2609" is redesignated "2621" in all the section numbers and in all references to that part and to sections within the part.

§ 2609.1 [Amended]

19. In § 2609.1 (a) and (b), "Part 2605" is amended to read "Part 2613."

§ 2609.2 [Amended]

20. In § 2609.2, in the definition of "Benefit," "Part 2605" is amended to read "Part 2613."

§ 2609.7 [Amended]

21. In § 2609.7(a), "Part 2605" is amended to read "Part 2613."

PART 2610 [REDESIGNATED AS PART 2619 AND AMENDED]

22. In Part 2610 (including the Appendices), "2610" is redesignated "2619" in all the section numbers and in all references to that part and to sections within the part.

§ 2610.1 [Amended]

23. In § 2610.1(a), "Part 2608" (which appears twice) is amended to read "Part 2618," and "Part 2615" is amended to read "Part 2617."

24. In § 2610.1(b), "Part 2615" is amended to read "Part 2617".

§ 2610.2 [Amended]

25. In § 2610.2, in the definition of "Non-trusteed plan", "Part 2615" is amended to read "Part 2617."

§ 2610.21 [Amended]

26. In § 2610.21, "Part 2615" is amended to read "Part 2617."

§ 2610.22 [Amended]

27. In § 2610.22, in the definition of "Other lump sum benefit", "Part 2608" is amended to read "Part 2618," and in the definition of "Qualifying bid," "§ 2615.14(b) of Part 2615" is amended to read "§ 2617.14(b)."

§ 2610.24 [Amended]

28. In § 2610.24(a)(2), "§ 2615.4(c) of Part 2615" is amended to read "§ 2617.4(c)."

§ 2610.25 [Amended]

29. In § 2610.25(b)(2), "Part 2615" (which appears twice) is amended to read "Part 2617."

§ 2610.26 [Amended]

30. In § 2610.26(c)(1), "§ 2615.12 of Part 2615" is amended to read "§ 2617.12."

§ 2610.46 [Amended]

31. In § 2610.46(c), "Part 2615" is amended to read, "Part 2617."

§ 2610.61 [Amended]

32. In § 2610.61, "Part 2615" is amended to read "Part 2617."

PART 2610 APPENDIX E [AMENDED]

33. In Part 2610, Appendix E, Example 4, "Part 2615" is amended to read "Part 2617."

PART 2611 [REDESIGNATED AS PART 2620 AND AMENDED]

34. In Part 2611, "2611" is redesignated "2620" in all the section numbers and in all references to that part and to sections within the part.

PART 2613 [REDESIGNATED AS PART 2622 AND AMENDED]

35. In Part 2613, "2613" is redesignated "2622" in all the section numbers and in all references to that part and to sections within the part.

§ 2613.9 [Amended]

36. In § 2613.9(a), (b)(1), and (c), "Part 2618" is amended to read "Part 2606."

§ 2613.10 [Amended]

37. In § 2613.10(b), "Part 2618" is amended to read "Part 2606."

PART 2614 [REDESIGNATED AS PART 2602 AND AMENDED]

38. In Part 2614, "2614" is redesignated "2602" in all the section numbers and in all references to that part and to sections within the part.

PART 2615 [REDESIGNATED AS PART 2617 AND AMENDED]

39. In Part 2615, "2615" is redesignated "2617" in all the section numbers and in all references to that part and to sections within the part.

§ 2615.2 [Amended]

40. In § 2615.2, in the definition of "Notice of Intent to Terminate," "Part 2604" is amended to read "Part 2616"; and in the definition of "Notice of Sufficiency," "Part 2608" is amended to read "Part 2618."

§ 2615.4 [Amended]

41. In § 2615.4(b)(2), "§ 2610.26" is amended to read "§ 2619.26."

§ 2615.13 [Amended]

42. In § 2615.13(a), "Part 2611" is amended to read "Part 2620", and "Part 2610" is amended to read "Part 2619."

§ 2615.14 [Amended]

43. In § 2615.14(c), "§ 2610.25(b)(2)" is amended to read "§ 2619.25(b)(2)."

44. In § 2615.14(d), "§ 2610.26" is amended to read "2619.26."

§ 2615.21 [Amended]

45. In § 2615.21, "Part 2608" is amended to read "Part 2618."

§ 2615.23 [Amended]

46. In § 2615.23(b)(1), "Part 2608" is amended to read "Part 2618."

§ 2615.32 [Amended]

47. In § 2615.32, "Part 2610" is amended to read "Part 2619."

PART 2617 [REDESIGNATED AS PART 2615 AND AMENDED]

48. In part 2617, "2617" is redesignated "2615" in all the section numbers and in all references to that part and to sections within the part.

§ 2617.2 [Amended]

49. In § 2617.2, in the definition of "Nonforfeitable benefits which are not funded," "§ 2605.6" is amended to read "2613.6."

§ 2617.4 [Amended]

50. In § 2617.4, "Part 2606" is amended to read "Part 2611."

§ 2617.18 [Amended]

51. In § 2617.18(b)(2), "§ 2609.7" is amended to read "2621.7."

52. In § 2617.18(c)(1), "Part 2611" is amended to read "Part 2620."

53. In § 2617.18(c)(2), "Part 2610" is amended to read "Part 2619."

54. In § 2617.18(f)(1), "Part 2611" is amended to read "Part 2620."

55. In § 2617.18(f)(2), "Part 2610" is amended to read "Part 2619."

§ 2617.23 [Amended]

56. In § 2617.23(e)(1), "Part 2611" is amended to read "Part 2620."

57. In § 2617.23(e)(2), "Part 2610" is amended to read "Part 2619."

PART 2618 [REDESIGNATED AS PART 2606 AND AMENDED]

58. In § 2618, "2618" is redesignated "2606" in all the section numbers and in all references to that part and to sections within the part.

PART 2620 [REDESIGNATED AS PART 2604 AND AMENDED]

59. In Part 2620, "2620" is redesignated "2604" in all the section numbers and in all references to that part and to sections within the part.

PART 2652 [REDESIGNATED AS PART 2642 AND AMENDED]

60. In Part 2652, "2652" is redesignated "2642" in all the section numbers and in all references to that part and to sections within the part.

§ 2652.16 [Amended]

61. In § 2652.16(c)(1), "Part 2618" is amended to read "Part 2606."

§ 2670.1 [Amended]

62. In § 2670.1, "Part 2671" is amended to read "Subchapter H."

§ 2670.2 [Amended]

63. In § 2670.2, "Part 2671" is amended to read "Subchapter H."

§ 2671.5 [Amended]

64. In § 2671.5(a), "Part 2602" is amended to read "Part 2610."

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by section 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) [29 U.S.C. 1302].

Issued at Washington, D.C. on this 18th day of June 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18594 Filed 6-23-81; 8:45 am]

BILLING CODE 7708-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 303

Regulations for Copyright Owner Access to Phonorecord Players (Jukeboxes) and Certain Establishments

AGENCY: Copyright Royalty Tribunal (Tribunal).

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal hereby eliminates the requirement for operators of phonorecord players (jukeboxes) licensed by the Copyright Office to file

with the Tribunal current listings of locations where licensed phonorecord players are placed, and the number of players at such locations.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 202–653–5175.

SUPPLEMENTARY INFORMATION:

1. Background

17 USC 116(c)(5) provides that

The Copyright Royalty Tribunal shall promulgate regulations under which persons who can reasonably be expected to have claims may, during the year in which the performances take place, without expense to or harassment of operators or proprietors of establishments in which phonorecord players are located, have such access to such establishments and to the phonorecord players located therein and such opportunity to obtain information with respect thereto as may be reasonably necessary to determine, by sampling procedures or otherwise, the proporation of contribution of the musical works of each such person to the earnings of the phonorecord players for which fees shall have been deposited
* * *

On September 12, 1978 the Tribunal published in the **Federal Register** (43 FR 40498) a Final Rule requiring the operators of phonorecord players (jukeboxes) who are licensed by the Copyright Office of the Library of Congress for the performance of certain copyrighted musical compositions according to the requirements of 17 USC 116 to record with the Tribunal the location of establishments in which they have placed jukeboxes, and the number of such boxes. The purpose of the rule is to permit copyright owners of musical works to prepare their claims for entitlement to jukebox royalty fees by conducting surveys of performance of musical compositions on licensed jukeboxes. A second purpose of the rule is to, if necessary, assist the Tribunal in performing its statutory duties concerning the distribution of jukebox royalty fees by conducting its own independent survey of data submitted by claimants to jukebox royalty fees.

On November 9, 1978, the Tribunal adopted a policy to protect the business relationship between jukebox operators and the owners of establishments in which such boxes are located by providing that the Tribunal would only make available to copyright claimants of jukebox fees a representative sampling of location listings without any identification of particular jukebox operators.

It is the practice of the Tribunal to monitor all its regulations and procedures in order to assess their necessity and effectiveness. The commencement of the evidentiary phase of the Tribunal proceeding for the distribution of 1979 jukebox royalty fees provides the first opportunity for the Tribunal to assess its location listing rule.

Copyright claimants have not as yet utilized the Tribunal's location lists in establishing their entitlement to jukebox royalty fees. Since the adoption of the rule, the Tribunal has not received a single request from any claimant in accordance with the resolution of November 9, 1978.

On April 6, 1981 the Tribunal published in the **Federal Register** (46 FR 20566) a proposed amendment of 37 CFR 303 to remove Section 303.3 "Recording of location listings in Copyright Royalty Tribunal". Comments on the proposed amendment were to be submitted by May 15, 1981, and reply comments by May 26, 1981. The Tribunal heard oral argument on the proposed amendment on June 5, 1981. On June 2, 3, 4 and 5, the Tribunal heard the direct cases of the claimants to royalty fees for 1979 jukebox performances. These proceedings contain testimony relevant to the subject matter of this rulemaking proceeding.

2. Summary of Comments

The Tribunal received comments (including reply comments) from four parties: Amusement and Music Operators Association (AMOA), Stern Electronics, Inc. (a manufacturer of jukeboxes), American Society of Composers, Authors and Publishers (ASCAP), and Broadcast Music Inc. (BMI).

AMOA supported the proposed amendment, concluding that "the amendment will be welcomed by all jukebox operators and that the amendment is very much in the public interest."

Stern Electronics supported the amendment, asserting that "the location listing rule does not help claimants determine their rightful share of royalties". Stern claimed that the location listing "seriously jeopardizes the business of the jukebox operators by requiring them to submit confidential commercial information in the form of valuable listings of clients." Stern asserted that the "location listing requirement also imposes a very expensive burden upon jukebox operators", constitutes a "continuing burden" because of the movement of jukeboxes, and that "enforcement of the location listing requirement affronts the deregulation position of the present Administration."

ASCAP urged that the proposed amendment not be adopted. They claimed that the failure of many licensed operators to file location lists rendered impossible their use of the Tribunal's location lists for the conduct of valid surveys of performances. They also attributed the lack of utilization of the lists to the existence of a voluntary agreement for the distribution of the 1978 jukebox fees, and the AMOA legal challenge to the location listing regulation. ASCAP asserted that repeal of location listing rule "would set a terrible precedent by rewarding jukebox operators for noncompliance with the Tribunal's regulations".

BMI opposed the proposed amendment, and further urged that the Tribunal rescind its rule precluding the disclosure of complete location lists to claimants. BMI claimed that a requirement for location lists, together with full disclosure of the lists to prospective claimants, would significantly lower the costs of conducting a statistically valid survey. BMI asserts that the location listing continues to be a reasonable and necessary exercise of its jukebox distribution jurisdiction.

3. Conclusions

After careful consideration of the comments submitted in this proceeding, as well as similar views advanced during the oral argument, the Tribunal adopted the proposed amendment to 37 CFR Part 303 at a public meeting on June 5, 1981. Prior to the adoption of the amendment, the Tribunal completed hearing the direct cases of the claimants to the 1979 jukebox royalty fund (CRT Docket 80–5). The Tribunal takes official notice of this record of June 2, 3, 4 and 5, 1981 and incorporates that record as part of this rulemaking proceeding.

Tribunal Regulatory Policy

It has been the policy of the Tribunal since its establishment to monitor its regulations to determine their necessity and effectiveness. The Tribunal is particularly guided by the public policy reflected in the Regulatory Flexibility Act (Pub. L. 96–354). Section 610 of the Act provides for periodic review of agency rules "to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial

number of such small entities." Among the factors enumerated in the Act to be considered in reviewing rules is "the continued need for the rule".

Lack of Necessity

The Tribunal finds that the location listing rule is not necessary under present or foreseeable conditions. While the Tribunal does not regard the listing rule as excessively burdensome to the jukebox industry, we cannot justify the rule unless it produces information which is utilized by claimants in the conduct of surveys of jukebox performances.

The Tribunal had the opportunity during the evidentiary hearing on the distribution of the 1979 jukebox royalty fees to question officials and witnesses of the performing rights societies (the jukebox claimants) concerning their future plans for jukebox performance surveys and the use of the location listings. We find that this testimony does not provide justification for the retention of the location rule. Edward Cramer, President of BMI, testified:

> I am not attributing blame to either side, but I was hopeful, and I think both sides was hopeful. ASCAP and BMI, wanted to make an arrangement for 1979 which would save everybody time and trouble.
>
> We just did not do it. If we had, we would not need the survey. After these hearings, the guidelines will be a lot clearer.
>
> Maybe we will be able to convince the Tribunal that there is evidence other than the survey which would be acceptable to you in the future.[1]

In response to a question as to BMI's intentions concerning future surveys of jukebox performances, Mr. Cramer testified:

> Well, much depends upon what happens here and I am always hopeful that we can avoid this and the expense involved in working out some arrangement with all parties concerned. If we can't, then we will put together a survey for the future and see if we can't utilize the material on file. But as of today, I am not prepared to say which way we are going to go.[2]

Dr. Paul Fagan, Chief Economist of ASCAP, in response to questions as to making a valid sample of 1981 jukebox performances testified:

> We know where some of the jukeboxes are located. Here at the Tribunal there is something like 25,000 of the boxes where we would know the location * * * I would think, however, that we could supplement that sample with another sample which would not be restricted to the jukeboxes listed at the CRT * * * They would be found, frankly, with some difficulty. However, I would envision a search for those boxes in various stages.[3]

Legal Issues

The Tribunal has eliminated the location listing rule solely because, in our view, it does not serve a useful purpose under present or foreseeable circumstances. This action in no way alters our view, fortified by judicial determinations, that the location listing requirement is a valid exercise of our rulemaking authority.

It has been suggested that 17 U.S.C. 116(c)(5) compels the Tribunal to adopt a regulation identical or similar to the existing location listing rule. We cannot agree that the copyright statute removes from this agency the discretion to make reasonable judgments as to the necessity for a particular form of access by jukebox claimants to the establishments in which licensed jukeboxes are located.

§ 303.3 [Removed]

In consideration of the above, Part 303 of Title 37 of the Code of Federal Regulations is amended by removing Section 303.3 "Recording of location listings in Copyright Royalty Tribunal".

Dated: June 19, 1981.

Thomas C. Brennan,

Acting Chairman.

[FR Doc. 81-18873 Filed 6-23-81; 8:45 am]

BILLING CODE 1410-01-M

[1] June 2 Transcript, p. 40.

[2] June 4 Transcript, pp. 332-33.

[3] June 4 Transcript, p. 356.

POSTAL SERVICE

39 CFR Part 111

Phased Postage Rates; Effective Date of Certain Changes in Rates

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Notice is given that, effective 12:01 a.m. on July 6, 1981, the tenth step of phased postage rate increases will be placed in effect for the following classes of mail: second-class; third-class bulk mail for qualified nonprofit organizations and qualified political committees; and library-rate fourth-class. This action represents the next step of scheduled rate adjustments for the designated classifications of mail to be phased in over a period of 16 years. The phasing period was extended to 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328).

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 245-4749.

SUPPLEMENTARY INFORMATION: Mailers should note that certain rates will decrease on July 6, 1981, rather than increase. These rates are for second-class in-county per piece rates for pieces presorted to carrier route, second-class level B and level C presorted per piece rates for publications of authorized nonprofit organizations mailed outside the county, second-class level B and level C presorted rates for limited circulation publications, and third-class nonprofit bulk rates for pieces presorted to 5-digits and pieces presorted to carrier route. The decreases are for preferred-rate mailers who engage in certain work-sharing presortation.

On June 2, 1981, the Governors of the Postal Service in their decision on remand from the Court of Appeals in *National Easter Seal Society for Crippled Children and Adults, et al.* v. *United States Postal Service*, Nos. 80-1491 and 80-1493 (D.C. Cir. May 5, 1981), determined that full unphased presort differentials were to be placed into effect concurrent with the move to step 10 of the phasing schedule on July 6, 1981. Although all of the rates which will become effective on July 6, 1981, are the step 10 rates, we are setting forth below the full phasing schedules for the rates affected. Also appearing below are the provisions of the Domestic Mail Manual (DMM) which are amended to show the new rates. The DMM is incorporated by reference in the **Federal Register** (39 CFR 111.1).

Full Phasing Schedules

Second-Class Phased Rates: In-County

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
Pound-rate matter:								
Per pound	3.2	3.5	3.9	4.3	4.7	5.0	5.4	5.8
Per piece:								
Presorted to carrier route	1.6	1.4	1.7	2.0	2.3	2.6	2.9	3.2
Other	1.6	1.9	2.2	2.5	2.8	3.1	3.4	3.7

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
Editorial	6.3	6.8	7.3	7.9	8.4	8.9	9.5	10.0
Advertising:								
1 & 2	9.3	9.8	10.4	11.0	11.6	12.1	12.7	13.3
3	10.0	10.6	11.2	11.9	12.5	13.1	13.7	14.3
4	11.4	12.1	12.7	13.4	14.0	14.7	15.3	16.0
5	13.3	14.1	14.9	15.6	16.4	17.2	17.9	18.7
6	15.0	16.0	16.9	17.8	18.7	19.7	20.6	21.5
7	16.6	17.7	18.9	20.1	21.3	22.4	23.6	24.8
8	18.0	19.4	20.8	22.2	23.6	24.9	26.3	27.7
Pieces:								
A	2.8	3.6	4.3	5.0	5.7	6.4	7.1	7.8
B	2.6	2.0	2.7	3.4	4.1	4.8	5.5	6.2
C	2.5	1.0	1.7	2.4	3.1	3.8	4.5	5.2

Second-Class Phased Rates: Limited Circulation

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
A	2.7	3.3	3.9	4.5	5.1	5.7	6.3	6.9
B	2.1	1.7	2.3	2.9	3.5	4.1	4.7	5.3
C	2.1	1.2	1.8	2.4	3.0	3.6	4.2	4.8

Third-Class Phased Rates: Nonprofit Bulk

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
Per pound[1]	14.0	15.3	16.7	18.0	19.4	20.7	22.1	23.4
Minimum-per-piece:								
Required presortation	3.5	3.8	4.2	4.5	4.9	5.2	5.6	5.9
Presorted to 5-digits	3.3	2.9	3.3	3.6	4.0	4.3	4.7	5.0
Presorted to carrier route	3.1	1.9	2.3	2.6	3.0	3.3	3.7	4.0

[1] Less the amount of difference between the minimum per-piece rates for required presortation and the appropriate presortation level on a per-piece basis.

DOMESTIC MAIL MANUAL AMENDMENTS

Chapter 4.—Second-Class Mail

410 Rates, Fees, and Charges

411 Rates

* * * * *

411.3 Preferred Rates

.31 General

There are six preferred rates. They are:

a. In-County

b. Special Nonprofit

c. Classroom

d. Science-of-Agriculture

e. Limited Circulation

f. Limited Circulation Science-of-Agriculture

.32 In-County Rates

.321 General Application. In-county rates apply to copies of second-class publications (except commingled nonsubscribers in excess of the 10% allowance, and controlled-circulation) which are to be delivered to addresses within the county of publication if such copies are:

a. Mailed at the office of original entry; or

b. Mailed at an office of additional entry within the county of publication.

Note.—If the postmaster of an office of entry directs a publisher to deposit copies of the publication at a postal facility serving that office, these copies will be considered as mailed at the office of entry. Copies are subject to in-county rates if they are addressed to destinations within the county and are entered at a post office which serves those addresses, but is located outside the county.

.322 Rates. In-County rates are:

	Cents
Per Pound	3.5
Per Piece:	
Level J—Not Presorted to Carrier Route	1.9
Level K—Presorted to Carrier Route—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.4

.33 Special Nonprofit Rate

.331 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	6.8
Advertising portion:	
Zones 1 and 2	9.8
Zone 3	10.6
Zone 4	12.1
Zone 5	14.1
Zone 6	16.0
Zone 7	17.7
Zone 8	19.4

Note.—The advertising zone rates are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising will be computed at the nonadvertising rate.

.332 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level G—Basic—Pieces not qualifying for Level H—5-Digit or Level I—Carrier (SCF, states, mixed states)	3.6
Level H—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	2.0
Level I—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.0

Note: Copies of second-class publications that do not qualify for Level H—5-Digit or Level I—Carrier must be sorted to the finest extent possible as required by 467.

.34 Classroom

.341 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	4.4
Advertising portion:	
Zones 1 and 2	5.8
Zone 3	6.5
Zone 4	8.0
Zone 5	10.1
Zone 6	12.6
Zone 7	14.8
Zone 8	16.9

.342 Per Piece Rate. The per piece rate is 1.9 cents

.35 Science of Agriculture

.351 General. These rates apply to copies of publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.352 Per Pound. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8

	Cents
Zone 7	30.1
Zone 8	34.8

.353 Per Piece Rates. The three piece rates reflect the level of presort for mailings of 5,000 or more copies per issue. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, states, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as provided in 467.

.36 Limited Circulation

.361 General. These rates apply to copies of publications (except commingled nonrequester/nonsubscriber in excess of the 10% allowance (see 411.38), controlled-circulation, special nonprofit, classroom, and limited circulation science of agriculture) which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000.

.362 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.363 Per Piece Rates. The three per piece rates reflect the level of presort (see 467) for mailings of less than 5,000 out-of-county copies per issue:

	Cents
Level D—Basic—Pieces not qualifying for Level E—5-Digit or Level F—Carrier (SCF, states, mixed states)	3.3
Level E—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	1.7
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.2

Note: Copies of second-class publications that do not qualify for Level E—5-Digit or Level F—Carrier must be sorted to the finest extent possible as required by 467.

.37 Limited Circulation Science of Agriculture

.371 General. These rates apply to copies of science of agriculture publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000, and when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.372 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.373 Per Piece Rates. The three per piece rates reflect the level of presort (see 467) for mailings of less than 5,000 out-of-country copies per issue.

	Cents
Level D—Basic—Pieces not qualifying for Level E—5 Digit or Level F—Carrier (SCF, states, mixed states)	3.3
Level E—5-digit—Packages of six or more addressed pieces for 5-Digit or multi-ZIP Coded City destinations	1.7
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.2

Note: Copies of second-class publications that do not quality for Level E—5-digit or Level F—Carrier must be sorted to the finest extent possible as required by 467.

.38 Nonsubscriber Copies Sent at a Preferred Rate

Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail and subject to the preferred mail rates, provided that the nonsubscribers copies would have been preferred mail if mailed to subscribers.

* * * * *

Chapter 6.—Third Class Mail

610 Rates and Fees

611 Rates

* * * * *

611.2 Bulk Rates (See Exhibit 611.2 a and b)

Bulk Third-Class

	Regular Rates		Special rates for authorized nonprofit organizations only (see 623)	
	Per pound or fraction	Minimum rate per piece (cents)	Per pound or fraction	Minimum rate per piece (cents)
Presort level:				
Basic	33¢	10.4	15.3¢	3.8
5-digit	33¢ minus 1.6¢ per piece	8.8	15.3¢ minus 0.9¢ per piece	2.9
Carrier route	33¢ minus 4¢ per piece	6.4	15.3¢ minus 1.9¢ per piece	1.9

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify *except* for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight.

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable.

Exhibit 611.2a

Bulk Third-Class

Regular rates	Per pound or fraction of a pound
Presort level:	
Basic	33¢.
5-digit	33¢ minus 1.6¢ per piece.
Carrier route	33¢ minus 4.0¢ per piece.

Pieces Which Are Equal to or Weigh Less Than the Weights Shown Below Must Be Paid at Prescribed Minimum Per Piece Rate for Each Presort Level

	Minimum rate per piece (cents)	Ounces	Pounds	Grams
Basic	10.4	5.04	0.315	142.9
5-digit	8.8	5.04	.315	142.9
Carrier route	6.4	5.04	.315	142.9

Special Rates for Authorized Nonprofit Organizations Only (See 623)

Presort level	Per pound or fraction of a pound
Basic	15.3¢.
5-digit	15.3¢ minus 0.9¢ per piece.
Carrier route	15.3¢ minus 1.9¢ per piece.

Pieces Which Are Equal To or Weigh Less Than the Weights Shown Below Must Be Paid at Prescribed Minimum Per Piece Rate for Each Presort Level

	Minimum rate per piece (cents)	Ounces	Pounds	Grams
Basic	3.8	3.973	0.248	112.6
5-digit	2.9	3.973	.248	112.6
Carrier route	1.9	3.973	.248	112.6

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify *except* for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight.

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable.

Exhibit 611.2b

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Chapter 7.—Fourth-Class Mail

710 Rates and Fees

711 Rates

* * * * * * *

Kind of mail	First pound or fraction of a pound (cents)		
	Rate (Without regard to zone)	Each additional pound or fraction through 7 pounds (cents)	Each additional pound or fraction over 7 pounds (cents)
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms, scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 725	25	9	6

Exhibit 711.4.—Library Rates

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A transmittal letter making the above changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

[39 U.S.C. 101(d), 401, 403, 404, 3626]

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-18397 Filed 6-23-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 1850-8]

Designation of Areas for Air Quality Planning Purposes; Alabama: Redesignation of Jefferson County

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking sets forth the attainment status of portions of Jefferson County, Alabama, in relation to the National Ambient Air Quality Standards (NAAQS) for total suspended particulate (TSP). A primary nonattainment designation was promulgated for specific portions of Jefferson County in and around Birmingham and Leeds on June 10, 1980. Upon review of the latest eight quarters of data submitted from the Birmingham area, EPA is revising the designation of portions of the original primary nonattainment area to secondary nonattainment, portions to unclassified, and portions to attainment, as requested by the State. The eight quarters of data submitted have been shown to be representative and have been subject to an acceptable quality assurance program. Pursuant to Section 107(d)(5) a state may submit for revision the list of nonattainment areas that have been designated by the Administrator. This redesignation was proposed on April 3, 1981 (46 FR 20233).

Two comments were received which did not produce any substantive changes to this rule. The comments and response to those comments are available for review at the EPA Region IV office.

DATE: This action is effective July 24, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following offices:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Preston, EPA Region IV at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), EPA promulgated a portion of Jefferson County, Alabama, as a primary nonattainment area for total suspended particulates (TSP).[1] The original designation was challenged and resulted in a court decision which ordered the Section 107 nonattainment area designations for the primary national ambient air quality standard for particulate matter for those areas to be set aside and repromulgated with proper notice and opportunity to comment (*U.S. Steel Co.* v. *EPA*, 595 F. 2d 507 (5th Cir. 1979)). Therefore on July 17, 1979, the same areas within Jefferson County were reproposed as primary nonattainment for TSP and thirty days for comment were provided. After reviewing available air quality data and considering all comments received, on June 10, 1980, these designations were made final (45 FR 39255).

On August 19 1980, the Alabama Air Pollution Control Commission submitted to EPA a request for redesignation of most of the Jefferson County nonattainment area. From a review of the data submitted and the representativeness of the sampling stations, EPA verified that certain portions of the primary nonattainment area for TSP in the Birmingham area could be redesignated as secondary nonattainment. EPA also determined that certain other areas within the original primary nonattainment designation could be redesignated as unclassifiable or attainment for TSP. The redesignation of these particular portions within the original Jefferson County primary nonattainment area is supported by the monitoring data of eight quarters from July 1, 1978, to June 30, 1980, and modeled concentration gradients for the Birmingham area. The designation of unclassified areas is due to the fact that existing monitoring stations did not meet EPA siting criteria during the eight quarters submitted. EPA agrees with the State that the data collected by these monitors are not representative. These monitoring stations include (1) Bessemer, old site ID. 010340001GO1, new site ID. 010340002G01 January 1980 and (2) Irondale, old site ID. 011880002GO1, removed April 1977 and not replaced. A new sampling site has been established for the Bessemer area only.

[1] EPA has established primary and secondary NAAQS for TSP. In this notice the term "primary nonattainment" will be used to describe an area in which the pollutant concentration exceeded both the primary and secondary NAAQS for TSP. "Secondary nonattainment" will be used to refer to an area which has attained the primary standard but which is not attaining the secondary standard.

The following descriptions are related to the 1967 General Highway map for Jefferson County, Alabama (30,000 foot grid based on Alabama [West] rectangular coordinate system). The map grid is a township-range description with 36 sections in each township-range. The June 10, 1980, primary nonattainment designation for TSP is described as follows:

Leeds Area

Range 1 East—Township 17 South—Sections 17, 20–22, North 1/2 of 27–29, South 1/2 of 15–16, Northwest 1/4 of 16.

Birmingham Area

Range 2 West—Township 16 South—Sections 26–35; Range 2 West—Township 17 South—Sections 2–11, 14–23, 26–34; Range 2 West—Township 18 South—Sections 4–8, 18; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–17, 19–36; Range 3 West—Township 18 South—Sections 1–24, 26–34; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–3, 9–17, 20–29, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

Under the redesignation of the original primary nonattainment area for TSP requested by the Alabama Air Pollution Control Commission and approved today, the following descriptions now apply:

Primary Nonattainment

Leeds Area

Range 1 East—Township 17 South—Sections 17, 20–22, South 1/2 of 15–16, North 1/2 of 27–29, Northwest 1/4 of 16.

Central Birmingham Area

Range 2 West—Township 16 South—Sections 32–33; Range 2 West—Township 17 South—Sections 4–9, 16–21, 29–30; Range 3 West—Township 17 South—Sections 11–15, 22–36; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–2; Range 3 West—Township 18 South—Sections 4–6.

Secondary Nonattainment

Fairfield Area

Range 3 West—Township 18 South—Sections 7–8, 18; Range 4 West—Township 18 South—Sections 3, 9–17, 20–24, 26–29.

Unclassified

Irondale Area

Range 2 West—Township 17 South—Sections 14–15, 22–23, 26–28, 33–34; Range 2 West—Township 18 South—Section 4.

Bessemer Area

Range 3 West—Township 18 South—Sections 9, 16–17, 19–21, 29–31; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 18 South—Sections 25, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

Attainment

North Birmingham Area

Range 2 West—Township 16 South—Sections 26–31, 34–35; Range 2 West—Township 17 South—Sections 2–3, 10–11; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–10, 16–17, 19–21.

Homewood Area

Range 2 West—Township 17 South—Sections 31–32; Range 2 West—Township 18 South—Sections 5–8, 18; Range 3 West—Township 18 South—Sections 1–3, 10–15, 22–24, 26–28, 32–34.

The State agency has not requested and EPA is not changing the existing primary nonattainment designation for the Central Birmingham and Leeds portion of Jefferson County. The State must submit within twelve months of the date on which the existing nonattainment designation was established (June 10, 1980), a Part D SIP revision for the area. The Part D SIP revision must demonstrate attainment of the primary TSP standard and require the installation of reasonably available control technology (RACT) on all major sources of TSP emissions located in the primary nonattainment area and on all those significantly impacting the primary nonattainment area.

Action: Based on the eight quarters of data submitted for TSP and the representativeness of the particular sampling sites, EPA is approving the redesignation of portions of the area around Birmingham, Alabama from primary nonattainment for TSP to secondary nonattainment, portions to unclassified, and portions to attainment for TSP.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirments of a Regulatory Impact Analysis. This regulation is not major because it would merely redefine the boundaries of TSP nonattainment areas in one county, and would impose no new requirements on sources.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions 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.

(Section 107, Clean Air Act (42 U.S.C. 7407))

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart C—Section 107 Attainment Status Designations

In § 81.301 the attainment status designation table for TSP is revised to read as follows:

§ 81.301 Alabama.

Alabama—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Etowah City within the western section of Gadsden.	×	×		
That portion of Jackson City surrounding TVA's Widows Creek plant.	×	×		
Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement Plant [1].	×	×		
Fairfield Area of Jefferson City [1]		×		
Bessemer and Irondale areas of Jefferson County [1]			×	
That portion of Lauderdale City containing Florence			×	
That portion of Mobile City within a section of downtown Mobile.	×	×		
Rest of State				×

[1] See **Federal Register** of June 24, 1981.

[FR Doc. 81-18625 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 1

[Docket FEMA-GEN 1]

Rulemaking; Policy and Procedures

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This regulation sets forth the procedures for the adoption by the Federal Emergency Management Agency of rules in accordance with the notice and public comment provisions of the Administrative Procedure Act (5 U.S.C. 553), the Regulatory Flexibility Act and Executive Order 12291.

DATE: This rule will be effective July 24, 1981.

ADDRESS: Send any comment to the Rules Docket Clerk, Federal Emergency Management Agency, Room 801, 1725 I Street, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, FEMA, (202) 634–4113.

SUPPLEMENTARY INFORMATION: Section 4 of the Administrative Procedure Act sets out procedures for informal, so-called notice and public comment rulemaking. There are a number of permissive exemptions from informal rulemaking based on the type of regulation and also upon the function involved and there are also circumstances when the requirement can be waived. The Administrative Conference of the United States and others have recommended that agencies voluntarily engage in public participation rulemaking where not required and many agencies have published policies effecting this recommendation.

Executive Order 12291 "Federal Regulations" (46 FR 13193) also places affirmative duties upon agencies to ensure that opportunity exists for early participation and comment in rulemaking by other Federal agencies, State or local governments, businesses, organizations, and individual members of the public. The Regulatory Flexibility

Act (5 U.S.C. 601, *et seq.*) has similar requirements.

The Federal Emergency Management Agency was activated effective April 1, 1979, by combining the functions of the Federal Insurance Administration with the United States Fire Administration. The functions of the Federal Disaster Assistance Administration, Federal Preparedness Agency and Defense Civil Preparedness Agency were assigned to FEMA effective July 15, 1979. The new agency was assigned its own title in the Code of Federal Regulations. The policy set out in this regulation is FEMA's response to these recommendations and new developments in administrative law.

FEMA published Notice of Proposed Rulemaking for this subject August 27, 1979 (44 FR 58299). Comment was received from the Administrative Conference of the U.S. who suggested a section on ex parte communications. This was adopted as section 1.6.

Since August 1979 numerous developments have occurred including the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Paperwork Reduction Act of 1980, Executive Order 12291, and the like. The basic requirements which involve public comment and preparation of various analyses have been addressed in this revised regulation.

FEMA will provide for public participation in rulemaking in a number of otherwise exempt areas, while continuing some exemption such as those involving procedure or internal management, and retaining the right to expedite rules when such is necessary. The regulation also establishes procedures for FEMA in handling public comments.

This regulation also describes some FEMA procedures such as semi-annual agenda, regulation reviews and preparation of regulatory analyses.

This rule is not considered to be a major rule since it is a procedural rule and will not result in any identifiable increase in costs to consumers or to government nor will it have any adverse effect on competition.

There was a proposed rule published prior to January 1, 1981. Hence, we have not made any analyses under the Regulatory Flexibility Act.

As FEMA did publish a proposed rule, which is procedural in nature, and because there are a number of specific requirements set by statute or Executive order which must be followed, further notice and public comment does not appear necessary. Thus, this will be a final rule.

Accordingly, Chapter 1 of Title 44 of the Code of Federal Regulations is amended by adding a new Part 1 as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

Subpart A—General

Sec.

1.1 Purpose.
1.2 Definitions.
1.3 Scope.
1.4 Policy and procedures.
1.5 Rules docket.
1.6 Ex parte communications.
1.7 Regulations agendas.
1.8 Regulations review.
1.9 Regulatory impact analyses.

Subpart B—Procedures for Rulemaking

1.10 Initiation of rulemaking.
1.11 Advance notice of proposed rulemaking.
1.12 Notice of proposed rulemaking.
1.13 Participation by interested persons.
1.14 Additional rulemaking proceedings.
1.15 Hearings.
1.16 Adoption of a final rule.
1.17 Petitions for reconsideration.
1.18 Petition for rulemaking.

Authority: 5 U.S.C. 551, 552, 553; 5 U.S.C. 601, *et seq.*; EO 12291. Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148.

Subpart A—General

§ 1.1 Purpose.

(a) This part contains the basic policies and procedures of the Federal Emergency Management Agency (FEMA) for adoption of rules. These policies and procedures incorporate those provisions of Section 4 of the Administrative Procedures Act (APA) (5 U.S.C. 553) which FEMA will follow. This part and internal FEMA Manuals implement Executive Order 12291.

(b) Rules which must be published are described in Section 3 of the APA, 5 U.S.C. 552(a). FEMA implementation of paragraph (a), is contained in 44 CFR Part, 5 Subpart B.

(c) This part contains policies and procedures for implementation of the Regulatory Flexibility Act which took effect January 1, 1981.

(d) A FEMA Manual No. 1140.1, "The Formulation, Drafting, Clearance, and Publication of **Federal Register** Documents" will be prepared describing the internal procedures including policy level oversight of FEMA for:

(1) Publishing the semiannual agenda of significant regulations under development and review;

(2) Making initial determinations with respect to significance of proposed rulemaking;

(3) Determining the need for regulatory analyses; and

(4) Reviewing existing regulations, including the reviews required by the Regulatory Flexibility Act.

(e) As the proposed FEMA Manual deals with internal management it is not subject to the requirements either of 5 U.S.C. 552 or 5 U.S.C. 553. Its provisions are not part of this rule and reference to it is informative only.

§ 1.2 Definitions.

(a) "Rule" or "regulation" means the whole or a part of any agency statement of general applicability and future effect designed to (1) implement, interpret, or prescribe law or policy, or (2) describe procedures or practice requirements. It includes any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term "rule" does not include a rule of particular applicability relating to rates, wages, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, of allowances. For purposes of this part the term "rule" does not include regulations issued with respect to a military or foreign affairs function of the United States.

(b) "Rulemaking" means the FEMA process for considering and formulating the issuance, amendment or repeal of a rule.

(c) "Director" means the Director, FEMA, or an official to whom the Director has expressly delegated authority to issue rules.

(d) "FEMA" means Federal Emergency Management Agency.

(e) "Major rule" means any regulation that is likely to result in:

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

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

§ 1.3 Scope.

(a) This part prescribes general rulemaking procedures for the issuance,

amendment, or repeal of rules in which participation by interested persons is required by 5 U.S.C. 553 or other statutes, by Executive Order 12291, by FEMA policy, or by § 1.4 of this part.

(b) Any delegation by the Director of authority to issue rules may not be further redelegated, unless expressly provided for in the delegation.

(c) This part does not apply to rules issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557).

§ 1.4 Policy and procedures.

(a) In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, FEMA, to the extent permitted by law, shall adhere to the following requirements:

(1) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(2) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(3) Regulatory objectives shall be chosen to maximize the net benefits to society;

(4) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(5) FEMA shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular entities affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

(b) It is the policy of FEMA to provide for public participation in rulemaking regarding its programs and functions, including matters that relate to public property, loans, grants, or benefits, or contracts, even though these matters are not subject to a requirement for notice and public comment rulemaking by law.

(c) FEMA will publish notices of proposed rulemaking in the **Federal Register** and will give interested persons an opportunity to participate in the rulemaking through submission of written data, views, and arguments with or without opportunity for oral presentation.

(d) In order to give the public, including small entities and consumer groups, an early and meaningful opportunity to participate in the development of rules, for a number of regulations the Director will employ additional methods of inviting public participation. These methods include, but are not limited to, publishing advance Notices of Proposed Rulemaking (ANPR), which can include a statement with respect to the impact of the proposed rule on small entities; holding open conferences; convening public forums of panels, sending notices of proposed regulations to publications likely to be read by those affected and soliciting comment from interested parties by such means as direct mail. An ANPR should be used to solicit public comment early in the rulemaking process for significant rules.

(e) It is the policy of FEMA that its notices of proposed rulemaking are to afford the public at least sixty days for submission of comments unless the Director makes an exception and sets forth the reasons for the exception in the preamble to the notice of proposed rulemaking. This period shall also include any period of review required by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.

(f) Unless required by statute or Executive Order, notice and public procedure may be omitted if the Director, for good cause, determines in a particular case or class of cases that notice and public procedure is impractical, unnecessary or contrary to the public interest and sets forth the reason for the determination in the rule or, for a class of cases, in a published rule or statement of policy. In a particular case, the reasons for the determination will be stated in the rulemaking document. Notice and public procedure may also be omitted with respect to statements of policy, interpretative rules, rules governing FEMA's organization or its own internal practices or procedures, or if a statute expressly authorizes omission.

(g) A final substantive rule will be published not less than 30 days before its effective date unless it grants or recognizes an exemption or relieves a restriction or unless the rule itself states good cause for its taking effect less than 30 days after publication. Statements of policy and interpretative rules will usually be made effective on the date of publication.

(h) This part shall not apply to any regulation that responds to an emergency situation, provided that, any such regulation shall be reported to the Director, Office of Management and Budget, as soon as is practicable. FEMA shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to such a rule, and the agency shall prepare and transmit, if needed, as soon as is practicable a Regulatory Impact Analysis of any such major rule.

§ 1.5 Rules docket.

(a) Documents which are public records and which are a part of a specific rulemaking procedure, including but not limited to, advance notices of proposed rulemaking, notices of proposed rulemaking, written comments addressed to the merits of a proposed rule, and comments received in response to notices, or withdrawals or terminations of proposed rulemaking, petitions for rulemaking, requests for oral argument in public participation cases, requests for extension of time, grants or denials of petitions or requests, transcripts or minutes of informal hearings, final rules and general notices shall be maintained in the Rules Docket Room. All public rulemaking comments should refer to the docket number which appears in the heading of the rule and should be addressed to the Rule Docket Clerk, Federal Emergency Management Agency, at the address shown in the heading.

(b) Documents which are a part of a specific rulemaking proceeding are public records. After a docket is established, any person may examine docketed material at any time during established hours of business and may obtain a copy of any docketed material upon payment of the prescribed fee. (See Part 5 of this Chapter.)

§ 1.6 Ex parte communications.

In rulemaking proceedings subject only to the procedural requirements of 5 U.S.C. 553:

(a) All oral communications from outside FEMA of significant information and argument respecting the merits of a proposed rule, received after notice of proposed informal rulemaking and in its course by FEMA or its offices and divisions or their personnel participating in the decision, should be summarized in writing and placed promptly in the Rules Docket File available for public inspection.

(b) FEMA may conclude that restrictions on ex parte communications in particular rulemaking proceedings are necessitated by consideration of fairness or for other reasons.

§ 1.7 Regulations agendas.

(a) The FEMA semiannual agenda called for by Executive Order 12291 shall be published by FEMA on or about April 15 and October 15 each year.

(b) In accordance with 5 U.S.C. 605, the regulatory flexibility agenda

required by 5 U.SC. 602 and the list of rules, if any, to be reviewed pursuant to 5 U.S.C. 610 shall be included in the FEMA semiannual agenda described in paragraph (a) of this section.

(c) The semiannual agenda shall, among other items, include:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking.

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of the Order and a brief discussion of each such regulation.

§ 1.8 Regulations review.

(a) As part of the semiannual agenda described in §1.7 of this part, FEMA will publish in the **Federal Register** and keep updated a plan for periodic review of existing rules at least within 10 years from date of publication of a rule as final. This includes those that have significant impact on a substantial number of small entities.

(b) The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, including minimizing any significant economic impact of the rules upon a substantial number of small entities.

(c) In reviewing rules FEMA shall consider the following factors:

(1) The continued need for the rule;

(2) The nature, type and number of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule, including need for review of language for clarity;

(4) The extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

§ 1.9 Regulatory impact analyses.

(a) FEMA shall, in connection with any major rule, prepare and consider a Regulatory Impact Analysis. Such analysis may be combined with the Regulatory Flexibility Analysis described in §§ 1.12(f) and 1.16(c) of this part.

(b) FEMA shall initially determine whether a rule it intends to propose or to issue is a major rule and, if a major rule, shall prepare Regulatory Impact Analyses and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director, Office of Management and Budget, as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director, Office of Management and Budget, at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, FEMA shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director, Office of Management and Budget, at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmited along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, FEMA shall, unless an exemption has been granted, submit to the Director, Office of Management and Budget, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(c) To permit each major rule to be analyzed in light of the requirements stated in Section 2 of Executive Order 12291, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (c)(4) of this section, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of Executive Order 12291.

Subpart B—Procedures for Rulemaking

§ 1.10 Initiation of rulemaking.

Rulemaking may be initiated on the Director's motion or upon motion of an official to whom rulemaking authority has been delegated. Rulemaking may also be initiated on the petition of any interested person in accordance with the provisions of § 1.18. Interested person includes a Federal, State, or local government or government agency.

§ 1.11 Advance notice of proposed rulemaking.

An Advance Notice of Proposed Rulemaking will be published in the **Federal Register** and contains:

(a) A description of the proposed new program or program changes, and why they are needed;

(b) A presentation of the major policy issues involved;

(c) A request for comments, both specific and general, or the need for the proposed rule and the provisions that the rule might include;

(d) If appropriate, a list of questions about the proposal which seeks to bring out detailed comments;

(e) If known, an estimate of the reporting or recordkeeping requirements, if any, that the rule would impose; and

(f) An address to which comments may be, and the time within which they may be submitted.

§ 1.12 Notice of proposed rulemaking.

Each notice of proposed rulemaking required by statute, executive order, or by § 1.4 will be published in the **Federal Register** and will include:

(a) The substance or terms of the proposed rule or a description of the subject matter and issues involved.

(b) A statement of how and to what extent interested persons may participate in the proceeding.

(c) Where participation is limited to written comments, a statement of the time within which such comments must be submitted.

(d) A reference to the legal authority under which the proposal is issued.

(e) In a proceeding which has provided Advance Notice of Proposed Rulemaking, an analysis of the principal issues and recommendations raised by the comments, and the manner in which

they have been addressed in the proposed rulemaking.

(f)(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination;

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis; and

(3) The initial regulatory flexibility analysis or a summary thereof as required by the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), or a certification that the rule, if promulgated, will not have a significant economic impact or a significant number of small entities pursuant to 5 U.S.C. 605. Such certification may be made by any FEMA official with rulemaking authority.

(g) It is desirable, but not required, that the notices contain a target deadline for issuance of the regulation, and that to the extent feasible, this deadline be met.

(h) If the rule is one which contains a requirement for collection of information, a copy of the rule will be furnished OMB in accordance with 44 U.S.C. 3504(h).

§ 1.13 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rulemaking proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Director may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Director may provide for oral presentation of views in additional proceedings described in § 1.14.

(c) Copies of regulatory flexibility analyses shall be furnished the Chief Counsel for Advocacy of the Small Business Administration.

§ 1.14 Additional rulemaking proceedings.

The Director may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

§ 1.15 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rulemaking proceedings described in this part. When opportunity is afforded for oral presentation, the informal "hearing" is a nonadversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held need not be based exclusively on the record of such hearing.

(b) When a hearing is provided, the Director will designate a representative to conduct the hearing.

§ 1.16 Adoption of a final rule.

(a) All timely comments will be considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the relevant significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule.

(b) When determined necessary by the Director in accordance with the provisions of 1 CFR 18.12, the preamble shall contain the following information:

(1) A discussion of the background and major issues involved;

(2) In the case of a final rule, any significant differences between it and the proposed rule;

(3) A response to substantive public comments received; and

(4) Any other information the Director considers appropriate.

(c) At the time of publication of the final rule, a statement shall be published describing how the public may obtain copies of the final regulatory flexibility analysis which must be prepared in accordance with 5 U.S.C. 604 unless the procedure for waiver or delay of completion under 5 U.S.C. 608 is followed.

(d) Before approving any final major rule FEMA will:

(1) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination; and

(2) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

§ 1.17 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be treated as petitions for rulemaking in accordance with § 1.18.

§ 1.18 Petition for rulemaking.

(a) Any interested person may petition the Director for the issuance, amendment, or repeal of a rule. For purposes of this section the term "person" includes a Federal, State or local government or government agency. Each petition shall:

(1) Be submitted to the Rules Docket Clerk;

(2) Set forth the substance of the rule or amendment proposed or specify the rule sought to be repealed or amended;

(3) Explain the interest of the petitioner in support of the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Director finds that the petition contains adequate justification, a rulemaking proceeding will be initiated or a final rule will be issued as appropriate. If the Director finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Director may consider new evidence at any time; however, repetitious petitions for rulemaking will not be considered.

Dated: June 17, 1981.

Louis O. Giuffrida,

Director.

[FR Doc. 81-18637 Filed 6-23-81; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 205

[Docket No. FEMA-205-Sub E-1]

Disaster Assistance: Public Assistance (Subpart E) Amendment

AGENCY: Disaster Response and Recovery, FEMA.

ACTION: Final rule.

SUMMARY: This final rule amends FEMA's cost reimbursement policy by eliminating the present requirement that otherwise eligible work performed by the National Guard must be approved in advance by the FEMA Regional Director, because it was concluded that the existing language was too restrictive.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Gene Morath, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the **Federal Register** on May 2, 1979 (44 FR 25797) establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A–E) indicated that Disaster Assistance would be Subchapter D, Parts 200–299. On September 28, 1979 (44 FR 56172) FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200–2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93–288 (44 FR Part 205), are in the process of reorganization and revision.

On August 13, 1980, the Associate Director for Disaster Response and Recovery published in the **Federal Register** (45 FR 53956) a final rule to revise and recodify the material concerning eligibility for public assistance in the existing 44 CFR 205 as a new Subpart E. The rule incorporated material previously published in the FEMA Eligibility Handbook, DRR–2 and portions were revised to clarify existing policy and procedures.

Recently, our review of certain State appeals has caused us to reconsider the present language in 44 CFR 205.76(a)(19) which requires that the Regional Director must approve in advance any otherwise eligible work in order for such costs to be eligible for reimbursement. We have concluded that the existing language is too restrictive and are amending it by deleting the phrase "* * * when such projects are approved in advance by the Regional Director."

The proposed rule was published in the **Federal Register** of December 10, 1980 (45 FR 81215). Interested parties and governmental agencies were encouraged to submit written comments, suggestions, data, or arguments regarding this proposal by February 1, 1981, to the FEMA Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. Only one submission was received and it concurred with the proposed change.

This change is not a major rule as defined in Executive Order 12291, February 17, 1981, and consequently does not require a Regulatory Impact Analysis and Review.

A finding of No Significant Impact has been made in accordance with FEMA Environmental Assessment regulations 44 CFR Part 10.9(e). Interested parties may obtain and inspect copies of this Finding of No Significant Impact at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provisions of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

The regulation does not impact adversely on the central cities, suburban communities or non-metropolitan communities. As provided, the regulation does not have any significant economic consequences on the general economy, individual industries, geographic regions, or levels of government.

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is amended by revising § 205.76(a)(19) to read Subpart E (Public Assistance) as follows:

Subpart E—Public Assistance

§ 205.76 Eligibility of costs.

(a) * * *

(19) National Guard. (i) Eligible: Actual projects paid by the State not otherwise federally funded for work undertaken by the National Guard on a project basis, included salaries of National Guardsmen directly engaged in project work or supervision.

(ii) Not eligible: Use of National Guard for Public safety, or other security measures.

* * * * *

(Sec. 601, Disaster Relief Act of 1974, as amended, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792))

Dated: June 9, 1981.

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-18639 Filed 6-23-81; 8:45 am]

BILLING CODE 6718-02-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Second Rev. S.O. No. 1495]

Burlington Northern Inc. and Fort Worth and Denver Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

Decided June 18, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., June 22, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised to reflect the current operations of BN and FWD, as requested by the carriers. The authority contained in Appendix A, Item 2 of this order was previously granted in Appendix A, Item 5 of Eighteenth Revised Service Order No. 1473, and will be deleted from that order upon its next revision.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

§ 1033.1495 Second Rev. S.O. No. 1495.

(a) *Burlington Northern Inc. and Fort Worth and Denver Railway Company authorized to use tracks and/or*

facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).

Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., June 22, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operator

1. *Burlington Northern Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to Stratton, Colorado (milepost 473).

E. At Okeene, Oklahoma.

2. *Fort Worth and Denver Railway Company (FWD):*

A From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (mileposts 603.0 to 611.4).

C. From Groom to Adrian, Texas (mileposts 718.9 to 809.5).

[FR Doc. 81-18622 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U.S. Type 31—Burley Tobacco; Sales of Burley Tobacco in United Form

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that beginning with the 1981–82 marketing season Official Standard Grades be applied to Burley Tobacco, U.S. Type 31, when it is marketed tied in hands or untied in bales. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri. Prior to the 1978–79 season, burley tobacco was eligible for all official grades only when marketed tied in hands.

DATE: Comments are due on or before July 24, 1981.

ADDRESS: Send comments in duplicate to T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculutre, Washington, D.C. 20250 (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations governing Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1980–81 season (45 FR 62972, September 23, 1980). It is proposed that during the 1981–82 and succeeding seasons, that hand-tied burley, as well as unlimited quantities of untied baled burley tobacco be eligible for any of the official standard grades for which it meets applicable specifications. The authority for these regulations is contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*).

For several years, the Department had cooperated with universities and various farm groups in experimental sales of untied burley—Both baled and loose in burlap sheets. During this period only unofficial, non-price-supported grades were applied by Federal graders. Based on numerous requests from the burley industry and, particularly, on recommendations of the Council for Burley Tobacco, the Department amended its regulations for the 1978–79 season solely for experimental purposes, to provide that on certain days during the season Federal graders would apply official grades to limited quantities of untied burley tobacco packed in bales and offered for sale at auction centers throughout the entire burley production area.

Following the completion of the 1978–79, 1979–80, and 1980–81 seasons, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, studies were made and reports were compiled by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment.

The reports were reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics and Statistics Service. The experiment was conducted for three seasons, gaining increased interest and participation each succeeding season and has caused no apparent disruption to the marketing system. Based on this fact and conclusions drawn from the aforementioned reports, the Department proposes to amend the regulations to allow untied baled burley tobacco to be eligible for official grading on the same bases as burley tobacco marketed in the traditional hand-tied bundles.

The proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule. Initial review of the regulations contained in 7 CFR, Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of Public Law 92.354, Regulatory Flexibility Act, consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. It has been determined that there will be no economic impact upon small entities.

Prior to the 1978–79 seasons, the definition of "rework," § 29.3050, of the regulations provided that tobacco not tied in hands be granded NoG (no grade), a non-price-supported designation applied to tobacco classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter or material, and/or having an odor foreign to the type.

Based on the Department's evaluation of the 1978–79, 1979–80, and 1980–81 experiments, it is proposed that the definition of "rework" in § 29.3050, be amended to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bale are not tied in hands, are packed straight, and that the bales are approximately 1 x 2 x 3 feet in size.

The proposal by the Department is conditioned by the following:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and

2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and that the bales are not nested.

The Department's instruction to graders would conform to these understandings.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same, in duplicate, with T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250, not later than July 24, 1981.

T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, has determined that an

emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the burley industry must be informed of any rule changes affecting the marketing process, and producers must be provided substantial lead time to decide on the method in which they will market their tobacco.

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

Section 29.3050 of the regulations is proposed to be revised as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (b) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That beginning with the 1981–82 marketing season burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bale is approximately 1 x 2 x 3 feet. *Provided* further that: (1) the oerator of any warehouse at which baled burley tobacco is offered for sale open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (2) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

Dated: June 19, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-18605 Filed 6-23-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; Proposed Price Support for Baled Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is considering whether to make price support available on all burley tobacco marketed in bales of the 1981 and subsequent crops. Marketing burley tobacco in bales has proved to be a cost effective means of marketing that kind of tobacco. Interested parties are invited to submit written views and recommendations on this proposal.

DATE: Comments must be received on or before July 24, 1981, to be assured of consideration.

ADDRESS: Send comments to the Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformity with Executive Order 12291 and has been classified as "not major." This proposed rule has been classified as "not major" since the implementation of this rule will not have an annual affect on the economy of $100 million or more.

I have determined that an emergency exists which warrants less than a 60-day comment period on this proposed action because producers who are now making plans for harvesting and marketing the 1981 crop of tobacco need to know as soon as possible whether price support will be available on baled burley tobacco for the 1981 crop. For this reason, comments must be received on or before July 24, 1981.

Burley tobacco has traditionally been marketed tied in hands of about 20 leaves. However, the process of tying the tobacco in hands is time-consuming and, therefore, costly to producers. Before 1978, burley tobacco was required to be marketed tied in hands as a condition of eligibility for CCC price support. Since 1973, an industry group has been conducting an experiment to determine whether marketing untied burley tobacco would reduce market preparation costs. During the 1978, 1979 and 1980 crop years the experiment was expanded by permitting a small percentage of the total burley crop for these years to be eligible for price support although not tied in hands. This allowed the Department of Agriculture, in conjunction with the land-grant universities in Kentucky and Tennessee, to also research the experiment.

During the three year period 1978–1980 there have been no disruptions in marketing patterns due to marketing burley tobacco in bales. Some members of the trade have pointed out, however, that potential problems, such as nesting (concealment) of inferior tobacco, could arise from marketing burley tobacco in bales. These potential problems, however, have not materialized.

Reports for the 1978 and 1979 crop years containing the results of this research have been published by this Department. Although inconclusive, these reports indicated that baling was cost effective. The 1980 report is now in preliminary form. It also indicates that baling tobacco is cost effective. Moreover, the entire burley farming area has reported significant savings in using the baling process versus the more labor consuming hand tying process.

To expedite the transition from marketing burley tobacco tied in hands to marketing burley tobacco in bales, it is proposed to make the entire crop of burley tobacco eligible for price support although marketed in bales, beginning with the 1981 crop. However, it is expected that less than one-fourth of the 1981 effective quota for burley tobacco will be baled. Price support for a limited amount of baled tobacco was considered but was rejected for the 1981 marketing year in order to allow burley farmers the option of marketing their entire crop either tied in hands or baled. As in the past, burley tobacco tied in hands and in bales will be marketed at the same time. Producers will be required to properly certify as to certain characteristics of the tobacco in bales in order to receive price support.

For the 1981 crop, the grade support rates for baled burley tobacco will be the same as those for tied tobacco. However, if it is found that a differential in market price between baled and tied tobacco exists, in future years a discount in support rates for baled tobacco may be applied.

Accordingly, it is proposed that the regulations at 7 CFR Part 1464 be revised by amending §§ 1464.2(b)(5) and 1464.7(a)(4) to read as follows:

§ 1464.2 Availability of price support.

* * * * *

(b) * * *

(5) Beginning with the 1981 crop, eligible producers may obtain price support on tied and on untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) The quality and condition of the tobacco contained in each bale offered for marketing as a single lot will be representative of the quality and condition of the tobacco contained in all other such bales of the same lot.

(ii) The tobacco in each bale will be stalk-cured.

(iii) The bales will not contain foreign matter.

(iv) The bales will not be nested.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1 x 2 x 3 feet in size.

(b) The leaves in bales accepted for price support must be untied and oriented.

* * * * *

§ 1464.7 Eligible producers.

(a) * * *

(4) The producer has complied with any certification the producer may have executed with respect to any baled burley tobacco delivered for price support.

* * * * *

Prior to making any determinations, CCC will give consideration to comments, views and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue S.W., Washington, D.C. 20250.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Signed at Washington, D.C. on June 19, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-18604 Filed 6-23-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 220 and 221

[Docket No. R-0362]

Credit by Brokers and Dealers and Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed amendments.

SUMMARY: After a comprehensive review of the margin regulations, the Board has decided to proceed with a major simplification through a series of amendments to the regulations. In the first group of amendments the following changes are proposed for Regulation T:

1. Eliminate the "equity building" devices; consolidate the bond accounts with the General Account; and require an offsetting adjustment to any highly leveraged General Account from the Special Miscellaneous Account.

2. Relax the restriction on the arranging of credit by investment bankers.

In Regulation U the Board proposes to change the collateral test so as to exempt from quantitative limitation all bank credit not secured by margin equity securities.

DATE: Comments should be received on or before September 15, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0362, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-2786, or Mindy R. Silverman or James N. McNeil, Federal Reserve Bank of New York (212) 791-5000.

SUPPLEMENTARY INFORMATION: The Board proposes to amend certain parts of Regulations T and U (12 CFR Parts 220 and 221) in the first phase of the regulatory simplification of the margin rules. The changes in Regulation T will eliminate the so-called "equity building" devices by (a) deleting the retention requirement and permitting withdrawals from transactions equal to the current maximum loan value of securities in the account and (b) eliminating the suspension of the same-day substitution privilege in "super-restricted" accounts. It is the Board's intention to effect the same results in Regulations U and G if these "equity building" devices are eliminated from Regulation T. The consolidation of Accounts will simplify Regulation T and permit customers greater flexibility in changing the makeup of their portfolios.

The Board has long been concerned with the existence of large credit balances in Special Miscellaneous Accounts of customers with highly-leveraged General Accounts. The proposed changes to eliminate "equity building" devices and the consolidation of the Special Bond Account and the Special Convertible Debt Security Account into the General Account could result in an even greater increase in credit balances in the Special Miscellaneous Account. Accordingly, a provision is also being added to require transfers from the Special Miscellaneous Account whenever the customer's equity in the General Account falls below 25 percent. This proposed change would not require that the customer be called to deposit additional cash or securities with the broker; it would require only the draining of Special Miscellaneous Account balances into the General Account when the General Account equity fell below 25 percent.

In publishing the SMA adjustment proposal for comment, the Board expressed concern that it might have little or no effect since there may be alternate ways to preserve buying power for customers' accounts without the use of the Special Miscellaneous Account. In particular, it has been suggested that the goal of the Board's proposal could be circumvented by daily payment to the customer or the customer's cash account of an amount representing the excess loan value in the customer's General Account. Commenters are specifically invited to comment as to whether this is likely to occur and, if so, what the effects would be. Commenters are also asked to address the question as to whether there are alternative ways of addressing the Board's concern with respect to large credit balances in Special Miscellaneous Accounts of highly leveraged customers. If so, could these alternative methods be effected with less cost than the method proposed by the Board? Estimated cost projections associated with implementing the SMA adjustment feature of the Board's proposal are also requested.

Section 220.7(a) which restricts a broker or dealer in arranging credit will be relaxed to permit investment banking services which involve arranging credit. Arranging credit which the broker or dealer cannot itself extend would continue to be prohibited in other circumstances.

The collateral test in Regulation U will be changed so that only purpose loans secured by any margin stock will be subject to the margin restrictions and only loans secured by margin stock will require the execution of a Form U-1.

Accordingly, pursuant to §§ 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w), the Board proposes to amend Regulations T

and U (Parts 220 and 221, respectively) as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

A. Section 220.3 of Regulation T is revised in the following manner:

§ 220.3 [Amended]

1. Existing paragraphs (a) and (b) are removed and replaced with the following paragraphs (a) through (e):

(a) *Contents of general account.* All financial relations between a customer and a creditor, whether recorded in one record or more than one record shall be included in and be deemed part of the customer's general account with the creditor except that:

(1) Relations which § 220.4 permits to be included in any special account provided for by the section may be included in the appropriate special account; and

(2) All transactions in commodities shall be included in the special account provided by § 220.4(e).

(b) *Initial margin.* Whenever a creditor effects in a general account any transaction which, combined with other transactions effected in the account on the same day, creates or increases an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account, the creditor shall obtain, as promptly as possible, but no later than the end of seven full business days following the date of such transaction, the deposit into the account of cash or securities in such amount that the cash deposited plus the loan value of the securities deposited at least equals the excess so created or the increase so caused.

(c) *Withdrawals.* A creditor may permit the withdrawal of cash or securities from a general account unless:

(1) Cash or securities are required to be deposited in connection with a transaction on the current or a previous day, or

(2) Such withdrawal would, combined with other transactions, deposits and withdrawals on the same day, create or increase an excess of the adjusted debit balance over the maximum loan value of the account.

(d) *Minimum Level Adjustment.* Whenever the adjusted debit balance of the account exceeds 150% of the maximum loan value of the account, after treating all calls for margin issued under § 220.3(b) as if they had been satisfied, the creditor shall transfer from the Special Miscellaneous Account to the General Account credit balances sufficient to decrease the adjusted debit balance of the account to 150% of the maximum loan value of the account or exhaust the credit balance of the Special Miscellaneous Account, whichever occurs first.

(e) *Modifications and exceptions.* Modifications of and exceptions to the provisions stated in this section are provided in the subsequent paragraphs of this section and in § 220.6.

2. Existing paragraphs (c) through (i) are redesignated as new paragraphs (f) through (l).

3. References throughout § 220.3 to the special convertible security account and the special bond account are removed.

4. Subparagraph (2) of redesignated paragraph (f) is revised to read as follows:

(f) * * *

(2) The maximum loan value of a security in a general account shall be such maximum loan value as the Board shall prescribe from time to time in § 220.8 (the supplement to Regulation T). No collateral other than an exempted security or a margin security shall have any loan value in a general account.

5. Redesignated paragraph (h) is revised to read as follows:

(h) *Liquidation in lieu of deposit.*[3] In any case in which the deposit required by this section, or any portion thereof, is not obtained by the creditor within the seven-day period specified therein, the creditor shall promptly sell securities or effect other liquidating transactions in the account in such amount that the resulting decrease in the adjusted debit balance of such account equals or exceeds the required deposit or the undeposited portion thereof: *Provided,* That a creditor is not required to sell securities or to effect other liquidating transactions specified by this paragraph in an amount greater than necessary to eliminate the excess of the adjusted debit balance of such account over the maximum loan value of the securities remaining in such account after such liquidation.

6. Redesignated paragraph (g) is revised to read as follows:

(g) *Transactions on given day.* (1) For the purpose of this section, the question of whether or not an excess of the adjusted debit balance of a general account over the maximum loan value of the securities in the account is created or increased on a given day shall be determined on the basis of all the transactions in the account on such day exclusive of any deposit of cash, deposit of securities, covering transactions, or other liquidation that has been effected on such day in connection with a transaction on a previous day.

(2) In any case in which an excess so created, or increase so caused, by transactions on a given day does not exceed $500, the creditor need not obtain the deposit specified therefor in this section.

(3) Any transaction which serves to meet the requirements of this section or otherwise serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account.

(4) For the purposes of this part (Regulation T), if a security has maximum loan value under this section in a general account a sale of the same security (even though not the same certificate) in such account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

7. References to existing specific paragraph numbers throughout this Part will be changed to conform to these revisions

b. Section 220.7(a) of Regulation T is revised to read as follows:

§ 220.7 [Amended]

(a)—*Arranging for loans by others.* A creditor may not arrange for the extension or maintenance of credit to or for any customer by any person upon terms and conditions other than those upon which the creditor may himself extend or maintain under the provisions of this Part, except that this limitation shall not apply to credit arranged for a customer which does not violate Parts 207 and 221 of this Chapter and results solely from:

(1) Such investment banking services, provided by the creditor to the customer, as underwritings, private placement, and advice and other services in connection with exchange offers, mergers and acquisitions, except for underwritings that involve the public distribution of an equity security with installment or other deferred payment provisions; or

(2) The sale of non-margin securities with installment or other deferred payment provisions if the sale is exempted from the registration requirements of the Securities Act of 1933 under section 4(2) or section 4(6) of the Act (15 U.S.C. 77(d)(2) and (6)).

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

C. Part 221, Credit by Banks for the Purpose of Purchasing or Carrying

[3] This requirement relates to the action to be taken when a customer fails to make the deposit required by § 220.3(b), and it is not intended to countenance on the part of customers the practice commonly known as "free-riding," to prevent which the principal national securities exchanges have adopted certain rules. See the rules of such exchanges and § 220.7(e).

Margin Stocks, would be amended as follows:

1. All references to "stock" throughout Regulation U (when the term refers to collateral and is not part of a definition) will be changed to "margin stock."

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on changes to its margin regulations. These changes are the first part of a planned series of amendments intended to simplify margin regulations, generally, and to reduce specific administrative and recordkeeping requirements imposed upon lenders by Regulation T (broker lending), Regulation U (bank lending), and Regulation G (lending by other than brokers or banks).

In addition to the widespread benefits associated with the simplification, the proposed changes would relax regulatory treatment of individual and business borrowers in a number of instances. For example, most of the changes to Regulation T will reduce restrictions applied to portfolio realignment for all margin customers—benefiting customers with small as well as large margin account holdings to the same degree. Also, the modification of the credit arranging provision in Regulation T will permit brokers to provide additional investment banking services— including the arranging of unsecured loans—for business customers. Competition between brokers will be dependent upon investment banking expertise and not upon financial lending capacity—thereby, providing an opportunity for small brokers to compete effectively with large brokers for this business. Furthermore, when seeking capital, business firms of all sizes should derive some benefit from the effects of augmented competition that will result from increased direct broker participation in investment banking activities. Finally, the amendment to the collateral test in Regulation U will allow nonmargin stock (typically, Stock issued by small or privately-held corporations) to be used as collateral for bank loans without, any longer, a regulatory requirement that the borrower state the purpose for which the loan proceeds are to be used. The effect thereby, would be to exempt nonmargin equity security loans from the margin limitations and to reduce the overall reporting burden imposed by the current regulatory provisions.

By order of the Board of Governors of the Federal Reserve System, June 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18672 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 225

[Regulation Y; Docket No. R-0361]

Bank Holding Companies Nonbanking Activities; Issuance of Travelers Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: In the past, the Board has approved applications by bank holding companies filed pursuant to section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1841 *et seq.*, and § 225.4(b)(2) of the Board's Regulation Y, 12 CFR 225.4(b)(2), to engage in the issuance of travelers checks. At this time, the Board will consider a proposed rule that would amend § 225.4(a)(13) of its Regulation Y, 12 CFR 225.4(a)(13), by adding the issuance of travelers checks to the list of nonbanking activities permissible for bank holding companies.

DATE: Comments must by received by August 31, 1981.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0361.

FOR FURTHER INFORMATION CONTACT: R. Whiting, Senior Attorney (202/452-3779) or S. Weinberg, Attorney (202/452-3707), Legal Division, or S. Sussan, Manager, Division of Banking Supervision and Regulation (202/452-2818), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Proposed Rulemaking.* The Board is inviting comment on whether § 225.4(a)(13) of the Board's Regulation Y (12 CFR 225.4(a)(13)) should be amended to add the issuance of travelers checks to those activities permissible generally for bank holding companies under section 4(c)(8) of the Bank Holding Company Act. Section 4(c)(8) of the Bank Holding Company Act states that bank holding companies lawfully may engage in those activities the Board has "determined (by order or regulation) to be so closely related to banking or managing and controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8).

In determining whether a proposed nonbanking activity is "closely related" to banking, the Board generally applies the standards set forth in *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). In that opinion the Court held that a proposed nonbanking activity would be considered "closely related" to banking if it met at least one of the following criteria:

(1) Banks generally have in fact provided the proposed services.

(2) Banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed service.

(3) Banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form.

On several occasions the Board by order has found the conduct of this activity by particular bank holding companies to be "closely related" to banking. *Seafirst Corporation* —— Federal Reserve Bulletin —— (1981) ("Seafirst"); *The Chase Manhattan Corporation* 66 Federal Reserve Bulletin 983 (1980); *First Chicago Corporation* 65 Federal Reserve Bulletin 937 (1979); *Citicorp* 65 Federal Reserve Bulletin 666 (1979); and *Republic of Texas Corporation* 62 Federal Reserve Bulletin 630 (1976). Thus, in the circumstances presented, the Board has concluded that sufficient evidence exists to warrant a finding that there is a reasonable basis for the opinion that the issuance of travelers checks by bank holding companies generally is an activity "closely related" to banking and now solicits comments as to whether the activity of issuing travelers checks should be added to section 225.4(a) of Regulation Y.

(2) *Submission of Comments.* To aid the Board in its consideration of the proposed rulemaking, interested persons may express their views on the question whether performance of the proposed activity generally by an affiliate of a bank holding company, is so "closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Bank Holding Company Act. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a 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 August 31, 1981. All material submitted should include the docket number R-0361. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) *Authority.* This action is proposed pursuant to the Board's authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)).

Section 225.4(a)(13) of the Board's Regulation Y (12 CFR 225.4(a)(13)) would be revised as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing and controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing and controlling banks as to be a proper incident thereto.

* * * * *

(13) The sale at retail of money orders having a face value of not more than $1,000 and the issuance and sale of travelers checks and the sale of U.S. Savings Bonds.

Board of Governors, effective June 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18671 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11818; File No. S7-806]

Definition of Beneficial Ownership in Certain Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Investment Company Act of 1940 ("Act") excludes certain issuers from the definition of investment company provided that, among other things, their outstanding securities are beneficially owned by not more than 100 persons. In November 1979, the Commission proposed an amendment to a rule under the Act which would have excepted certain issuers from the definition of beneficial ownership contained in the statute. However, the statutory definition was amended by the Small Business Investment Incentive Act of 1980 in a manner which rendered the outstanding proposed amendment to the rule unnecessary. Therefore, the Commission is withdrawing the proposed amendment to the rule.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur J. Brown, Chief (202-272-2048), or Marsha Gilman, Attorney (202-272-2057), Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Prior to its recent amendment by section 102 of the Small Business Investment Incentive Act of 1980 ("1980 Amendments") [Pub. L. 96-477], section 3(c)(1) of the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-3(c)(1)], in its entirety, provided the following:

> Notwithstanding subsection (a) [of section 3 of the Act],[1] none of the following persons is an investment company within the meaning of this title:
>
> (1) Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

This section was intended to exclude from the Act "private" investment companies in which there was no significant public interest and therefore which were not appropriate subjects of federal regulation. The attribution provision was intended, among other things, to prevent circumvention of the Act, for example, by an issuer selling securities to a corporate shell which, in turn, sold its securities to the public.

In 1959, the Commission adopted rule 3c-2 [17 CFR 270.3c-2] under the Act[2] to address the capital raising problems of certain SBICs which sought to rely on the section 3(c)(1) exclusion but which frequently depended upon institutional or corporate investors for more than 10 percent of their capital.[3] The rule provides that, for the purpose of section 3(c)(1), beneficial ownership of 10 percent or more of an SBIC's outstanding voting securities by a company is deemed ownership by one person if and so long as that company's total investment interest in all SBICs does not exceed 5 percent of the value of its assets.[4]

In November 1979, the Commission proposed[5] an amendment to rule 3c-2 which would have created for all private issuers an exception to the attribution provision in then section 3(c)(1) similar to that already provided for SBICs. The proposed amendment would have permitted private companies to obtain capital generally from the institutional and corporate investor market, subject to certain conditions, without having to apply the attribution provision. The Commission had not taken final action on the proposed amendment to rule 3c-2 when section 3(c)(1) of the Act was amended.[6] Since new section 3(c)(1) incorporates the relief which would have been available to private issuers under the proposed amendment to rule 3c-2, the Commission has determined to withdraw the proposed amendment to rule 3c-2.

Discussion

The recent amendment to section 3(c)(1) of the Act[7] retains the prior

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[1] Section 3(a) [15 U.S.C. 80a-3(a)] defines the term "investment company."

[2] Investment Company Act Release No. 2909 (Sept. 3, 1959), 24 FR 7313.

[3] As originally adopted, rule 3c-2 did not except investment company ownership of SBICs from the attribution rule, apparently because of the danger of abusive pyramiding. In 1968, the rule was amended to make rule 3c-2 treatment available where the owning company was an investment company. Investment Company Act Release No. 5452 (Aug. 5, 1968), 33 FR 11451. The change was another attempt to open greater sources of capital to SBICs. The potential for abusive pyramiding was abated by the Small Business Administration's restrictions on SBICs investing in entities which engage in relending or reinvesting.

[4] The rule also deems the beneficial ownership of 10 percent or more of an SBIC's outstanding voting securities by a state development corporation to be ownership by one person, provided that the state development corporation itself is not an investment company as defined by the Act.

[5] Investment Company Act Release No. 10938 (Nov. 13, 1979), 44 FR 66612.

[6] Section 102 of the 1980 Amendments amended section 3(c)(1) in its entirety. The 1980 Amendments became effective on October 21, 1980.

[7] Section 3(c)(1) presently excludes from the definition of "investment company" in section 3(a)

> [a]ny issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For purposes of this paragraph:
>
> (A) Beneficial ownership by a company shall be deemed to be beneficial ownership by one person, except that, if the company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper) unless, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by such company of all issuers which are or would, but for the exception set

Continued

statutory exclusion from the definition of "investment company" for issuers which are not making and do not presently propose to make public offerings of their securities and whose outstanding securities are beneficially owned by not more than 100 persons. However, it modifies the test of when beneficial ownership by a company must be attributed to its securityholders. Amended section 3(c)(1) excludes from the attribution requirement beneficial ownership by a company where it owns 10 percent or more of the outstanding voting securities of a private issuer, provided that, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by the company in that issuer and all other issuers relying on the exclusion of section 3(c)(1) does not exceed *10 percent* of the value of the company's total assets. The proposed amendment to rule 3c-2 which the Commission withdraws today would have attributed ownership of the securities of a private issuer to the shareholders of a company which invested in that issuer when the value of that company's investment in all issuers excluded under section 3(c)(1) (other than private SBICs) exceeded *5 percent* of the value of its total assets.*

Thus, the amended section both incorporated the proposed rule amendment and expanded it. First, section 3(c)(1) permits a company to have up to 10 percent of its assets, not merely 5 percent, invested in issuers who will not be required to attribute the owning company's shareholders to their own account. Second, the determination of the owning company's asset composition is made only as of its most recent acquisition of the issuer's securities. Therefore, changes in the value of the assets of a company owning 10 percent or more of an issuer's securities, for example because of a sale of other assets or market action, will not require that issuer to attribute beneficial ownership to its owning company's shareholders, unless the owning company makes additional purchases of the issuer's securities.

The Commission believes that the amendment of section 3(c)(1) of the Act renders the proposed amendment to rule 3c-2 superfluous. Therefore, the Commission is withdrawing the proposed amendment to rule 3c-2 under the Act. This action is effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 17, 1981.

[FR Doc. 81-18626 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

forth in this subparagraph, be excluded from the definition of investment company solely by this paragraph, does not exceed 10 per centum of the value of the company's total assets. Such issuer nonetheless is deemed to be an investment company for purposes of section 12(d)(1) [15 U.S.C. 80a-12(a)(1)] * * *

*The proposed amendment to rule 3c-2 included the addition of a new paragraph (b), as follows:

(b) For the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of any issuer which is not an issuer described in paragraph (a) of this section [relating to SBICs] shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of all issuers (other than any issuer described in paragraph (a) of this section) who are excluded from the definition of investment company by section 3(c)(1) of the Act owned by such company does not exceed 5 per centum of the value of the company's total assets: *Provided*, That such issuer nonetheless is deemed to be an investment company for purposes of section 12(b)(1) of the Act.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Wyoming—6)]

Wyoming; High-Cost Gas Produced from Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Bear River Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 20, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: Issued: June 18, 1981.

I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Bear River Formation located in Lincoln, Sweetwater, and Sublette Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Bear River Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in the Northern Moxa Arch area of Southwestern Wyoming approximately 10 miles southeast of Big Piney, Wyoming. The area contains about 199,665 acres within Lincoln, Sweetwater, and Sublette Counties, Wyoming, encompassing Townships 25 through 28 North, Ranges 110 and 111 West and the eastern two-thirds of Township 28 North, Range 112 West.

The vertical limits of the Bear River Formation are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the formation varies from 9,400 feet to 11,200 feet. The average net productive interval is approxiamtely 20 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 189-80(B) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section

of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Bear River Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming—6), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.W., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (55) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(40) through (54) [Reserved]

(55) *Bear River Formation in Wyoming.* RM79-76 (Wyoming—6).

(i) *Delineation of formation.* The Bear River Formation is found in Lincoln, Sweetwater, and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28 and 33 through 36.

(ii) *Depth.* The Bear River Formation vertical limits are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the Bear River Formation varies from 9,400 feet to 11,200 feet.

[FR Doc. 81-18692 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—7)]

Wyoming; High-Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designting natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 20, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: June 18, 1981.

I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 F.R. 56034, August 22, 1980), that the Frontier Formation located in Lincoln, Sweetwater, and Sublette Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Frontier Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in the Northern Moxa Arch area of Southwestern Wyoming approximately 10 miles southeast of Big Piney, Wyoming. The area contains about 199,665 acres and is in Lincoln,

Sweetwater, and Sublette Counties, Wyoming, encompassing Townships 25 through 28 North, Ranges 110 and 111 West and the Eastern two-thirds of Township 28 North, Range 112 West.

The vertical limits of the Frontier Formation are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the formation varies from 9,000 feet to 10,500 feet. The average net productive interval is approximately 31 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 189–80(A) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)[2](i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Wyoming—7), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (56) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(40) through (55) [Reserved]

(56) *Frontier Formation in Wyoming.* RM79–76 (Wyoming—7).

(i) *Delineation of formation.* The Frontier Formation is found in Lincoln, Sweetwater, and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28 and 33 through 36.

(ii) *Depth.* The Frontier Formation vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the Frontier Formation varies from 9,000 feet to 10,500 feet.

[FR Doc. 81–18681 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 20

[CC: LR–90–80]

Transfer Certificates in Nonresident Estates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed amendments to the Estate Tax Regulations relating to the necessity of obtaining a transfer certificate in certain estates of nonresident decedents. These regulations provide necessary guidance to the public for compliance with the law, and affect, among others, persons who have actual or constructive possession of certain shares of stock registered in the name of a nonresident decedent.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 24, 1981. The amended regulations are proposed to be effective for estates of decedents dying on or after January 1, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FUTHER INFORMATION CONTACT: Anne Alexander 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, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 20.6325–1 (a) provides that a transfer certificate is required in certain situations to transfer property of a nonresident decedent without liability. § 20.6325–1(b)(1)(i) currently provides an exception and specifies that a transfer certificate is not required in the estate of a nonresident who is not a citizen of the United States dying after November 14, 1966, if the value on the date of death of

the gross estate situated in the United States does not exceed $30,000. To make the regulations consistent with charges made to section 6018(a)(2) by section 2002(c)(1)(J)(ii) of the Tax Reform Act of 1976 (90 Stat. 1850), the amendment to the regulations will provide that a transfer certificate is not required if the gross estate of a nonresident who is not a citizen does not exceed the lesser of $60,000 or $60,000 reduced by the adjustments required by section 6018(a)(4) for certain taxable gifts made by the decedent and for the aggregate amount of certain specific exemptions.

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

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**.

Drafting Information

The principal author of these proposed regulations is Kyllikki Kusma 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.

Proposed amendments to the regulations.

The proposed amendments to 26 CFR Part 20 are as follows:

Paragraph. Section 20.6325–1 is amended as follows:

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

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

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

* * * * *

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

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

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

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

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

* * * * *

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

[FR Doc. 81–18669 Filed 6–23–81; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD–FRL–1861–4]

National Emission Standards for Hazardous Air Pollutants; Benzene Fugitive Emissions; Benzene Emissions from Benzene Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extensions of public comment periods.

SUMMARY: The end of the public comment period has been extended 30 days for the proposed national emission standard for benzene fugitive emissions and the proposed national emission standard for benzene emissions from benzene storage vessels. 45 FR 83952, December 19, 1980, 46 FR 18561, March 25, 1981.

DATES: Written comments to be included in the record on the proposed standards must be postmarked no later than September 14, 1981, for the proposed national emission standard for benzene fugitive emissions and August 10, 1981, for the proposed national emission standard for benzene emissions from benzene storage vessels. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than September 14, 1981, and August 10, 1981, for the proposed benzene fugitive and benzene storage emission standards, respectively.

ADDRESSES: Comments on the proposed standard for bezene fugitive emissions should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–79–27, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Comments on the proposed standard for benzene emissions from benzene storage vessels should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–80–14, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

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

SUPPLEMENTARY INFORMATION: EPA received a request to extend the public comment periods for the two proposed standards because the public hearing for

the proposed benzene fugitive emissions standard was close to the end of the comment period for the proposed benzene storage vessels standard. The comment periods for the proposed standards were extended, therefore, in order to provide an opportunity for more meaningful public participation in the proposed rulemaking.

Dated: June 18, 1981.

Edward F. Tuerk,

Acting Assistant Administrator.

[FR Doc. 81-18623 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-26-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 4, 8, and 47

Administrative Matters, Required Sources of Supplies and Services, and Transportation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract files, required sources of supplies and services, and air transportation by U.S.-flag carriers.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before August 7, 1981.

[1] Filed with the Office of the Federal Register as part of the original document.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16918 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 4—ADMINISTRATIVE MATTERS

Subpart 4.8—Contract Files

This subpart prescribes requirements for the establishment, maintenance, and disposition of contract files. The coverage is based on Supplement 2 to the Defense Acquisition Regulation (DAR) and on the content of three Department of Defense forms: DD Form 1593, "Contract Administration Completion Record"; DD Form 1594, "Contract Completion Statement"; and DD Form 1597 "Contract Closeout Check-list."

The proposed procedures are consistent with those in DAR Supplement 2. However, the FAR coverage applies to *all* contracts, including small purchases, providing special procedures for handling small purchase files. This differs from DAR S2-100, which makes Supplement 2 optional for small purchases.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

The introduction to part 8 is presented in §§ 8.000, 8.001, and 8.002. The coverage, based on the Federal Property Management Regulation (FPMR) 101-26.107, specifies priorities established in the FPMR for the use of Government supply sources. It is intended to assist contracting officers, so they will not inadvertently contract for items that are available from required Government sources.

PART 47—TRANSPORTATION

Subpart 47.4—Air Transportation by U.S.-Flag Carriers

This subpart provides guidelines and prescribes procedures for implementing Section V of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517). The "Fly America Act", as it is referred to, requires all Federal agencies and Government contractors and subcontractors to use U.S.-flag air carriers for international air transportation, to the extent service by these carriers is available.

The coverage is based on DAR 1-336, Federal Procurement Regulation (FPR)1-1.323, and revised guidelines issued by the Comptroller General of the United States on March 31, 1981. The proposed FAR text closely follows the Comptroller General's guidelines.

Dated: June 15, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-18621 Filed 6-23-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

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.

CIVIL AERONAUTICS BOARD

[Order 81-6-130; Docket 39710]

United Air Lines, Inc. Against the Japan Civil Aeronautics Bureau and Japan Air Lines Co., Ltd.; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June, 1981.

On June 15, 1981, United Air Lines, Inc. (United) filed a complaint in Docket 39710 against the Japan Civil Aeronautics Bureau (JCAB) and Japan Air Lines Co., Ltd. (JAL), the Japanese flag carrier. The complaint states that the JCAB has unreasonably denied United the necessary authority to provide air service between the U.S. points, Seattle and Portland, and Tokyo, in violation of the United States-Japan Civil Air Transport Agreement (Agreement), as amended. United states that the action of the JCAB warrants remedial action under sections 9 and 23 of the International Air Transportation Competition Act of 1979 (IATCA). United urges the Board expeditiously and without oral hearings to initiate sanctions against JAL designed to cause the JCAB to grant full operating rights between Narita Airport and Seattle and Portland.

The essence of United's complaint is that the JCAB has steadfastly refused to permit United to operate between Seattle/Portland and Tokyo even though it is clearly allowed to do so under the terms of the Agreement, as amended, and has been designated by the United States to provide this service. United states that it has qualified to do business in Japan under Japanese law, and has or can quickly obtain the necessary fuel and ground support facilities at Narita Airport to handle its daily round trip flight. The carrier states that it has the necessary aircraft in its fleet to provide the service and the necessary ground support facilities in Seattle and Portland to fly to Japan. The carrier also states that it has timely filed the necessary license application and tariffs with the JCAB. All that is necessary, therefore, to inaugurate service is the approval of the JCAB. The JCAB, however, according to United, has refused to approve United's application in violation of the Agreement, even though the Board found almost three years ago that United's service between Seattle/Portland and Tokyo would provide great benefits to the American and Japanese public, including the promise of low fares. United alleges that the JCAB therefore is wrongfully preventing United from beginning its service and urges the Board to take prompt action under IATCA. As an initial sanction, United recommends the suspension of JAL's operating privileges between Tokyo and New York via Anchorage until the JCAB grants United's landing rights.

The Board's authority to consider and dispose of complaints filed under sections 9 and 23 of IATCA is discussed in Orders 80-7-144 and 80-9-25 and need not be repeated in detail here. For present purposes we note that IATCA increases our ability to deal with allegations of unfairly restrictive and discriminatory practices by foreign governments and foreign air carriers by giving us powers to respond quickly to such governments and foreign air carriers by giving us powers to respond quickly to such practices. For example, under section 402 of the Federal Aviation Act and section 2 of the International Air Transportation Fair Competitive Practices Act (IATFCPA) (which were both amended by IATCA), we may deny, alter, amend, modify, suspend, cancel, limit or condition any foreign air carrier permit or tariff if we find such action to be in the public interest. These statutory provisions also authorize the Board to act without any hearing or to dispense with oral evidentiary hearings and base its decision on written evidence and arguments submitted by interested parties in appropriate circumstances. Furthermore, to ensure that complaints filed under the new legislation receive prompt attention, section 2 of the IATFCPA provides that the Board shall approve, deny, dismiss or set a complaint for hearing, or institute other proceedings proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action in increments of 30 days up to 180 days, if we conclude that it is likely that the complaint can be satisfactorily resolved through negotiations.

With these considerations in mind, we have decided to invite all interested persons, to answer the complaint of United in this docket. Answers shall include all data, evidence, and argument upon which persons rely to support their position, and cover all substantive and procedural issues they wish the Board to consider. We will also provide an opportunity to reply to the answers.

Answers shall be filed no later than 20 days from the service date of this order, and replies no later than 10 days from the answer date.[1]

After receipt and consideration of these pleadings and any evidence submitted, we will issue a further order in this proceeding. As indicated above, we may either provide for further procedures, defer action for 30 days, or grant, dismiss, or deny the complaint in whole or in part.

Accordingly,

1. We invite any interested person to file and serve upon persons named in paragraph 3, below, no later than July 8, 1981, answers to the complaint of United Air Lines, Inc. in Docket 39710. If comments are filed, replies may be filed and must be served as above, not later than July 20, 1981;

2. If timely and properly supported requests are filed, we will give consideration to the matters and issues raised by the requests before we take further action, provided that we may order further procedures within the statutorily determined time period; and

3. We shall serve this order upon United Air Lines, Inc., Japan Air Lines Co., Ltd., the Ambassador of Japan in Washington, D.C., the Departments of State and Transportation, the Governors of Oregon and Washington, and the Mayors of Portland, Oregon and Seattle, Washington.

We shall publish this order in the **Federal Register.**

[1] We delegate to the Director, Bureau of International Aviation, the authority to dispose of all procedural questions arising in this proceeding, except for requests for oral evidentiary hearings, until further Board order.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[1]

Secretary.

[FR Doc. 81-18680 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of Cubans and Haitians Who Entered the United States Between April 1, 1980 and October 1, 1980

In accordance with the requirements of Executive Order 12256, (published in the **Federal Register**, December 18, 1980) notice is hereby given that the estimates by substate area of the total number of Cuban and Haitian immigrants who entered the United States between April 1, 1980 and September 30, 1980, and who reside in areas having at least 50 such immigrants are as shown in the following table. For the purpose of these estimates, the term "immigrants" excludes those Cuban and Haitian entrants who, as of September 30, 1980, had not been processed and released from camps or detention centers. These estimates were prepared using more complete information than that available at the time when estimates for states were first published in the **Federal Register** on February 4, 1981.

Excutive Order 12256 requires that all departments and agencies of the Executive Branch utilize these estimates for all formulas affecting the allocation of funds in the administration of laws distributing benefits according to population or other population characteristics, unless such utilization would be contrary to law.

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
United States	132,080
Alabama	110
Arizona	150
Maricopy County	80
Pima County	70
Tucson	50
Arkansas	290
Sebastian County	160
Fort Smith	130
California	4,650
Alameda County	120
Oakland	50
Los Angeles County	3,270
Alhambra	50
Bell	160
Culver City	50
Downey	60

[1] All Members concurred.

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area—Continued

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
Glendale	130
Hawthorne	100
Huntington Park	160
Inglewood	80
Long Beach	50
Los Angeles	1,530
Pasadena	50
South Gate	100
Torrance	50
Orange County	320
Anaheim	70
Santa Ana	60
Riverside County	60
Sacramento County	70
Sacramento	60
San Bernardino County	100
San Bernardino	50
San Diego County	190
San Diego	120
San Francisco County	220
San Francisco	220
San Mateo County	70
Santa Clara County	160
San Jose	80
Santa Clara	50
Colorado	100
Arapahoe County	50
Connecticut	330
Fairfield County	200
Bridgeport	120
Hartford County	110
Hartford	80
District of Columbia	330
Florida	99,610
Broward County	1,780
Deefield Beach	70
Fort Lauderdale	760
Hollywood	290
Pompano Beach	330
Collier County	190
Naples	60
Dade County	92,030
Coral Gables	600
Hialeah	18,020
Homestead	140
Medley	50
Miami Beach	1,090
Miami	53,130
Miami Shores	100
Miami Springs	80
North Miami Beach	90
North Miami	310
Opalocka	440
South Miami	220
Sweetwater	170
West Miami	140
Duval County	100
Jacksonville	100
Escambia County	60
Hillsborough County	1,580
Tampa	1,140
Monroe County	540
Key West	360
Okaloosa County	160
Fort Walton Beach	60
Orange County	440
Orlando	260
Palm Beach County	2,090
Belle Glade	710
Boca Raton	70
Delray Beach	310
Lake Worth	120
West Palm Beach	500
Pinellas County	90
Polk County	50
Sarasota County	70
Sarasota	50
Georgia	390
Atlanta	180
DeKalb County	100
Fulton County	180
Atlanta (Part)	160
Illinois	1,730

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area—Continued

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
Chicago	1,400
Cook County	1,580
Chicago (Part)	1,400
Proviso Township	90
Dupage County	50
Indiana	120
Iowa	50
Kansas	150
Sedgwick County	60
Wichita	60
Louisiana	770
East Baton Rouge Parish	50
Baton Rouge Metro	50
Jefferson Parish	220
Kenner	90
Orleans Parish	400
New Orleans	400
Maryland	310
Montgomery County	150
Prince George's County	70
Massachusetts	680
Essex County	60
Lawrence	50
Middlesex County	70
Suffolk County	480
Boston	480
Michigan	240
Wayne County	70
Detroit	60
Minnesota	330
Hennepin County	90
Minneapolis	70
Ramsey County	130
St. Paul	130
Missouri	140
Nebraska	90
Nevada	370
Clark County	360
Las Vegas	270
New Jersey	7,960
Bergen County	190
Essex County	920
East Orange	60
Newark	790
Hudson County	4,520
Guttenberg	70
Harrison	60
Hoboken	90
Jersey City	210
North Bergen Township	290
Union City	2,080
Weehawken Township	190
West New York	1,460
Mercer County	80
Trenton	50
Middlesex County	270
Perth Amboy	160
Monmouth County	60
Morris County	50
Ocean County	90
Long Beach Township	70
Passaic County	340
Passaic	140
Paterson	170
Union County	1,230
Elizabeth	1,110
New Mexico	220
Bernalillo County	150
Albuquerque	130
New York	8,170
New York	7,190
Bronx County	990
New York (Part)	990
Kings County	2,230
New York (Part	2,230
Monroe County	100
Rochester	70
Nassau County	270
Hempstead Town	220
Freeport	70
New York County	2,520
New York (Part)	2,520
Queens County	1,430

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area— Continued

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
New York (Part)	1,430
Westchester County	370
Greenburgh Town	70
Tarrytown	60
Rye Town	90
Portchester	90
Yonkers	130
North Carolina	60
Ohio	160
Cuyahoga County	50
Oklahoma	300
Tulsa	90
Oklahoma County	50
Tulsa County	100
Tulsa (Part)	90
Oregon	180
Portland	130
Multnomah County	140
Portland (Part)	130
Pennsylvania	990
Berks County	50
Dauphin County	220
Harrisburg	130
Lancaster County	150
Lancaster	90
Lebanon County	80
Lebanon	50
Lehigh County	60
Allentown	50
Philadelphia County	190
Philadelphia	190
Tennessee	120
Davidson County	60
Nashville-Davidson	60
Texas	1,410
Dallas	180
Houston	270
Bexar County	70
San Antonio	60
Dallas County	230
Dallas (Part)	180
Harris County	400
Houston (Part)	270
Nueces County	50
Corpus Christi	50
Tarrant County	220
Fort Worth	60
Hurst	140
Utah	80
Virginia	220
Arlington County	70
Fairfax County	50
Washington	70
Wisconsin	860
Milwaukee	140
Dane County	90
Madison	80
Grant County	90
La Crosse County	80
La Crosse	50
Miwaukee County	170
Milwaukee (Part)	140
Monroe County	90

Sources and Methodology

The group specified in Executive Order 12256, "legal immigrants from Cuba or Haiti who arrived between April 1, 1980, and September 30 1980" is composed of four distinct groups. They are: Cubans who arrived as refugees and were later designated Cuban "entrants", Haitians who arrived as refugees and were later designated Haitian "entrants", persons from Cuba admitted as permanent resident aliens, and persons from Haiti admitted as permanent resident aliens. "Entrant" is the status specially created for the Cubans and Haitians who arrived without prior documentation. Entrants were admitted for a 6-month parole period (recently extended to July 15, 1981). The status of permanent resident alien is conferred upon a limited number of people who meet strict requirements and allows them to live in the United States permanently. Sources and methodology differed among these subgroups.

Cuban entrants. The Cuban-Haitian Task Force provided a computer file on Cuban entrants, including information on date of entry, age, sex, camp or processing center, sponsor's address, and relative's address, if any. All persons who entered the United States and were resettled between April 1, 1980 and September 30, 1980 and who were not institutionalized in hospital or prisons were included. Coding of the sponsor's (or, if none, the relative's) address to state, county, minor civil division (MCD), and/or place was done using the same geographic coding system as is used in preparing the population and income estimates for the general revenue sharing program.

This geographic coding procedure was developed using 1975 Federal income tax records which included information on governmental unit of residence in addition to filer's mailing address. The geographic coding guide which cross-references this information permits the statistical assignment of the governmental unit in which the person is living using street address, mailing state, and zip code. In cases where the address was incomplete, each person was distributed to an area based on the information available and the geographic distribution of persons having complete addresses. In cases where the address was missing altogether, persons were distributed proportionally between Miami and Hialeah, Florida. This was done because most of those with no address were among the first to enter the United States and were released to family members in the Miami area. Once the geographic codes are assigned, totals for individual places, MCD's counties, and states were computed. A final step involved a slight adjustment to make the state total agree with the distribution of resettled Cuban entrants by state which the Cuban-Haitian Task Force had computed for November 1, 1980.

Haitian entrants. Information on Haitian entrants was supplied by the Cuban-Haitian Task Force based on Immigration and Naturalization Service (INS) files from the Miami district office and the records of various resettlement agencies. After excluding persons who entered before April 1, 1980 or after September 30, 1980 and those still in detention centers, geographic coding of sponsors' or family members' address was done. Those without addresses or with incomplete addresses were assigned codes based on the geographic distribution of all others. State, county, MCD, and place totals were computed.

Cuban permanent resident aliens. The number of Cubans admitted as permanent resident aliens between April 1, 1980 and September 30, 1980 is not currently available from the Immigration and Naturlization Service. After examing INS data on Cubans admitted for permanent residence (less those adjusting to that status) for fiscal years 1977, 1978, and 1979, it was estimated that approximately 2,500 Cubans were admitted as permanent resident aliens during the six months after April 1, 1980. These Cubans were distributed to geographic areas using the distribution of Cuban entrants.

Haitian permanent resident aliens. An estimated 3,200 Haitians entered as permanent resident aliens between April 1 and September 30 of 1980, based on an extrapolation of INS data for fiscal years 1977–79. Analysis of the addresses of Haitian aliens who reported to INS in January of 1979 suggests much greater dispersion of Haitians admitted as permanent resident aliens than of those admitted as entrants. Therefore, the distribution by state of Haitians admitted as permanent resident aliens was assumed to be the same as Haitian aliens who filed I–53 forms (Alien Address Reports) in January of 1979. Substate distributions of Haitian entrants were used to allocate Haitian permanent resident aliens to counties, MCDs, and places.

The final step involved summing the four groups for each geographic area and selecting those with 50 or more Cubans and Haitians.

Dated June 18, 1981.

Daniel B. Levine,

Acting Director Bureau of the Census.

[FR Doc. 81-18568 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

TIME AND PLACE: July 9, 1981 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.).

AGENDA: (1) Review of import trends. (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

DATED: June 19, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81–18629 Filed 6–23–81; 8:45 am]

BILLING CODE 3510–25–M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: July 9, 1981 at 1:30 p.m. This meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–3737.

DATED: June 19, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81–18630 Filed 6–23–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Hubbs-Sea World Research Institute; Modification

Notice is hereby given that pursuant to the provisions of Sections 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (50 CFR 216), the Scientific Research Permit No. 243, issued to Hubbs-Sea World Research Institute, 1700 South Shores Road, Mission Bay, San Diego, California 92109, is modified as follows:

1. Section B–7 is deleted and replaced by:

"7. This Permit is valid with respect to the taking and importing authorized herein until December 31, 1981."

This modification is effective on July 1, 1981.

The Permit as modified and documentation pertaining to the modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 16, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–18570 Filed 6–23–81; 8:45 am]

BILLING CODE 3510–22–M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Southwest Fisheries Center (P77W).

b. Address National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit Scientific Research.

3. Name and Number of Animals: California sea lions (*Zalophus californianus*)—1600.

4. Type of Take: Capture tag/mark and release sea lions of both sexes pups adults and subadults. Capture by hoop nets and drug immobilization. Up to 80 sea lions will be experimentally hair clipped or branded in addition to being tagged.

5. Location of Activity: Channel Islands, California.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 18, 1981.

Richard B. Roe, *Acting Director,*

Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-18571 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Procedures for the Disbursement, Use, and Management of Certain M-X Community Planning Funds

Pursuant to the public information requirements of 5 U.S.C. 552(a)(1) notice is hereby given of procedures for the disbursement, use and management of M-X community planning funds authorized to be appropriated under Section 801 of Pub. L. 96-418. The following Memorandum of Agreement among the Office of the Secretary of Defense, the U.S. Air Force and the Four Corners Regional Commission provides background, authority, funds expenditure guidelines and responsibilities.

MEMORANDUM OF AGREEMENT AMONG THE OFFICE OF THE SECRETARY OF DEFENSE, THE U.S. AIR FORCE AND THE FOUR CORNERS REGIONAL COMMISSION FOR ADMINISTRATION OF COMMUNITY PLANNING FUNDS, FY 1981

I. Background

The Department of Defense (DOD) is developing a new missile system (M-X) which may include major installations in several geographic locations. Primary responsibility for the design, development and operation of the M-X program is vested in the Air Force. Its successful completion, however, is dependent upon the cooperation of various local, regional and state government organizations and the support of other federal agencies. The Secretary of Defense has determined that the President's Economic Adjustment Committee, which he chairs, will be used to achieve effective federal interagency and intergovernmental coordination. This Agreement provides procedures and delineates the responsibilities of the Office of the Secretary of Defense (OSD), the Air Force, and the Four Corners Regional Commission (FCRC) with respect to the disbursement, use, and management of funds authorized to be appropriated under Section 801 of Public Law 96-418.

II. Authority

Section 801 of Public Law 96-418 (DOD Military Construction Authorization Act, FY 1981) authorizes the Secretary of Defense to provide $5,000,000 in community planning funds during Fiscal Year 1981 to assist communities near potential M-X weapon system sites that would be most directly affected by M-X deployment.

III. Guidelines for Expenditure of Funds

A. General Criteria

1. The funds provided under this agreement shall be used exclusively for the development of comprehensive plans, including the basic elements of such plans described in 42 U.S.C. 4201(9), for the benefit of the states and local communities directly affected by the deployment of the M-X system, to prepare them for the potential impacts and to plan for mitigating those impacts to the maximum extent possible. The plans shall be developed in coordination with the Secretary of Defense and the Department of the Air Force and shall serve as the basis for the extended community impact program identified in Section 802 of Public Law 96-418 and draw on the experience of the U.S. Navy in Bangor, Washington, in the community impact program developed for that small rural community.

2. Comprehensive plans prepared under this agreement shall include, in addition to the basic elements of such plans described in 42 U.S.C. 4201(9), all elements required to be addressed under the applicable provisions of state statues and regulations pertaining to planning and preparation of comprehensive plans for the respective states. The FCRC will provide to the Air Force copies of the more pertinent state enactments, and the Air Force will provide to the FCRC a listing of the plan elements of particular concern and interest to the Air Force.

B. Allocations and Restrictions

1. Of the $5 million appropriated, $1 million will be held in reserve and $4 million will be distributed as follows: $2.5 million to Nevada and $1.5 million to Utah.

2. The funds allocated to each state will be distributed 60 percent to local governments and 40 percent to state governments. All funds shall be awarded in accordance with the direction of the respective Nevada and Utah M-X Intergovernmental Working Groups and expended in accordance with the comprehensive work programs approved by the respresentative state M-X Intergovernmental Working Groups.

3. The first fiscal quarter funds ($625,000 for Nevada and $375,000 for Utah) shall be provided to the recognized grantees through the Four Corners Regional Commission immediately following execution of this agreement. The recognized grantees are those entities authorized to develop and submit comprehensive work programs for approval by the appropriate state M-X Intergovernmental Working Group. These funds shall be used in accordance with the requirements set forth herein.

4. Remaining funds shall be made available upon sbmission to the Secretary of Defense, or his designee, of the comprehensive work programs approved respectively by the Nevada and Utah Intergovernmental Working Groups. Such funds shall be disbursed by Four Corners Regional Commission on a quarterly basis.

5. The comprehensive work program shall include, at a minimum, the elements described in Attachment 1, appended hereto and made a part hereof.

6. The comprehensive work program shall avoid duplication of efforts by other federal agencies and take advantage of completed on-going work through close coordination with DOD and other federal agency planning efforts. The work program shall be specific for Fiscal Year 1981; however where appropriate it shall also describe the general planning process to be undertaken through 1990 to address the elements specified in Paragraph III.A.2.

7. Grants funds may be used for preparation of the comprehensive work program and should reflect close coordination with DOD and other federal planning efforts.

8. No part of the funds shall be used to:

a. Conduct public affairs activities and, in particular, to influence public opinion either for or against the M-X program. However, this shall not preclude the publication of legal notices, conduct of public hearings or other acts authorized or required to be performed pursuant to applicable federal, state or local law pertaining to comprehensive planning for M-X mitigation; or the routine exchange or provision of available information pertaining to comprehensive planning for M-X mitigation to any member of the public or any public official, whether appointed or elected.

b. Pay for travel not directly related to the preparation of the program/plans, such as that related to public affairs activities, and in no case, for first class travel.

c. Review or reevaluate any environmental impact statements or portions thereof; prepare any counter or substitute M–X environmental impact statement; and/or collect data or conduct analyses for the purpose of supporting litigation against any environmental impact statement. This shall not preclude the review of any environmental impact statement for purposes of providing information and comments to the Air Force intended to improve any environmental impact statement as a basis for comprehensive planning or for purposes of obtaining and using the information contained therein in developing the work programs and comprehensive plans referred to in this agreement.

d. Participate in or support, directly or indirectly, any litigation of any kind against the Federal Government; or prepare or conduct any studies or analyses or collect data for the purpose of supporting such litigation.

e. Pay, through salary, contract, fee, or any combination thereof, any person involved in this planning in excess of the amount specified in law for a GS–18 federal employee.

C. Administration, Review and Audit

1. The grant funds provided under this agreement shall be administered in accordance with applicable federal laws and regulations and sound management practices.

2. The comprehensive work programs and plans and other work products shall be subject to Air Force review for adequacy for the purpose of assisting the Secretary of Defense in advising the Appropriations Committees of the Congress as to his views concerning the adequacy of these plans, and these views will be included with the budget requests from the Administration for impact assistance funds. The Air Force will provide the review criteria to the FCRC within 45 days of execution of this agreement.

3. The grant funds provided under this agreement shall be subject to audit, in accordance with established procedures, by the Secretary of the Air Force or his designee.

IV. Responsibilities

A. The Secretary of Defense or his designee shall:

1. Notify the Four Corners Regional Commission of DOD's receipt of each of the Intergovernmental Working Groups approved comprehensive work programs.

2. Review the comprehensive work programs and resulting plans to insure their integration with the Economic Adjustment Program being conducted under the provisions of Executive Order 12049.

B. The Secretary of the Air Force or his designee shall:

1. Designate a representative(s) to whom inquiries, requests, reports and products shall be forwarded by Four Corners Regional Commission.

2. Review and evaluate the comprehensive work programs, comprehensive plans, other work products, and quarterly reports for quantifiable objectives, products and time schedules.

3. Review and evaluate comprehensive plan elements in accordance with the elements required to be included pursuant to Paragraph III.A.2. and the criteria to be provided by the Air Force referred to in Paragraph III.C.2. of this agreement.

4. Coordinate the approved comprehensive work programs with the Air Force's planning activities.

5. Submit comprehensive plans resulting from the approved comprehensive work programs for review and comment to other Federal agencies through appropriate Federal Regional Council Economic Adjustment Committee M–X Task Forces.

6. Notify Congress quarterly (on behalf of the Secretary of Defense) on the status of funds and annually with budget request, on the adequacy of plans prepared with the funds. Report the results of reviews conducted in accordance with Paragraphs III.C.2. and IV.B.3. of this agreement as required.

7. Provide Four Corners Regional Commission with comments as necessary and appropriate, with respect to the quarterly reports submitted by FCRC pursuant to the provisions of Paragraph IV.C.15.

8. Audit the grant in accordance with established procedures, and provide detailed audit requirements, procedures and schedules. The audit may, however, be carried out by the Department of Commerce pursuant to separate agreement between the Air Force and Department of Commerce.

C. The Four Corners Regional Commission shall:

1. Disburse the funds in accordance with Section III. of this agreement.

2. Provide the Air Force and the state M–X Intergovernmental Working Groups within 30 days of execution of this agreement with a Four Corners Regional Commission "category" budget. Provide the Air Force and the state M–X Intergovernmental Working Groups with monthly expenditure reports.

3. Administer the funds in accordance with the applicable provisions of Chapter V of Title 13, Code of Federal Regulations (CFR) and in particular, Parts 520, 540, and 581 thereof, its standard fiscal management and accounting practices and procedures, and other applicable federal laws and regulations.

4. Require that all grants and contracts provide for compliance with applicable federal costs principles and administrative requirements.

5. Require that all procurement actions be conducted in compliance with the provisions of 13 CFR Part 540, other applicable Department of Commerce regulations and the FCRC Operating Procedures Manual, particularly with respect to competitive bids, sole-source justification and cost/price analysis. Submit sole source justifications for any contract in excess of $100,000 to the Air Force for prior approval.

6. Coordinate, or require the coordination of, any contract in excess of $100,000 with the appropriate state M–X Intergovernmental Working Group.

7. Require that the comprehensive plans resulting from the approved comprehensive work programs be submitted for review and comment to the respective state M–X Intergovernmental Working Group and processed through the OMB Circular A–95 process.

8. Require compliance with the provisions of OMB Circular A–95 and the provisions of the National Environmental Policy Act ("NEPA"), 42 U.S.C. 4321, *et seq.*, as implemented by the Council on Environmental Quality regulations, 40 CFR Parts 1500–1508.

9. Establish programmatic and fiscal monitoring procedures that require that those funds provided hereunder are used in accordance with this agreement and approved comprehensive work programs. Report any significant deviations or changes requests to the Air Force immediately in accordance with existing standard FCRC procedures.

10. Require that established Department of Commerce and FCRC federal travel procedures be used, all travel vouchers be approved by appropriate authority and costs claimed in excess of maximum approved rates be disallowed. All travel shall be in accordance with the applicable provisions of 13 CFR Part 540. Requests for exceptions to standard federal travel

procedures shall be submitted to the Air Force for prior approval.

11. Upon request of the Air Force, provide testimony before Congress regarding administration of the funds. Receive and review quarterly progress reports from state and local grantees which shall specifically include at a minimum the following:

a. Grantee's assessments of success and/or problems encountered.

b. Status of each activity or element specified in the comprehensive work program.

c. The amounts expended by the grantee by cost category in accordance with DOD Form 212.

d. Products resulting from use of the grant funds.

13. Keep and require the grantees and contractors to keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purposes of the undertaking for which such funds were used, and such other records as may be necessary. Records pertaining to the expenditures of federal funds should be preserved for a period of not less than three years following disbursement of funds. The Secretary of the Air Force or his designee shall have access, for the purpose of audit and examination, to any pertinent books, documents, papers and records of the Commission and the grantees relating to expenditures of the grant funds that will facilitate an effective audit.

14. Cooperate and require grantees and contractors to cooperate in any audit of the grant funds by the Air Force or its designee. Such audits may be conducted quarterly, semiannually or annually at the option of the Air Force. Detailed audit requirements, procedures and schedules will be provided by the Air Force.

15. Prepare and transmit quarterly reports to the Air Force, which shall include at a minimum the following:

a. Estimated amounts expended by grantees and contractors by activity or product.

b. An analysis of the consistency of expenditures with the approved comprehensive work programs in relation to the tasks set forth therein; and comments, as necessary and appropriate, with respect to the products completed during the previous quarter and the progress of the development of the comprehensive plans to date.

c. Ten (10) copies of all grantees reports.

d. Thirty (30) copies of all products resulting from the grant funds.

e. Statement of acknowledgement by the Commission that:

(1) the grant funds have been disbursed and administered in accordance with the provisions of this agreement and approved comprehensive work programs, the applicable provisions of Chapter V of Title 13, Code of Federal Regulations, the Commission's standard fiscal management and accounting practices and procedures and other applicable federal laws and regulations;

(2) the Commission has reviewed and analyzed the grantees' quarterly reports; and

(3) based on such review and analysis, and except as otherwise noted in the Commission's quarterly report, expenditures appear consistent with the approved comprehensive work programs and funds appear to have been used in accordance with the provisions of Section III of the agreement.

16. Upon request of the Air Force, provide any additional available information or documentation relevant to the statement made in Paragraph IV.C.15.e.

Feb. 3, 1981.

Joe Mels,

Office of the Secretary of the Air Force.

Feb. 4, 1981.

Robert A. Stone,

Office of the Secretary of Defense.

Feb. 6, 1981.

Gary Blakeley,

Federal Co-Chairman, Four Corners Regional Commission.

Feb. 7, 1981.

Bruce King,

State Co-Chairman, Four Corners Regional Commission.

Comprehensive Work Program Elements

The comprehensive work program shall contain at a minimum:

a. Coverage of the major planning issues.

b. A description of quantifiable objectives.

c. A description of products and the schedule on which they will be produced.

d. A detailed description and time schedule of the planning activities to be undertaken and how related work tasks will be accomplished.

e. A description of how coordination will be effected among the various planning activities at all levels of government—local, state and federal—to insure that an integrated planning process is developed.

f. A detailed budget.

g. Any additional work program items required to be submitted by grantees relative to Federal grant funds being administered under other FCRC programs.

The Air Force point of contact for matters relating to this notice is Mr. Gary D. Vest, Environmental Division, Headquarters, U.S. Air Force/LEEV, telephone: 202 697-7799.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-18518 Filed 6-23-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 28 July 1981

Place: The Pentagon, Washington, DC (exact location can be obtained by contacting the ASB, 697-9703)

Time: 0830-1700 hours, 28 July 1981 (Closed)

Proposed Agenda: The ASB 1981 Summer Study panel chairman will hold classified discussions and provide study progress reports to the study chairman on "Equipping the Army in 1990-2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-18641 Filed 6-23-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Community Education Program; Closing Date for Transmittal of Applications for Fiscal Year 1981,

AGENCY: Department of Education.

ACTION: Closing date for transmittal of applications for fiscal year 1981.

Applications are invited for new projects under the Community Education Program.

Authority for this program is contained in Title VIII of the revised Elementary and Secondary Education Act of 1965. (20 U.S.C. 3281).

Under this program the Secretary of Education is authorized to make grants to assist local educational agencies (LEAs), public agencies and non profit, private organizations (NPOs), including State educational agencies (SEAs), and institutions of higher education (IHEs) to support the costs of planning, establishing, expanding, and operating community education programs.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by July 27, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.081, Washington, D.C. 20220.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Application delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered willnot be accepted after 4:30 p.m. on the closing date.

Program information: Information regarding funding categories and criteria for judging applications is contained in the community education program regulations (34 CFR Part 440, previously 45 CFR Part 163). Applicants are encouraged to submit projects designed to serve as exemplary models or which build an agency's long-range capacity to maintain community education. Discretionary grants will be made in the following categories:

(1) Grants to LEAs to plan, establish, expand and operate community education projects;

(2) Grants to SEAs to (a) conduct State-level activities for furthering community education, and (b) provide technical assistance to LEAs in the development of community education programs;

(3) Grants to other public agencies and nonprofit private organizations to promote more efficient use of school facilities and more effective delivery of social services; and

(4) Grants to IHEs to provide training to persons who are or will be engaged in community education programs.

Four separate competitions will be held so that applicants in each category compete only against similar applicants.

Applicants are encouraged to review the program regulations for a complete description of the nature of the program and authorized activities.

Available funds: An appropriation for the Community Education Program in FY 1981 to support new projects is $3,138,000. Of this amount it is expected that approximately $1,000,000 will be available for grants to LEAs, $1,138,000 for grants to SEAs, $500,000 to public agencies and nonprofit private organizations, and $500,000 for grants to IHEs. For your information, in FY 80, the average amounts of grants were: in the LEA category, $40,000; in the SEA category, $49,480; the NPO category, $55,555 and IHE category, $71,428. No Minimum or maximum amounts are set. These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

All grants for this fiscal year will be new awards. A current grantee may apply for a new award on the same basis as an applicant not previously funded. Because of limited funding the Program encourages projects of one year in duration.

Under Section 815 of the Community Schools and Comprehensive Community Education Act, the grantee's share of the costs of grants is 20 percent for Fiscal Year 1981.

Application forms: Application forms and program information packages are expected to be ready for mailing by June 26, 1981. They may be obtained by writing to the Community Education Program, U.S. Department of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary stronly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Community Education Program, 34 CFR Parts 440, 442, 443, and 444 (previously 45 CFR Parts 163, 163b, 163c, and 163d), published in the **Federal Register** on April 3, 1980.

(b) The education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) (previously 45 CFR Parts 100a and 100c).

FOR FURTHER INFORMATION CONTACT:

Mr. Ron Castaldi, Director, Community Education Program, U.S. Department of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-0691.

(Catalog of Federal Domestic Assistance Number 84.081, Community Education Program)

Dated: June 18, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-18649 Filed 6-23-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 30, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the draft agenda.
2. Summary record of the 37th meeting.
3. Monthly assessment: April, May, June.
4. Impact of oil market changes on the sharing system (draft of Governing Board paper).
5. Stocks-at-sea. Stocks-at-sea reporting.
6. Emergency Management Manual amendments:

—Dispute Settlement Centre sharing agreements;
—Insufficient data base for the Emergency Sharing System;
—Trade discrepencies;
(a) Proposal by *Ad Hoc* Group,
(b) IAB comments,
(c) Text of Emergency Management Manual amendment.

7. IEA Dispute Settlement Center:

—Approval of procedures for arbitration.

8. Inclusion of naphtha in the Emergency Reserve Obligation.
9. Testing of pricing in an emergency.
10. Demand restraint reviews: Belgium; Netherlands; Portugal; principles of bunker fuel demand restraint.
11. Data System:

—New reporting system to replace Questionnaires A/B (Report by SEQ *Ad Hoc* Data Group);
—Progress report by SEQ *Ad Hoc* Data Group on May 1981 meeting;
—Quarterly Oil Forecast;
—Base Period Final Consumption.

12. Data for Allocation System Test–4.
13. Any other business.
14. Future meeting dates.

II

A meeting of the IAB to the IEA will be held on July 1, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Report by IEA Secretariat on June 3 and June 15, 1981, Governing Board meetings.
3. Application for legal clearance under Treaty of Rome.
4. Pricing in an emergency.
5. U.S. Plan of Action.
6. Principles of data reporting.
7. Report by IEA Secretariat on May/June supply/demand stock assessment and outlook for remainder of 1981.
8. Future work program and meeting schedule.

III

A meeting of the IEA Group of Reporting Companies will be held on July 1, 2, and 3, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m. on July 1. The purpose of this meeting is to permit attendance by representatives of some or all of the IEA Group of Reporting Companies at an IEA training course on emergency management measures that is being held in Paris on July 1, 2, and 3, 1981. The agenda for the meeting is under the control of the IEA Secretariat. The following draft agenda is expected to be followed:

1. Introductory remarks.
2. Organization and Objectives:

—Emergency Management Organization;
—Objectives of the Emergency Sharing System.

3. Legal Basis.
4. Background Data/Monitoring:

—Indigenous production, imports and supply;
—Demand and stock levels.

5. Data and Formats:

—Questionnaires A and B;
—Quarterly Oil Statistics and Monthly Oil Statistics;
—Quarterly Oil Forecast;
—*Ad Hoc* information procedure.

6. Stocks and Emergency Reserves:

—Definitions;
—Calculations;
—Industry stocks, stocks at sea, unavailable oil.

7. Activation:

—Steps in the trigger mechanism;
—General and selective triggers;
—Timing, finding, further action;
—Selective trigger.

8. Allocation:

—Calculation procedures.

9. Implementation of Allocation:

—Voluntary offers;
—Type I, II and III allocation.

10. National Emergency Sharing Organizations:

—Communication with Secretariat/ISAG and industry;
—Stock management;
—Non-Reporting Companies.

11. Demand Restraint and Fair Sharing:

—Demand Restraint;
—Fair Sharing.

12. Problems and Special Issues:

—Oil trading and pricing in an emergency;
—Naphtha and international marine bunkers;
—Trade imbalances;
—Product imbalances (Format 7);
—Oil sharing after arrival;
—Destination restrictions;
—Retroactive sharing;
—Sharing below 7% trigger.

13. Recent and Future Developments:

—Stock policies;
—Data systems;
—Pricing proposals.

14. Closing remarks.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., June 19, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-18718 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Speedway Petroleum Company, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, Massachusetts 02114.

SUPPLEMENTARY INFORMATION: "On February 25, 1981, the Office of Enforcement of the ERA executed a Consent Order with Speedway Petroleum Company, Inc. (Speedway) of Fitchburg, Massachusetts. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Speedway, with its home office located in Fitchburg, Massachusetts, is a firm engaged in the sale and allocation of Motor Gasoline and is the subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Speedway, the Office of Enforcement, ERA and Speedway entered into a Consent Order, the significant terms of which are as follows:

1. Speedway has agreed to refund a total of $50,000 which includes interest through March 31, 1981 in full settlement of overcharges alleged by the DOE in Speedway's sales to its customers who purchased at Speedway's retail outlets for the period from April 1, 1979 through April 30, 1980. Speedway has the option of refunding the $50,000 in monthly installments over a two-year period with additional interest accruing at a rate of 14.03 percent per annum.

2. The Consent Order does not constitute an admission by Speedway of having violated DOE Regulations.

3. Speedway has agreed to pay a civil penalty of $7,500.

4. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Matters Covered by This Consent Order

Speedway agreed to refund in full settlement of any civil liability with respect to actions which might be brought by the DOE arising out of the allegations specified in paragraph 1, above, the sum of $50,000. Refunds of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2), who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. If it is a practical impossibility to identify specific, adversely affected persons, disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Because of the procedure for refund described above, interested persons who believe that they have a claim to all or a portion of the refund amount held by DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notice to the ERA at this time is requested primarily for the purpose of identifying potential claims to the refund amount. After potential claims are identified, procedures for proof of claims may be established. Failure to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or for the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon discovery of new evidence or upon petition by Speedway.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation "Comments on Speedway Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time on or before July 24, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Section 205.9(f).

Issued in Philadelphia, Pennsylvania on the 29th day of May 1981.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-18585 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

WEBCO Southern Oil, Inc.; Action Taken and Opportunity for Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date is date of publication.

Comments by: July 24, 1981.

ADDRESS: Send written comments to: James C. Easterday, District Manager, Office of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881-2396.

SUPPLEMENTARY INFORMATION: On April 7, 1981 the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with WEBCO Southern Oil, Inc., a Smyrna, Georgia reseller/retailer of petroleum products. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with WEBCO Southern Oil, Inc. effective the date it was finalized.

I. The Consent Order

WEBCO Southern Oil, Inc. (WEBCO), located in Smyrna, Georgia, is a reseller/retailer, and is subject to the jurisdiction of the DOE with regard to prices charged in sales of covered products, pursuant to 10 CFR 212.93. To resolve certain civil actions which could

be brought by the Office of Enforcement of the ERA as a result of its audit of WEBCO, the Office of Enforcement, ERA, and WEBCO entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of gasoline by WEBCO during the period March 1, 1979 through July 31, 1979.

2. From the audit conducted during the above period, the Office of Enforcement concluded that WEBCO improperly calculated maximum allowable selling prices, resulting in overcharges in sales of regular and unleaded gasoline.

3. WEBCO agrees that the settlement amount for alleged overcharges totals $13,721.91 for both dealer and consumer classes of purchaser. WEBCO agrees to submit three (3) payments totalling $13,079.52 to the U.S. Department of Energy, Washington, D.C. Additionally, WEBCO agrees to make direct refunds to individual consumers totalling $642.39.

4. With regard to the $13,079.52, WEBCO agrees to submit the three installment payments to the DOE as follows: by June 15, 1981 in the amount of $3,269.88; by Novermber 6, 1981 in the amount of $6,539.76 and by March 16, 1982 in the amount of $3,269.88. WEBCO agrees to compute the interest on the unpaid balance from the effective date of the Consent Order through the date all refunds have been completed. Additionally, WEBCO agrees to make direct refunds totalling $642.39 within seven (7) days from the effective date of the Consent Order.

The installment payments will be submitted to the Director, Office of Enforcement, ERA, Room 5302, 2000 M Street, N.W., Washington, D.C. 20461 or his duly authorized representative. The Director, Office of Enforcement shall direct that these payments by WEBCO be deposited in the DOE special refund escrow account with the U.S. Treasury to ensure just and equitable distribution in accordance with current DOE policies and procedures.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, WEBCO agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of $13,721.91 by March 16, 1982. Refund methodology will be as specified in I.3. and I.4., above. The amounts submitted to the Director, Office of Enforcement will be in the form of certified checks made payable to the U.S. Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim as specified in A and B above, to Robert H. Burch, Management Analyst, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on WEBCO Consent Order."

Comments received by 4:30 p.m., local time on or before July 24, 1981 will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 9th day of June 1981.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 81-18586 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4496-000]

Farmers Electric Cooperative, Inc.; Application for Preliminary Permit

June 22, 1981.

Take notice that Farmers Electric Cooperative, Inc. (Applicant) filed on April 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4496 to be known as Los Esteros Hydro Project located on the Pecos River in Guadalupe County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Earl Allen, Farmers Electric Cooperative, Inc., Post Office Box 550, Clovis, New Mexico 88101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Los Esteros Dam (now Santa Rosa Dam) and Reservoir and would consist of: (1) a penstock utilizing the existing outlet works at the left river bank; (2) a new powerhouse containing generating units having a total rated capacity of 2,400 kW; (3) a tailrace; (4) a new transmission line, approximately 8 miles long, connecting to an existing 69-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,700,000 kWh.

Purpose of Project—Project energy would be utilized by Farmers Electric

Cooperative, Inc., in serving its members in seven counties of New Mexico.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporation's application, Project No. 3719 filed on November 13, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4496. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. 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. 81-18657 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4627-000]

Albert R. Hunt and Betty F. Hunt; Application for Preliminary Permit

June 19, 1981.

Take notice that Albert R. Hunt and Betty F. Hunt (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. P–4627 known as the Baker Creek Water Power Project located on Baker Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Chad Roberts, Oscar Larson & Associates; Post Office Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of:

(1) A ten-foot high rock diversion dam,

(2) a 3,700-foot long, 30-inch diameter pipe carrying water from the creek into a pressure box,

(3) a pressure box,

(4) a 3,500-foot long, 24-inch diameter penstock,

(5) a powerhouse containing total installed capacity of 1.5 MW,

(6) a one-mile long 12-KV transmission line to connect with an existing Pacific Gas & Electric Company 12-KV transmission line.

The applicant estimates that the average annual energy output would be 5.58-million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The Applicant seeks issuance of a preliminary permit for a period of 24-months during which time it would conduct engineering, economic, geological, hydrological, and environmental studies; conduct property surveys, apply for permits from State of California and Corps of Engineers, and prepare FERC license application. No new roads are expected to be required for the studies. The cost of studies to be completed for preliminary permit is estimated to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)) 1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] 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 October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

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. 81-18655 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4630-000]

Hydro Light, Inc.; Application for Preliminary Permit

June 22, 1981.

Take notice that Hydro Light, Incorporated (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4630 known as the Pitville Hydroelectric Project located on Pit River in Lassen County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, Hydro Light, Incorporated, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) an existing diversion dam of concrete and natural materials; (2) a 2,500-foot long canal; (3) a surge reservoir; (4) a 1,000-foot long penstock with 100-inch diameter; (5) a powerhouse with a total installed capacity of 1.2 MW; (6) a ¼ mile long 12.5-kV transmission line to connect with an existing Pacific Gas and Electric transmission line. The applicant estimates that the average annual energy output would be 5.2 million-kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic and environmental studies; conduct property surveys; prepare State water rights permit application, negotiate with Pacific Gas and Electric Company, and prepare an FERC license application. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or reservoir. The cost of studies to be completed for preliminary permit is estimated to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows all interested persons to file an acceptable competing application no later than October 20, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Proecedure, 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, protest, or petition to intervene must be received on or before August 21, 1981.

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. 81-18658 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-48-000, ER81-46-000, ER81-47-000, and ER81-105-000]

Indiana & Michigan Electric Co.; Order Granting Motion To Withdraw Filing and Terminating Docket

Issued: June 18, 1981.

On May 8, 1981, Indiana and Michigan Electric Company (IME) filed a motion to withdraw a rate increase filed in Docket No. ER81-48-000 and to terminate the docket. This proceeding was begun when IME filed a rate increase on October 24, 1980, for service to Richmond Power and Light Company (Richmond); IME stated that it was seeking only a nominal increase in rates so as to create a locked-in period with respect to rates for service to Richmond which had been in effect in Docket No. ER78-381 since December 23, 1978. IME indicated that it sought to create a locked-in period to limit its refund obligation should the Commission affirm an initial decision pending in Docket No. ER78-381.[1]

On December 15, 1980, IME filed an offer of settlement in Docket No. ER78-381. The settlement provided that upon acceptance by the Commission, IME would seek to withdraw its filing in Docket No. ER81-48-000 and to terminate that docket. The settlement was approved by letter order issued April 27, 1981.

No objections to IME's motion have been filed with the Commission.

Discussion

From the facts presented, we find that the purposes sought to be accomplished by the submittal in this docket have been rendered moot, that the affected customer has agreed to the action requested by IME, and that good cause exists to permit IME to withdraw its rate increase. Accordingly, we shall authorize such withdrawal and terminate Docket No. ER81-48-000.

IME states that it did not bill Richmond under the rates filed in Docket No. ER81-48-000 because of the pending settlement in Docket No. ER78-381. Assuming that this representation is correct, there will be no refund liability associated with Docket No. ER81-48-000. We shall direct IME to confirm this

[1] *Indiana & Michigan Electric Co.*, Docket Nos. ER78-379, *et al.* (June 18, 1980) (initial decision).

fact by report to the Commission to be submitted within thirty days from the date of this order.

The Commission orders

(A) IME's motion to withdraw its October 24, 1980 filing in Docket No. ER81–48–000 is hereby granted.

(B) Docket No. ER81–48–000 is hereby severed from Docket Nos. ER81–46–000, ER81–47–000, and ER81–105–000 and is hereby terminated.

(C) Within thirty (30) days of the issuance of this order, IME shall confirm in writing that no amounts have been collected under the rates filed in Docket No. ER81–48–000, either prior to or following the company's May 8, 1981 motion, or shall refund with interest all amounts which may have been collected under those rates. In the event that refunds are due, a refund report shall be filed within thirty (30) days after such refunds have been made.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18666 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4324–000]

J. W. Co.; Application for Preliminary Permit

June 19, 1981.

Take notice that the J. W. Company (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4324 to be known as the Burt Dam Project located on the Eighteen Mile Creek in Niagara 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. Jeffrey Moon, President; J. W. Company; 55 Union Place; Manchester, Connecticut 06040. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam, 65 feet high, having a crest length of 324 feet; (2) an existing reservoir with a storage capacity of 4,000 acre-feet at a mean surface elevation of 297.5 feet (USGS datum); (3) an existing intake structure with control gates; (4) three existing penstocks; leading to (5) an existing powerhouse containing two new generators with a total rated capacity of 2,500 kW; (6) an existing tailrace; (7) 200 feet of new transmission line; (8) new switchyard equipment; and (9) appurtenant works. The existing facilities are currently owned by the Olcott Harbor Board of Trade.

Purpose of Project—Project energy generated would be sold to local public utilities and/or private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the 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, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between $75,000 and $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 August 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene 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. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4324. Any comments, notices of intent, competing applications, protests, or petitions to intervene 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, 400 First Street, N.W., Washington, D.C. 20426. 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. 81–18659 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4607-000]

Jordan-Riewerts; Application for Preliminary Permit

June 19, 1981.

Take notice that Jordan-Riewerts (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4607-000 known as the Pearch Creek Water Power Project located on Pearch Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Oscar Larson & Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of: (1) two rockfill structures diverting water from Pearch Creek and its south fork; (2) a 42-inch diameter and 4,000-foot long galvanized pipe carrying water to a pressure box of reinforced concrete; (3) a 1,400-foot long penstock with 30-inch diameter; (4) a powerhouse with installed capacity of 500 kW; (5) a switch yard to convert the power into three phase power; (6) a 1,000-foot long 12-kV transmission line to connect with an existing Pacific Gas & Electric Company 12-kV transmission line. The Applicant estimates that average annual energy output would be 2.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, geological, hydrological, economic, and environmental studies, and conduct property surveys. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or reservoir. The cost of studies to be completed for preliminary permit is estimated to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] 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 October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

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. 81-18660 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4628-000]

Dennis V. McGrew and Associates; Application for Preliminary Permit

June 19, 1981.

Take notice that Dennis V. McGrew and Associates (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4628 to be known as the Wells Creek Project located on Wells Creek in Whatom County, Washington. The application is file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis V. McGrew, Dennis V. McGrew and Associates, 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion dam; (2) a 12,000-foot long, 54-inch diameter pipe; (3) a surge tank; (4) a 1,200-foot long, 42-inch diameter penstock; (5) a powerhouse with a total installed capacity of 9.1 MW, and a 500-foot long 57-kV transmission line to connnect with an existing Puget Sound Power and Light Company 57-kV transmission line.

The Applicant estimates that the average annual energy output would be 54 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, geological, hydrological, environmental and economic studies; conduct surveys and test borings; and prepare a FERC license application. No new roads are expected to be required to conduct the studies. The sites of test borings would be restored immediately. The cost of conducting these studies for preliminary permit is estimated to be $240,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] 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 October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

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. 81-18658 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-34-000]

Merrion Oil and Gas Co. and Robert L. Bayless; Application for Adjustment

Issued: June 17, 1981.

Take notice that on February 3, 1981, Merrion Oil and Gas Company and Robert L. Bayless, (Applicants), P.O. Box 507, Farmington, New Mexico, 87401, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure and application for adjustment. Applicants are seeking an adjustment of §§ 273.301 and 273.204 of the Commission's regulations.

Specifically, Applicants states that they received a final determination that the Chistine J. Hamilton #1 MV Well qualified under section 108 on March 21, 1980 in Docket No. JD80-14666. The well qualified under section 108 based on a 90-day production period from October-December, 1978. Subsequently, the well exceeded the 60 Mcf per production day NGPA stripper well limit during the 90-day production period from December 1978 through February 1979. Pursuant to § 271.805(c) of the Commission's regulations, the applicants' right to collect the maximum lawful price under section 108 for gas produced and sold from the subject well terminated on February 28, 1979, the last day of the 90-day disqualification period. Applicants seek to retain the incentive amounts collected under section 108 while the well no longer qualified pursuant to section 108, a period from March 1, 1979 through July 30, 1980, the date on which Applicants refiled for a section 108 determination for the well. The second application was approved by the jurisdictional agency and became final upon Commission review.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 Fed. Reg. 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before July 10, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18661 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-551]

Philadelphia Electric Co; Order Accepting Executed Agreement for Filing, Imposing Subsequent Filing Requirements, Granting Intervention and Waiving Notice Requirement

Issued June 17, 1981.

On July 31, 1979, as completed on November 19, 1979,[1] Philadelphia Electric Company (PE) submitted for filing an executed agreement with Jersey Central Power and Light Company (Jersey Central) dated July 13, 1979.[2] The agreement provides for PE's sale to Jersey Central of Capacity and energy from PE's 42.59% ownership share (approximately 474 MW) of the 1115 MW Salem Nuclear Generating Unit No. 2 (Salem-2)[3] PE indicates that it is selling the capacity and energy because its capacity reserve margin during 1979, when Salem-2 was under construction, was 35.6%, and the capacity from its interest in Salem-2 is surplus to its present needs.[4]

The agreement would become effective on the in-service date of Salem-2,[5] would extent through December 1, 1984, and would subsequently continue in effect year-to-year unless terminated by either party on one year's notice. Under the agreement, Jersey Central would purchase energy equal in amount each hour to PE's share of Salem-2 output at a billing rate of 95% of the Pennsylvania-Jersey-Maryland Interconnection (PJM) running rate for that hour.[6] During each hour Jersey Central would also purchase operating capacity equal to PE's share of the operating capacity of Salem-2 at each day's peak.[7] In addition, Jersey Central would purchase installed capacity whenever the General Public Utilities (GPU) companies need such capacity to meet their PJM commitments,[8] provided that such purchases would be limited to the lesser of PE's share of Salem-2 or PE's installed capacity in excess of its PJM requirement. The applicable rate would be 90% of the PJM installed capacity deficiency rate then effective.[9] PE's cost of service with respect to Salem-2 in 1981, based on estimated revenues of $80.2 million, indicates a realized rate of return of 8.6% with an 8.68% return on common equity. PE requests waiver of the notice requirement to allow the agreement to become effective on the date Salem-2 is placed in service.

Notice of the filing was issued on August 8, 1979, with comments, protests and petitions to intervene due on or

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[1] A deficiency letter was sent to the company on September 17, 1980.

[2] Rate schedule designations are shown on Attachment A.

[3] Salem-2 is being constructed, and will be operated, by Public Service Electric and Gas Company.

[4] PE states that the surplus capacity occurs because load growth has been lower than anticipated.

[5] The in-service date of Salem-2 has been delayed, but is now expected to occur during June, 1981.

[6] The PJM internal running rate is defined as the hourly integration of the highest incremental cost of energy generated under economic dispatch on the PJM interconnection during the hour, excluding the cost of energy delivered to non-PJM systems.

[7] Under the PJM Agreement, to which PE and Jersey Central are signatories, if a PJM member does not maintain sufficient operating capacity to meet its load plus spinning reserve requirement during the PJM daily peak period, its operating capacity account is debited such that, in effect, it makes compensatory payments to those PJM members that provided operating capacity during the peak in excess of their respective requirements. Compensation is determined on a split-savings basis, based on incremental and decremental (avoided) costs such as start-up and no-load costs, peak-prepared-for maintenance cost and incremental labor cost.

[8] The GPU companies are Jersey Central, Metropolitan Edison Company and Pennsylvania Electric Company, they are treated as a single entity within PJM.

[9] The PJM deficiency rate is based on the average annual cost of new gas turbine capacity for the PJM members, is currently specified as $28.105 per kW-year ($0.539 per kW-week), and is customarily revised annually and submitted for filing to become effective June 1 of each year. Jersey Central would also pay PE for the 500 kV transmission losses associated with PE's ownership of Salem-2, as allocated to PE under the Lower Delaware Valley Transmission Agreement, at the rate as applied to meter error in interchange billing under the PMJ Agreement.

before August 27, 1979. On January 18, 1980, the Office of the Consumer Advocate of the Pennsylvania Department of Justice (Advocate) filed an untimely petition to intervene. On February 1, 1980 PE filed an answer to Advocate's petition, and on February 20, 1980, Advocate filed a reply.

In its petition, Advocate alleges that: (1) the specified term of the agreement, from the in-service date of Salem-2 until December 1, 1984, and year-to-year thereafter unless cancelled by appropriate notice, has the potential for making the agreement a "perpetual contract at the sole choice of the parties to the contract," and is thereafter neither "just" nor "reasonable;" (2) approval of the agreement beyond 1984 without further review could impose the financial burden of constructing new, higher-cost generating capacity on PE's customers;[10] and (3) the proposed charges may be unjust and unreasonable to PE's customers since energy from high-cost oil-fired generation will be required to replace the Salem-2 energy if such energy is needed during the time the agreement is in effect.

Based on these contentions, Advocate requests Commission approval of the agreement be "suspended" until: (1) PE and Jersey Central agree to modify the agreement to provide that the term will not extend beyond a date certain on or before January 1, 1985, or that extension of the agreement beyond that date "be subject to full review" by the Commission; (2) "the full cost of the proposed sale to PE's ratepayers and the justness and reasonableness of the sale price have been adequately determined;" and (3) the Commission has held any hearings necessary "to resolve the issues raised by Advocate's Petition to Intervene."

In its answer, PE states that Advocate's petition should be denied because it is considerably out-of-time; that the agreement allows PE to sell power in order to secure revenue to cover its share of the operating and capital costs of Salem-2 without affecting rates to its existing ratepayers; that the agreement is not a perpetual contract, but one which provides PE with the flexibility necessary to meet uncertain load requirements; that high-cost oil-fired power will not be required to meet the needs of PE's customers during the initial contract period; and that the relief requested by Advocate is not available since the remedy of suspension does not apply to initial rates under the Federal Power Act.

In its reply to PE's answer, Advocate maintains that, despite PE's assertion to the contrary, its petition to intervene raises substantive rate issues. Advocate contends that PE has misinterpreted its petition in that Advocate's expressed objection, that oil-fired generation may be required to replace Salem-2 output, applied to the initial term of the agreement as well as to the period of any extension. Advocate avers that the rate under the agreement will not be adequate to compensate PE or its customers for the additional costs to be incurred by the use of replacement oil-fired generation. Advocate states that the issue to be resolved is whether PE's customers will pay more overall during the initial term of the agreement than they would if the sale were not made. In addition, Advocate reiterates its objection to any extension of the agreement.

Discussion

Initially, we find that participation by Advocate in this docket may be in the public interest. In view of Advocate's capacity as a representative under state law of Pennsylvania consumers, we further find that good cause exists to grant the untimely petition to intervene. Accordingly, Advocate will be granted intervenor status.

We will accept this contract as a rate schedule for the initial term of the contract. PE will be required to make a timely filing with the Commission for each proposed 1-year extension of the agreement beyond December 1, 1984, such filing to be subject to review under sections 205 and 206 of the Federal Power Act.

Both of the parties to this transaction are members of PJM. Through the PJM pool agreement, these two utilities carry out numerous—in more than one sense continuous—transactions between each other. The price fixed for the sale of this power is somewhat less than the price at which Jersey Central could (and, according to it, would) buy from the pool at any given time. By the same token, PE's revenues would be somewhat lower than they would be if it would sell Salem capacity and energy into the pool at any given time. In return for a modest discount from the pool capacity deficiency and energy running rates, PE is assured the constant opportunity to make sales. In light of these facts, we find the proposed arrangement to be equitable as between this buyer and this seller and thus we have decided to accept it.

However, we do not want the scope of this discussion to be misunderstood. Our acceptance is not based on PE's commitments not to include its interest in Salem-2 in the rate base for service to retail and wholesale requirements customers. We believe that an allocation of the costs and revenues of this transaction to the respective costs of service may be a preferable approach to rate base exclusion. We expressly make no determination of the appropriate treatment of the investment in, running cost of, and revenues from PE's sale of, Salem-2 capacity and energy, and we wish to make it clear that our decision to accept the contract for the initial period does not, in our view, bind us or the Pennsylvania Public Utility Commission to any particular treatment of these items in the cost of service for wholesale and retail requirements customers of PE.

Further, our decision to accept the contract rate and service arrangement is not predicated on a determination that, over the initial term of the contract, PE could have done no better selling to someone else, or that Jersey Central could have done no better buying from someone else, or that the transaction over this period will redound to the benefit of the retail and wholesale requirements customers of the two respective parties to the contract. It does appear that PE's other customers will realize a net benefit from this transaction over the initial term of the contract; but we do not mean by this order to prejudge, for our own purposes or those of the respective state commissions, a determination of the prudence of either party in entering into this transaction.

By requiring that PE seek the approval of this Commission before extending the contract beyond its initial term, and by making clear the limited scope of the findings on which the Commission bases its determination here, we believe we have satisfied in major part the request and concerns expressed by Advocate. We should note, however, that if any person seeks to raise the contract rate during the initial term, that person will have to satisfy the public interest standard set out in *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

Ordering Paragraphs

(A) Waiver of the 120-day notice requirement of the Commission's regulations is hereby granted.

(B) Philadelphia Electric Company's agreement with Jersey Central Power & Light Company concerning capacity and energy from Salem-2 is hereby accepted for filing to become effective on the

[10] Advocate states that expert testimony submitted to the Pennsylvania Public Utility Commission by an expert for Advocate shows that PE's least expensive cost configuration during the 1980's includes two new coal-fired plants.

commercial operation date of Salem-2, and to continue in effect through December 1, 1984, unless extended following further review in accordance with the conditions imposed by ordering paragraph (D).

(C) Philadelphia Electric shall notify the Commission of the commercial operation date of Salem-2 within ten (10) days after Salem-2 is placed in operation.

(D) Philadelphia Electric shall make a timely filing with the Commission for each extension of the agreement beyond 1984, with such filings to be subject to review under sections 205 and 206 of the Federal Power Act.

(E) Advocate's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Philadelphia Electric Company—Docket No. ER79-551

Filed: November 19, 1979.

Other party: Jersey Central Power and Light Company.

Designation and Description

Rate Schedule FERC No. 46—Agreement dated July 13, 1979

Supplement No. 1 to Rate Schedule FERC No. 46—Page 1-3 of Attachment 1 to letter dated November 15, 1979

Supplement No. 2 to Rate Schedule FERC No. 46—Page 1-4 of Attachment 1 to letter dated November 15, 1979

[FR Doc. 81-18607 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4606-000]

Sunnyside Valley Irrigation District; Application for Preliminary Permit

June 19, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on April 28, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4606-000 known as the Little Rattler Hydroelectric Project located on Rattlesnake Creek in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Howard Frye, Manager, Sunnyside Valley Irrigation District, Post Office Box 239, Sunnyside, Washington 98944.

Project Description—The proposed project would consist of:

(1) A 340-foot high and 2,000-foot long earth or rockfill dam, creating an impoundment of 70,000 acre-feet capacity.

(2) a 950-foot long, 72-inch diameter penstock,

(3) a powerhouse with total installed capacity of 12.4 MW, and

(4) thirteen-mile long 34.5-kV transmission line to connect with an existing Pacific Gas and Electric transmission line.

The applicant estimates that the average annual energy output would be 59.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, hydrogeological, economic and environmental studies and prepare FERC license application. The disturbance to land as a result of field investigations would be minimal. No new roads are expected to be required to conduct the studies. The cost of studies for the preliminary permit is estimated to be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] 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 September 28, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

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. 81-18602 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

Tennessee Gas Pipeline Co. et al.; Informal Settlement Conference

June 17, 1981.

In the matter of Tennessee Gas Pipeline Co., Docket No. RP80-97, Michigan Wisconsin Pipe Line Co., Docket No. RP80-100, Southern Natural Gas Co., Docket No. RP80-102, Natural Gas Pipe Line Company of America, Docket No. RP80-107, Transcontinental Gas Pipe Line Corp., Docket No. RP80-117, United Gas Pipe Line Co., Docket No. RP80-121, Trunkline Gas Co., Docket No. RP80-106, Columbia Gulf Transmission Co., Docket No. RP80-145, Columbia Gas Transmission Corp., Docket No. RP80-146, Sea Robin Pipeline Co., Docket Nos. RP80-55 & RP80-118, Florida Gas Transmission Co., Docket No. RP81-7, High Island Offshore System, Docket No. RP81-18, U-T Offshore System, Docket No. RP81-20.

Take notice that on June 25, 1981, at 10:00 a.m., and if necessary on June 26, 1981, at 10:00 a.m., there will be an informal conference of all interested persons for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and

liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N. E., Washington, D. C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Interested persons may contact Lawrence Acker or Norma Rosner at (202) 357-8565 for additional information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18663 Filed 6-23-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CI78-968]

United Gas Pipe Line Co.; Order Setting Matter for Hearing and Establishing Procedures

Issued: June 18, 1981.

This proceeding involves the questions of whether certain natural gas produced by Exchange Oil & Gas Corporation (Exchange) is "committed or dedicated to interstate commerce" within the meaning of the Natural Gas Policy Act of 1978 (NGPA) and whether the gas is dedicated to interstate commerce under the Natural Gas Act. For the reasons set forth below, we will set the matter for hearing.

Background

United Gas Pipe Line Company (United) filed a petition for a declaratory order on July 5, 1978 in the above-captioned docket, pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR § 1.7(c)), in which United requested the Commission to remove uncertainty as to whether certain natural gas allocated to and to be produced by Exchange was dedicated to United under the Natural Gas Act.

In its petition, United stated that Sun Oil Company (Sun) and Continental Oil Company (Continental), or their predecessors-in-interest, had been issued certificates of public convenience and necessity by the Commission authorizing sales of natural gas to United from the Ridge Field, Lafayette Parish, Louisiana, under contracts dated January 1, 1957. Deliveries under these certificates were commenced in 1958.

According to United, Sun, *et al.*'s Zora Smith No. 1-D Well in the Ridge Field was shut-in for a time for reworking, and placed back on production in April 1977. During the time that the well was not producing gas, Sun and Continental lost certain of their leases which were committed to United under the 1957 contracts. United asserted that Exchange then acquired an interest in leases on lands formerly subject to the Sun and Continental leases which had terminated. Among its acquired interests, according to United, Exchange has a 12½ percent interest in the production from the Zora Smith No. 1-D Well. In addition, Exchange has drilled and completed two wells, the Roy L. Smith No. 1 Well and the Roy L. Smith No. 2 Well, on a tract that is part of the acreage once leased by Sun and Continental.

United argued in its petition for declaratory order that, under the Supreme Court's opinion in *California* v. *Southland Royalty Co. (Southland)*, 436 U.S. 519 (1978), and applicable Commission rulings, Exchange was required to deliver to United gas produced from, or attributable to, its interest in leases in the Ridge Field covering lands formerly under lease to Sun and Continental. Exchange filed an answer in opposition to United's petition on August 28, 1978, in which Exchange denied that *Southland* was applicable to the situation.

Notice of United's petition was issued on August 9, 1978, and appeared in the **Federal Register** on August 16, 1978, at 43 FR 36321. The United Municipal Distributors Group filed a timely petition to intervene in support of United's petition, and Transcontinental Gas Pipe Line Corporation (Transco) filed a timely petition to intervene in which it stated that it might have rights and interests in nearby acreage in Lafayette Parish, Louisiana, similar to those asserted by United.

On September 19, 1978, the Commission issued an order in which it agreed with United that *Southland* was controlling with respect to the question presented in United's petition (4 FERC ¶ —). The Commission thus directed Exchange to sell gas only to United from its interest in acreage committed to certificates held by Sun and Continental. The Commission declined to order that a formal hearing be convened, because there were no disputes as to any material facts apparent in the pleadings and because Exchange had not contradicted any of the material factual allegations made by United.

Applications for rehearing of the Commission's order were filed by Exchange and Transco,[1] and a reply to the applications for rehearing was filed by United. These documents did raise uncertainties as to material facts, and, as a result, the Commission granted rehearing on November 13, 1978 for purposes of further consideration. Shortly thereafter, in response to a request by Exchange, the Commission on Feburary 5, 1979 issued an interim protective order prescribing conditions for the sale and delivery of gas from Exchange to United pending a final order on rehearing, and providing for repayment by United in the event that Exchange's gas was ultimately determined not to be dedicated to United.

The NGPA substantially modified the application of the rule of the *Southland* case, and created additional issues, both factual and legal, to be addressed in connection with United's petition. On August 30, 1979, Exchange filed a petition requesting that the Commission issue a final order determining that its Ridge Field gas was excluded from the definition of "committed or dedicated to interstate commerce" specified in the NGPA. United, however, filed an answer to Exchange's petition on September 20, 1979 in which United challenged Exchange's conclusion that the gas at issue was not committed or dedicated to interstate commerce. United presented a number of new factual allegations in support of its position, and requested that the Commission delay ruling on Exchange's petition until further facts and legal arguments could be presented by the parties. United stated that it would attempt to enter into a stipulation of facts with Exchange, but if unable to

[1] Transco subsequently filed, on January 25, 1979, a withdrawal of its application for rehearing upon entering into a stipulation with United that Transco did not have the right to purchase any of the gas production from the wells involved here.

do so, that it would request the Commission to schedule a hearing in the matter.

On June 2, 1980, United filed a request with the Commission to schedule an informal conference of the parties and the Commission Staff for the purpose of discussing several critical factual and legal issues. United stated that efforts by Exchange and United to enter into a stipulation of facts had not succeeded. United attached to its filing a statement of facts for discussion at the conference, and indicated that it would request a hearing if the matters in dispute were not resolved at the conference. In an answer filed on June 10, 1980, Exchange concurred with United's request for an informal conference. Exchange also attached a statement of facts to its filing.

An informal conference attended by United, Exchange, and the Commission Staff was held on November 18, 1980. However, no stipulation as to any factual matter has been filed with the Commission.

Discussion

In its *Southland* decision, the Supreme Court upheld the Commission's determination that a successor-in-interest (including a lessor who succeeds to his interest by reversion) to a lessee who had been making sales of gas in interstate commerce pursuant to a permanent certificate issued by the Commission was required to obtain abandonment authorization from the Commission prior to selling the gas in intrastate commerce. The Commission found in its September 19, 1978 order in this proceeding that Exchange, a successor-in-interest following a reversion, was similarly obligated to sell to United gas produced from acreage which was formerly under lease to Sun and Continental and which is dedicated to interstate commerce under certificates issued to Sun and Continental.

However, Sections 2(18)(B) and 601 of the NGPA, which was enacted shortly after the Commission issued its original order in this proceeding, effectively limit the application of *Southland*. Under Section 601(a)(1)(A), a first sale of gas which is not committed or dedicated to interstate commerce on November 8, 1978 is removed from the Commission's Natural Gas Act jurisdiction effective December 1, 1978. Section 2(18)(B)(iii) excludes from gas that is committed or dedicated to interstate commerce—

natural gas which, but for this clause, would be committed or dedicated to interstate commerce under subparagraph (A)(ii) by reason of the action of any person (including any successor in interest thereof, other than by means of any reversion of a leasehold interest), if on May 31, 1978—

(I) neither that person, nor any affiliate thereof, had any right to explore for, develop, produce, or sell such natural gas; and

(II) such natural gas was not being sold in interstate commerce (within the meaning of the Natural Gas Act) for resale (other than any sale described in clause (i)(I), (II), or (III)).

On the basis of the documents filed thus far in this proceeding, Exchange apparently takes the position that none of its Ridge Field gas was being sold in interstate commerce on May 31, 1978, and that neither Sun nor Continental had any right to explore for, develop, produce, or sell gas from Exchange's leasehold interests on that date. It would appear that neither of the Roy L. Smith wells had yet commenced production on May 31, 1978. With respect to the Zora Smith No. 1–D Well, Exchange asserts that the reserves attributable to its interest in the well remained in the ground on May 31, 1978 under a banking arrangement with Sun, the operator of the well. Exchange concludes that its gas is excluded from the definition of "committed or dedicated to interstate commerce" under Section 2(18)(B)(iii).

United, however, appears to take the position that it has received, and paid for, deliveries of gas attributable to Exchange's interest in the Zora Smith well since April 1977. United states that it has at all times taken 100% of the gas production from the well, and that its monthly billing statements received from Sun have reflected Exchange's interest back to April 1977. United further alleges that upon execution of a gas sales contract with Exchange on February 21, 1979, following issuance of the Commission's protective order, United made a lump sum payment to Exchange for volumes of gas received by United back to April 1977 that were attributable to Exchange's interest in the Zora Smith well.

United's filings in this proceeding also raise other issues. United appears to question whether Sun may not in fact have had the right to sell Exchange's share of the gas produced from the Zora Smith well on May 31, 1978. In addition, United brings into issue the scope of the so-called "Southland exclusion" in Section 2(18)(B)(iii) of the NGPA, and suggests that Exchange's gas production from the Roy L. Smith wells would be committed or dedicated to interstate commerce by virtue of a finding that Exchange's interest in the Zora Smith well is committed or dedicated to interstate commerce.

We will set this entire matter for hearing. While a number of facts have been presented by the parties in their previous filings in this proceeding, it is apparent that there are significant issues of both law and material facts that need to be examined in a hearing before we can reach a proper determination in the case. Exchange and United have made several informal efforts to enter into a stipulation of facts, but they have been unable to reach an agreement, apparently at least in part because not all of the necessary factual evidence is within the knowledge of both parties. A hearing will provide all parties the opportunity to submit and examine on a record all relevant testimony and evidence as to whether the gas at issue is committed or dedicated to interstate commerce.

In addition, we will make Sun a respondent in this proceeding and direct Sun to file testimony and evidence on the following specific issues: (1) whether natural gas attributable to Exchange's interest in the Zora Smith No. 1–D Well was being sold to United on and prior to May 31, 1978, (2) whether Sun had the authority to sell gas attributable to Exchange's interest in the Zora Smith well on and prior to May 31, 1978, within the meaning of Section 2(18)(B)(iii) of the NGPA, and (3) what the nature of Sun's banking arrangement, if any, was with Exchange as to Exchange's interest in the Zora Smith well on and prior to May 31, 1978. We direct Sun's participation in the belief that Sun, as operator of the Zora Smith well, is likely to possess evidence that is material to the issues in this proceeding and which may well not be in the possession of any of the other parties.

The Commission orders:

(A) Pursuant to the authority of Sections 501 and 601 of the Natural Gas Policy Act and Sections 1, 7, 8, 10, 14, 15 and 16 of the Natural Gas Act, and pursuant to the Commission's Rules of Practice and Procedure, a public hearing shall be held to determine whether the natural gas at issue is committed or dedicated to interstate commerce.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding to be held within approximately 15 days after the date specified below for filing rebuttal testimony, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized

to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(C) Sun Oil Company is hereby made a respondent in this proceeding. Sun shall file testimony and evidence in response to the issues cited hereinabove in accordance with the procedural dates prescribed below.

(D) All parties, including Sun and Staff, shall file their direct testimony and evidence on or before July 14, 1981. All parties, including Sun and Staff, shall file their rebuttal testimony, if any, on or before July 30, 1981. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18668 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4661-000]

Village of Winnetka; Application for Preliminary Permit

June 22, 1981

Take notice that the Village of Winnetka (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§791(a)–825(r)] for Project No. 4661 to be known as the Mississippi River Lock and Dam No. 12 located on Mississippi River in Jo Daviess County, Illinois, and Jackson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing 23 generating units rated at 680 kW each for a total installed capacity of 15.64 MW; (2) a proposed 41,600 volt transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates that the average annual energy output of the project would be 76,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be made: environmental assessment; hydraulic models; topographic surveys; turbine foundations; cost estimates; and plans and specifications. In addition Federal, State and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Mississippi River Lock and Dam No. 12 Project No. 3630 filed on October 31, 1980, by the City of Bellevue under 18 C.F.R. §4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directed from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4661. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. 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. 81-18664 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4648-000]

Weaverville Community Service; Application for Preliminary Permit

June 22, 1981.

Take notice that Weaverville Community Services District (Applicant) filed on May 12, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4648 known as the East Weaver Creek Project located on East Weaver Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Murphy Lott, Manager, Weaverville Community Services District, Post Office Box 1510, Weaverville, California 96093.

Project Description—The proposed project would consist of:

(1) A 700-foot long and 100-foot high earthen dam,

(2) a 12-acre reservoir with an impoundment of 400 acre-feet of water,

(3) a one-mile long, 16-inch diameter penstock,

(4) a powerhouse with total installed capacity of 0.16 MW,

(5) a switchyard, and

(6) a 500-foot long, 480-volt transmission line to connect with an existing CP National Transmission line.

The Applicant estimates that average annual energy output would be 0.725 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, geological, hydrological, economic and environmental studies; conduct test borings, and prepare FERC license and other license applications. No new roads are expected to be required to conduct the studies. The cost of the studies to be completed for preliminary permit is estimated to be $29,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 24, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] 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 October 23, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

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. 81-18865 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PRCD	PURCHASER
KANSAS CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY			RECEIVED: 05/20/81 JA: KS			
8132118	K-80-0460	1517500000	108-ER WALDEN NO 1-15	HUGOTON	14.6	CIMARRON-QUINQUE
-MCKELVY OPERATING CORP			RECEIVED: 05/20/81 JA: KS			
8132124	K-79-1986	1505500000	108-ER ENS #1	HUGOTON	10.0	NORTHERN NATURAL
8132123	K-79-1987	1505500000	108-ER HETT #1	HUGOTON	15.0	NORTHERN NATURAL
8132119	K-79-1979	1505500000	108-ER MEAIRS #1	HUGOTON	16.0	NORTHERN NATURAL
8132121	K-79-1983	1505500000	108-ER RUSSELL #1	HUGOTON	10.0	NORTHERN NATURAL
8132120	K-79-1981	1505500000	108-ER SONDEREGGER #1	HUGOTON	18.0	NORTHERN NATURAL
8132122	K-79-1984	1505500000	108-ER WINTERS #1	HUGOTON	10.0	NORTHERN NATURAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-A NELSON MUNCY			RECEIVED: 05/20/81 JA: NM			
8132145		3000560552	108 ALTC STATE #1 K-4321	DOUBLE L QUEEN	20.0	PHILLIPS PETROLEU
-ALPHA TWENTY-ONE PRODUCTION CO			RECEIVED: 05/20/81 JA: NM			
8132138		3002527271	103 LANSFORD NO 2	PENROSE-SKELLY-GRAYBURG	18.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP			RECEIVED: 05/20/81 JA: NM			
8132148		3003922478	103 MCDUG #1	GAVILAN PICTURED CLIFFS	35.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/20/81 JA: NM			
*8132126		3004521672	108 RANDLEMAN #2	BLANCO-PICTURED CLIFFS	24.0	EL PASO NATURAL G
*8132125		3003920477	108 SAN JUAN 28-6 UNIT #169	BASIN-DAKOTA	23.0	EL PASO NATURAL G
-HNG OIL COMPANY			RECEIVED: 05/20/81 JA: NM			
8132143		3002526949	103 SAN SIMON 6 STATE COM #1 (LG 3609)	UND MORROW	30.6	TEXACO INC
-HUSKY OIL COMPANY			RECEIVED: 05/20/81 JA: NM			
8132144		3001523343	102-2 SRC STATE #1	DIAMOND MOUNT ATOKA	2813.0	NORTHERN NATURAL
-JEROME P MCHUGH			RECEIVED: 05/20/81 JA: NM			
8132142		3003922453	103 DIS DELIGHT #1	SOUTH BLANCO PICTURED CL	200.0	EL PASO NATURAL G
-MESA PETROLEUM			RECEIVED: 05/20/81 JA: NM			
8132140		3004508986	108 STATE COM AH #30	BASIN DAKOTA	19.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 05/20/81 JA: NM			
8132146		3003907884	108 SAN JUAN 30-5 #35	BLANCO MESAVERDE	22.2	EL PASO NATURAL G
8132141		3003922412	103 SAN JUAN 30-5 UNIT 53	BASIN DAKOTA	45.0	NORTHWEST PIPELIN
-R L BURNS CORP			RECEIVED: 05/20/81 JA: NM			
8132147		3002527050	103 STATE 30 COMM NO 3	BAUP (UPPER PENN)	23.0	WARREN PETROLEUM
-SHELL OIL CO			RECEIVED: 05/20/81 JA: NM			
8132128		3002500000	108 N HOBBS (G-SA) UNIT SEC 13 NO 331	HOBBS (G-SA)	9.5	PHILLIPS PETROLEU
8132129		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 311	HOBBS (G-SA)	2.0	PHILLIPS PETROLEU
8132130		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 321	HOBBS (G-SA)	12.2	PHILLIPS PETROLEU
8132131		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 421	HOBBS (G-SA)	3.3	PHILLIPS PETROLEU
8132127		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 441	HOBBS (G-SA)	11.3	PHILLIPS PETROLEU
8132132		3002500000	108 N HOBBS (G-SA) UNIT SEC 19 NO 321	HOBBS (G-SA)	1.3	PHILLIPS PETROLEU

JD NO	JA UKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132152		3002500000		108		N HOBBS (G-SA) UNIT SEC 19 NO 421	HOBBS (G-SA)	5.3	PHILLIPS PETROLEU
8132133		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 211	HOBBS (G-SA)	2.1	PHILLIPS PETROLEU
8132151		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 231	HOBBS (G-SA)	2.4	PHILLIPS PETROLEU
8132150		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 241	HOBBS (G-SA)	2.0	PHILLIPS PETROLEU
8132134		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 311	HOBBS (G-SA)	5.5	PHILLIPS PETROLEU
8132149		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 321	HOBBS (G-SA)	7.0	PHILLIPS PETROLEU
8132154		3002500000		108		N HOBBS (G-SA) UNIT SEC 28 NO 111	HOBBS (G-SA)	10.6	PHILLIPS PETROLEU
8132153		3002500000		108		STATE C NO 2Y	EUMONT YATE SEVEN RIVERS	11.9	PHILLIPS PETROLEU
-SOL WEST III				RECEIVED: 05/20/81 JA: NM					
8132139		3002527173		103		TOMMY GALLAGER NO 1	TOWNSEND WOLFCAMP	55.0	WARREN PETROLEUM
-YATES PETROLEUM CORPORATION				RECEIVED: 05/20/81 JA: NM					
8132135		3001523566		102-4		ARNOLD OR STATE COM #1	UND MORROW	0.0	TRANSWESTERN PIPE
8132137		3001523193		102-4		DAVIS NC COM #1	UND BOYD MORROW	0.0	TRANSWESTERN PIPE
8132136		3001523409		102-4		NORTH MILLMAN UNIT #2	SOUTH MILLMAN MORROW	0.0	TRANSWESTERN PIPE
UTAH DIVISION OF OIL,GAS, & MINING									
-AMOCO PRODUCTION CO				RECEIVED: 05/26/81 JA: UT					
8132107	K-121-5	4304330129		102-2		CHAMPLIN 458 AMOCO D NO 1	CHALK BASIN	1058.0	NORTHWEST PIPELIN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 05/18/81 JA: WV					
8131999		4708300342		103		A - 902	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8132000		4708300343		103		A - 905	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8132001		4708300347		103		A - 906	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC				RECEIVED: 05/18/81 JA: WV					
8132024		4703903637		103		BEDFORD LAND #15 - 090171	PAINT CREEK	17.0	COLUMBIA GAS TRAN
8131977		4703903634		103		BEDFORD LAND NO 16 - 090181	PAINT CREEK	90.0	COLUMBIA GAS TRAN
8131998		4708100545		103		BEDFORD LAND NO 17 - 090191	PAINT CREEK	35.0	COLUMBIA GAS TRAN
8131949		4704700550	D	108		LON B ROGERS #18 - 050520	VIRGINIA	21.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED: 05/18/81 JA: WV					
8132074		4700701555		103		DUCKWORTH NO 1	BURNSVILLE	30.0	CONSOLIDATED GAS
8131958		4704102895		103		FRANCIS NO 1	VANDALIA	20.0	CONSOLIDATED GAS
8132083		4704102927		103		NO 1 DAVISSON	VANDALIA	10.0	
8132082		4704102926		103		NO 1 WATER WELL CHARLIE	VANDALIA	10.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 05/18/81 JA: WV					
8132030		4707900963		103		J L MCLEAN A-25	UNION	19.0	TENNESSEE GAS PIP
8132046		4707900964		103		J L MCLEAN A-27	UNION	5.3	TENNESSEE GAS PIP
8132048		4707900975		103		J L MCLEAN A-33	UNION	3.0	TENNESSEE GAS PIP
8131902		4707900967		103		J L MCLEAN A-42	UNION	9.5	TENNESSEE GAS PIP
8131928		4707900994		103		J L MCLEAN A-44	UNION	1.8	TENNESSEE GAS PIP
8132027		4707900873		108		MCLEAN HEIRS A-3	UNION	16.8	CABOT CORP
8132045		4707900960		103		PUTNAM B-11	UNION	17.3	TENNESSEE GAS PIP
8131996		4707900990		103		PUTNAM B-12	UNION	19.0	TENNESSEE GAS PIP
8132047		4707900973		103		PUTNAM B-13	UNION	37.0	TENNESSEE GAS PIP
8131997		4707900997		103		PUTNAM B-14	UNION	24.7	TENNESSEE GAS PIP
8131927		4707900993		103		PUTNAM B-15	UNION	7.5	TENNESSEE GAS PIP
8132049		4707900989		103		PUTNAM B-20	UNION	16.3	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED: 05/18/81 JA: WV					
8132031		4701702662		103		L NICHOLSON #2	LITTLE INDIAN FORK	10.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM				RECEIVED: 05/18/81 JA: WV					
8131896		4701702478		102-3		JONES #1	CENTRAL DISTRICT	48.6	

JD NO	JA OKT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131895		4701702464		102-3		PRIMM #2	CENTRAL DISTRICT	54.0	
-CHRISMAN DRILLING COMPANY				RECEIVED: 05/18/81 JA: WV					
8131919		4700701035		108		D J MOYERS #5	OTTER DISTRICT	17.0	GEORGE JACKSON
8131916		4700721119		108		L J SMITH 3	OTTER	17.0	EQUITABLE GAS CO
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 05/18/81 JA: WV					
8132041		4701900208		108		KAN GAULEY COAL & COKE CO 809783	FIELD AREA A	14.0	COLUMBIA GAS TRAN
8132043		4708100403		108		MCCREERY COAL CO 820475	WEST VA FIELD AREA C	35.0	COLUMBIA GAS TRAN
8131995		4708100404		108		MCCREERY COAL CO 820476	WEST VA FIELD AREA C	3.6	COLUMBIA GAS TRAN
8132044		4708100408		108		MCCREERY COAL CO 820482	WEST VA FIELD AREA C	13.0	COLUMBIA GAS TRAN
8132042		4705900882		108		TURKEY CREEK O & G 820367	W VA FIELD AREA B	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 05/18/81 JA: WV					
8131953		4700100874		102-4		ARTHUR FARANCE 12395	W VA OTHER A85772	67.0	GENERAL SYSTEM PU
8131936		4709100168		102-4		CECIL O WOLFE 12552	W VA OTHER A85772	4.0	GENERAL SYSTEM PU
8131933		4704500940		108		DINGESS RUN COAL CO 11851	WEST VIRGINIA OTHERS A85	2.0	GENERAL SYSTEM PU
8131931		4701900271		108		GAULEY MOUNTAIN COAL 11946	WEST VIRGINIA OTHERS A85	9.0	GENERAL SYSTEM PU
8131897		4700100810		108		H D WRIGHT 12152	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PU
8131929		4701900243		108		JEFFERY MFG CO 11775	WEST VIRGINIA OTHERS A85	20.0	GENERAL SYSTEM PU
8131930		4701900246		108		JEFFREY MFG CO 11776	WEST VIRGINIA OTHERS A85	9.0	GENERAL SYSTEM PU
8131932		4703302089		108		MAE GASTON 12602	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PU
8131935		4704700782		108		POCAHONTAS LAND CORP 12367	PINEVILLE FIELD AREA A59	4.0	GENERAL SYSTEM PU
8131934		4703302075		108		WILLIAM L HORNOR 12576	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
-DEVON CORPORATION				RECEIVED: 05/18/81 JA: WV					
8132052		4705300208		103		#935 Z B MEADORS	PARCHMENT	27.0	KAISER ALUMINUM &
8132051		4705300207		103		#939 LLOYD SHANK	PARCHMENT	36.0	KAISER ALUMINUM &
8132053		4705300211		103		#948 HELEN JIVIDEN	PARCHMENT	27.0	KAISER ALUMINUM &
-DORAN & ASSOCIATES INC				RECEIVED: 05/18/81 JA: WV					
8131967		4703322224		103		E KEINER #1 K-L-295	SARDIS	30.0	CONSOLIDATED GAS
8131969		4703322239		103		MCDONALD #1 (1SE 323) K-L-149	CLAY	30.0	CONSOLIDATED GAS
8131906		4703322090		103		O ASH #1 K-L-235	SARDIS	30.0	CONSOLIDATED GAS
8132032		4703322061		103		REED #1 K-L-239	CLAY	20.0	CONSOLIDATED GAS
8131968		4703322232		103		W H JETT #532 K-L-224	ELK	30.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 05/18/81 JA: WV					
8131987		4701702713		107-DV		EA #1 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRAN
-ENERGEX CORP				RECEIVED: 05/18/81 JA: WV					
8132003		4710700951		103		J KETTERMAN NO 1	VALLEY MILLS	0.0	CONSOLIDATED GAS
-FLETCHER ADKINS				RECEIVED: 05/18/81 JA: WV					
8131904		4704300160		108		M F BROWN #1	SHERIDAN	2.8	PENNZOIL CO
-GEORGE JACKSON				RECEIVED: 05/18/81 JA: WV					
8131976		4703302394		103		L E MARTIN #1 (C C 0681)	EAGLE	22.0	CONSOLIDATED GAS
-HAYHURST LEASE				RECEIVED: 05/18/81 JA: WV					
8131913		4701300883		108		HAYHURST LEASE WELL NO 2	CENTER DISTRICT	1.3	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED: 05/18/81 JA: WV					
8132085		4704102689		103		ALFRED NO 1	VADIS	12.0	CONSOLIDATED GAS
8131962		4704102920		103		BRUFFEY #1	SAND FORK	22.0	CONSOLIDATED GAS
8131960		4704102692		103		ECKES NO 1	SAND FORK	12.0	CONSOLIDATED GAS
8132084		4704102858		103		FOX #1	SAND FORK	2.5	CONSOLIDATED GAS
8131961		4704102740		103		JARRELL #1	SAND FORK	11.0	CONSOLIDATED GAS
8132080		4704102939		103		JARRELL #2	SAND FORK	20.0	CONSOLIDATED GAS
8132081		4704102868		103		LONG #4	SAND FORK	3.6	CONSOLIDATED GAS
8131956		4704102739		103		MERTZ LAND CO #1		5.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 05/18/81 JA: WV					
8131909		4701702750		103		STANLEY RICHARDS S-307	GREENBRIER	42.0	CONSOLIDATED GAS
-KEITH CRIHFIELD				RECEIVED: 05/18/81 JA: WV					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131912		4701302569		108		L ROBINSON #1	BIG RUN	0.0	CONSOLIDATED GAS
8131908		4701302570		108		L ROBINSON #2	BIG RUN	0.0	CONSOLIDATED GAS
-MILLS DRILLING CO INC				RECEIVED: 05/18/81 JA: WV					
8132055		4705900952		103		CLOSTERMAN HEIRS NO M-3	HARVEY DISTRICT	20.0	COLUMBIA GAS TRAN
-N G & K E BUSCH				RECEIVED: 05/18/81 JA: WV					
8132062		4710500853		108		M RICHTER NO 12	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132063		4710500894		108		M RICHTER NO 13	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132060		4710501600		108		M RICHTER NO 2	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132061		4710500892		108		M RICHTER NO 4	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
-NEW TROJAN GAS CO				RECEIVED: 05/18/81 JA: WV					
8131903		4704501077		108		ED GARRETT #1	CHAPMANVILLE	1.3	PENNZOIL CO
-PENNZOIL COMPANY				RECEIVED: 05/18/81 JA: WV					
8131993		4708701959		108		A W SUMMERS #24	WALTON	0.0	
8131899		4709500572		108		AGNES GORRELL #1	ELLSWORTH	0.1	
8132066		4710300950		108		ANSON CAIN #7	GRANT	0.0	CONSOLIDATED GAS
8131937		4709500523		108		B F HAWKINS 30A #1	ELLSWORTH	0.1	
8131938		4709500534		108		B F HAWKINS 50A #7	ELLSWORTH	0.1	
8132068		4710301060		108		B W PETERSON #15	GRANT	0.0	CONSOLIDATED GAS
8132067		4710301059		108		B W PETERSON #19	GRANT	0.0	CONSOLIDATED GAS
8132069		4710301063		108		B W PETERSON #53	GRANT	0.0	CONSOLIDATED GAS
8132020		4710301065		108		B W PETERSON #72	GRANT	0.0	CONSOLIDATED GAS
8131980		4708702747		108		BEN SUMMERFIELD #2	SMITHFIELD	0.0	CONSOLIDATED GAS
8132007		4710300930		108		BLACKSHERE WELLS #13	GRANT	0.0	CONSOLIDATED GAS
8132008		4710300931		108		BLACKSHERE WELLS #15	GRANT	0.0	CONSOLIDATED GAS
8132009		4710300935		108		BLACKSHERE WELLS #27	GRANT	0.0	CONSOLIDATED GAS
8132006		4710300936		108		BLACKSHERE WELLS #30	GRANT	0.0	CONSOLIDATED GAS
8132010		4710300937		108		BLACKSHERE WELLS #34	GRANT	0.0	CONSOLIDATED GAS
8132011		4710300938		108		BLACKSHERE WELLS #39	GRANT	0.0	CONSOLIDATED GAS
8132012		4710300939		108		BLACKSHERE WELLS #41	GRANT	0.0	CONSOLIDATED GAS
8132065		4710300940		108		BLACKSHERE WELLS #42	GRANT	0.0	CONSOLIDATED GAS
8132013		4710300948		108		BRAST BROS #5	GRANT	0.0	CONSOLIDATED GAS
8132014		4710300952		108		CASSIE DAWSON #2	GRANT	0.0	CONSOLIDATED GAS
8131992		4708701949		108		CORA MARKS #9	HARPER	0.0	
8131994		4708702481		108		DAUGHERTY HEIRS #2	WALTON	0.0	CONSOLIDATED GAS
8131984		4708703123		108		DAVID LARCH #9	HARPER	0.0	
8131991		4708700449		108		E LEWIS #22	WALTON	0.0	
8131975		4710301075		108		E V NORRIS #3	GRANT	0.0	CONSOLIDATED GAS
8131971		4710301076		108		E V NORRIS #4	GRANT	0.0	CONSOLIDATED GAS
8131986		4710300928		108		ELIAS BATSON #4	GRANT	0.0	CONSOLIDATED GAS
8132017		4710300974		108		GEORGE ENSMINGER #2	GRANT	0.0	CONSOLIDATED GAS
8131989		4703903299		108		GRANT COPENHAVER #1	ELK	0.0	
8132034		4710301052		108		H A RIGGS #1	GRANT	0.0	CONSOLIDATED GAS
8131983		4708703007		108		H D SERGENT #3	WALTON	0.0	CONSOLIDATED GAS
8131940		4709500544		108		H I ASHER #2	ELLSWORTH	0.1	
8131941		4709500545		108		H I ASHER-11	ELLSWORTH	0.1	
8132036		4710301108		108		H L SMITH #17	GRANT	0.0	CONSOLIDATED GAS
8132023		4710301112		108		H L SMITH #47	GRANT	0.0	CONSOLIDATED GAS
8132037		4710301113		108		H L SMITH #49	GRANT	0.0	CONSOLIDATED GAS
8131946		4708702558		108		HUBBARD (G M SUMMERS) #1	WALTON	0.0	
8132018		4710301034		108		I D MORGAN #13	GRANT	0.0	CONSOLIDATED GAS
8132019		4710301036		108		I D MORGAN #15	GRANT	0.0	CONSOLIDATED GAS
8131970		4710301038		108		I D MORGAN #27	GRANT	0.0	CONSOLIDATED GAS
8131950		4710301042	D	108		I D MORGAN #41	GRANT	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132016		4710300959		108		J B DEWHURST #26	GRANT	0.0	CONSOLIDATED GAS
8132015		4710300957		108		J B DOWHURST #20	GRANT	0.0	CONSOLIDATED GAS
8131898		4709500564		108		J F FERRELL #11	ELLSWORTH	0.1	
8131942		4709500558		108		J F FERRELL #4	ELLSWORTH	0.1	
8131943		4709500559		108		J F FERRELL #5	ELLSWORTH	0.1	
8131944		4709500561		108		J F FERRELL #7	ELLSWORTH	0.1	
8131988		4703903274		108		J M & V SUMMERS #5	ELK	0.0	
8131939		4709500536		108		J T A HAWKINS #2	ELLSWORTH	0.1	
8132021		4710301077		108		J W NORRIS #4	GRANT	0.0	CONSOLIDATED GAS
8131951		4710301121	D	108		J W STARKEY #1	GRANT	0.0	CONSOLIDATED GAS
8132038		4710301123		108		J W STARKEY #5	GRANT	0.0	CONSOLIDATED GAS
8131985		4708703154		108		JOHN JARVIS #4	HARPER	0.0	
8132039		4710301128		108		JOHN STEVENS #14	GRANT	0.0	CONSOLIDATED GAS
8132040		4710301130		108		JOHN STEVENS #16	GRANT	0.0	CONSOLIDATED GAS
8131952		4710301127	D	108		JOHN STEVENS #8	GRANT	0.0	CONSOLIDATED GAS
8131947		4708702576		108		KEFFER HEIRS #3	WALTON	0.0	CONSOLIDATED GAS
8132035		4710301097		108		L B ROBINSON #9	GRANT	0.0	CONSOLIDATED GAS
8132022		4710301059		108		L G ROBINSON #33	GRANT	0.0	CONSOLIDATED GAS
8132064		4710300288		108		L S WALTERS #4	GRANT	0.0	CONSOLIDATED GAS
8131948		4708702660		108		M A LYNCH #1	WALTON	0.0	
8131920		4708702661		108		M A LYNCH #3	WALTON	0.0	
8131921		4708702663		108		M A LYNCH #5	WALTON	0.0	
8131922		4708702664		108		M A LYNCH #6	WALTON	0.0	
8131982		4708703001		108		M L FERRELL #13	SMITHFIELD	0.0	CONSOLIDATED GAS
8131945		4708702527		108		M L FERRELL #7	SMITHFIELD	0.0	CONSOLIDATED GAS
8131981		4708703000		108		M M HOPKINS #1	WALTON	0.0	CONSOLIDATED GAS
8131923		4708702665		108		MARY A LYNCH #7	WALTON	0.0	
8131990		4703903301		108		N C JARRETT #1	ELK	0.0	
8131973		4710301068		108		PETERSON-CAMPBELL #1	GRANT	0.0	CONSOLIDATED GAS
8131974		4710301073		108		PETERSON-FAIRFIELD #25	GRANT	0.0	CONSOLIDATED GAS
8131979		4708702727		108		R P SCHOOLCRAFT #2	WALTON	0.0	CONSOLIDATED GAS
8132029		4702103326		108		RIDDLE BROS #2	DEKALB	0.0	CONSOLIDATED GAS
8132028		4702103325		108		RIDDLE BROTHERS #1	DEKALB	0.0	CONSOLIDATED GAS
8131972		4710301045		108		SUSAN MORRIS #1	GRANT	0.0	CONSOLIDATED GAS
8131978		4708702723		108		W R T SMITH #10	SMITHFIELD	0.0	CONSOLIDATED GAS
-RAY RESOURCES CORP				RECEIVED: 05/18/81 JA: WV					
8132033		4704302467		103		L R BOWLES #883	DUVAL	4.0	CABOT CORP
8132050		4704302468		103		L R BOWLES #884	DUVAL	4.0	CABOT CORP
-RUSSELL V JOHNSON JR				RECEIVED: 05/18/81 JA: WV					
8132056		4702103565		103		JAMES A REED #1	BIG RUN OF LEADING CREEK	37.0	COLUMBIA GAS TRAN
8132057		4702103619		103		JAMES A REED #2	BIG RUN OF LEADING CREEK	28.8	COLUMBIA GAS TRAN
8132058		4702103620		103		S A MCCARTNEY #2	BIG RUN OF LEADING CREEK	32.0	COLUMBIA GAS TRAN
8132059		4702103564		103		SULL A MCCARTNEY #1	BIG RUN OF LEADING CREEK	37.0	COLUMBIA GAS TRAN
-SECURITY GAS & OIL INC				RECEIVED: 05/18/81 JA: WV					
8132002		4709500743		103		MORGAN #1	MCKIM - PLUM RUN	9.0	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED: 05/18/81 JA: WV					
8132054		4705900948		103		P-213	STAFFORD	35.0	CONSOLIDATED GAS
-SPARTAN GAS COMPANY				RECEIVED: 05/18/81 JA: WV					
8131910		4701100607		108		CARL DAVIS #1-S-202	GRANT DISTRICT	8.0	COLUMBIA GAS TRAN
8131914		4701100608		108		CLARENCE DAVIS #1-S-207	GRANT DISTRICT	0.0	COLUMBIA GAS TRAN
8131915		4701100601		108		CLYDE DAVIS #1-S-201	GRANT DISTRICT	13.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC				RECEIVED: 05/18/81 JA: WV					
8131963		4701501794		103		ALOI 29 SDP#264	BUFFALO DISTRICT	9.9	EQUITABLE GAS CO

JD NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131959		4701501795		103		ALOI 30 SDP #265	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132072		4700701549		103		CARPER #318	OTTER DISTRICT	52.9	
8132078		4703501423		103		SCHEER #1 SDP #26	RIPLEY DISTRICT	30.3	COLUMBIA GAS TRAN
8132079		4704102922		103		SHEARER #313	FREEMANS CREEK DISTRICT	287.8	CONSOLIDATED GAS
8132073		4700701470		103		STALNAKER #242	BIRCH DISTRICT	30.6	EQUITABLE GAS CO
8131957		4708703352		103		STUMP #349	GEARY DISTRICT	18.4	COLUMBIA GAS TRAN
8131926		4708703353		103		STUMP #350	GEARY DISTRICT	10.8	COLUMBIA GAS TRAN
-STONEWALL GAS CO INC				RECEIVED: 05/18/81 JA: WV					
8131964		4703322244		103		G W WILLIAMS #2	TEN MILE	0.0	CONSOLIDATED GAS
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 05/18/81 JA: WV					
8132076		4701501786		103		BETHLEHEM MINES #23	TWENTY MILE CREEK	18.0	CABOT CORP
8131900		4706700542		103		BETHLEHEM MINES #56	JEFFERSON	67.0	CABOT CORP
8132077		4701501785		103		BETHLEHEM MINES CORP #22	HENRY DISTRICT - TWENTY	110.0	CABOT CORP
8132075		4701501787		103		BETHLEHEM MINES CORPORATION #26	HENRY DISTRICT - TWENTY	65.0	CABOT CORP
8131955		4706700523		103		FEDERAL COAL #24	JEFFERSON	110.0	CABOT CORP
8131954		4706700525		103		FEDERAL COAL #26	JEFFERSON DISTRICT - TWE	55.0	CABOT CORP
8132086		4706700530		103		FEDERAL COAL #31	JEFFERSON DISTRICT - TWE	60.0	CABOT CORP
8132071		4700501314		103		WESTERN POCAHONTAS #1	CROCK DISTRICT - MARSH F	110.0	COLUMBIA GAS TRAN
-THE CARTER JONES LUMBER CO				RECEIVED: 05/18/81 JA: WV					
8132026		4709500678		108		MILDRED TUTTLE #1	LINCOLN DISTRICT	15.0	CONSOLIDATED NATU
-TRIO PETROLEUM CORP				RECEIVED: 05/18/81 JA: WV					
8131966		4700701562		103		SHAVER A #1	CHAPEL - GERMAN	30.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 05/18/81 JA: WV					
8131901		4709702114		103		ALMA BRADY #1 1594	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8131918		4700100656		108		CLAY & DORIS STOUT #1 1311	PLEASANT DISTRICT	20.0	CONSOLIDATED GAS
8131965		4700701561		103		FREDA B ENGLE ET AL #2 1626	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131924		4709701836		108		GORDON FITZGERALD #1 1442	MEADE DISTRICT	9.0	COLUMBIA GAS TRAN
8131925		4709701805		108		IVA M SAYRE #1 1428	MEADE DISTRICT	18.0	COLUMBIA GAS TRAN
8132005		4700701538		103		RALPH SHAVER #1 1502	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131917		4700100566		108		W B CLEAVENGER #1 1258	PLEASANT DISTRICT	21.0	CONSOLIDATED GAS
8132004		4700701539		103		WAYNE LLOYD #1 1532	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY				RECEIVED: 05/18/81 JA: WV					
8131911		4701702648		103		DOUGLAS 1-A	RED LICK RUN	0.0	CONSOLIDATED GAS
-VANDERBILT RESOURCES CORPORATION				RECEIVED: 05/18/81 JA: WV					
8131907		4702102953		108		G M RIDDLE I-578	ORMA	11.0	CONSOLIDATED GAS
8132070		4702102942		108		GAINER I-580	ORMA	3.5	CONSOLIDATED GAS
8131905		4704102143		108		PETERSON I-51	ORMA	4.2	CONSOLIDATED GAS
-WARREN EXPLORATIONS INC				RECEIVED: 05/18/81 JA: WV					
8132025		4705120666		102-2		T MARKEY #1		18.0	COLUMBIA GAS TRAN
**********									
** U.S. GEOLOGICAL SURVEY - CASPER,WY									
**********									
-FALCON-COLORADO EXPLORATION INC				RECEIVED: 05/18/81 JA: MT 5					
8132095	M 116-1	2507121750		102-2		1-23 FEDERAL	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8132096	M 122-1	2510521183		103		1-3 FEDERAL	SWANSON CREEK	2.0	MONTANA-DAKOTA UT
8132102	M 135-1	2507121753		103		1-32 FEDERAL	SWANSON CREEK GAS FIELD	15.0	MONTANA-DAKOTA UT
-RAINBOW RESOURCES INC				RECEIVED: 05/18/81 JA: MT 5					
8132098	M 127-1	2503521475		102-2		TWO MEDICINE #1-11	TWO MEDICINE	18.0	
8132104	M 143-1	2503521485		102-2		TWO MEDICINE #1-3	TWO MEDICINE	2.0	
-FARMERS UNION CENTRAL EXCHANGE INC				RECEIVED: 05/18/81 JA: ND 5					
8132093	ND 596-0	3300700158		102-4		FEDERAL 14-32	ELKHORN RANCH	35.0	KOCH HYDROCARBON
8132092	ND 595-0	3300700179		102-4		FEDERAL 9-6	ELKHORN RANCH	30.0	KOCH HYDROCARBON
-TENNECO OIL COMPANY				RECEIVED: 05/18/81 JA: ND 5					

JL NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8132099	ND 128-1	3300700560	102-2 BENJAMIN USA #2-18	BIG STICK	400.0	WESTERN GAS PROCE
8132101	ND 130-1	3300700557	102-2 DAVID USA #4-25	BIG STICK	290.0	WESTERN GAS PROCE
8132100	ND 129-1	3300700516	102-2 STUART USA #3-30	BIG STICK	190.0	WESTERN GAS PROCE
-AMOCO PRODUCTION CO			RECEIVED: 05/18/81 JA: WY 5			
8132106	W 146-1	4900720508	107-TF USA AMOCO W NO 1	ECHO SPRINGS	21.7	CITIES SERVICE GA
-CIG EXPLORATION INC			RECEIVED: 05/18/81 JA: WY 5			
8132103	W 136-1	4900720654	107-TF CIGE 4-4	STANDARD DRAW	1231.0	COLORADO INTERSTA
-JERRY CHAMBERS-OIL PRODUCER			RECEIVED: 05/18/81 JA: WY 5			
8132105	W 145-1	4903721718	102-2 1-22 CHAMBERS FEDERAL	ECHO SPRINGS	228.8	CITIES SERVICE GA
-PRENALTA CORPORATION			RECEIVED: 05/18/81 JA: WY 5			
8132089	W 383-0	4901320874	102-4 PRENALTA GOVT 34-27-33-95	KIREY DRAW	243.0	NORTHERN GAS CO
-TOM BROWN INC			RECEIVED: 05/18/81 JA: WY 5			
8132090	W 587-0	4901321058	102-2 TRIBAL # 24-21	WILDCAT	292.0	MONTANA-DAKOTA UT
8132091	W 588-0	4901320973	102-2 TRIBAL # 25-31	MUDDY RIDGE	277.4	MONTANA-DAKOTA UT
8132097	W 125-1	4901321103	102-2 TRIBAL 24-41	MUDDY RIDGE	513.0	MONTANA-DAKOTA UT
8132094	W 27-1	4901320597	102-2 TRIBAL-TRIGG # 24-43 CWDD	MUDDY RIDGE	44.5	MONTANA-DAKOTA UT
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK						
-BACCARAT OIL LTD			RECEIVED: 05/18/81 JA: OK 8			
8132116		3511300000	103 MOORE #36-1	BARTLESVILLE	0.0	NATIONAL ZINC CO
8132115		3511300000	103 PECK SA	BARTLESVILLE	0.0	NATIONAL ZINC CO
-DOYLE WILLIAMS			RECEIVED: 05/18/81 JA: OK 8			
8132109		3511300000	103 WELL # 12 NW 1-25-11	WOOLAROCK	52.0	NATIONAL ZINC CO
8132110		3511300000	103 WELL #10 N E 1-25-11	BALLEW	55.0	NATIONAL ZINC CO
8132108		3511300000	103 WELL #11 N W 1-25-11	NORTH WOOLAROC	48.0	NATIONAL ZINC CO
8132112		3511300000	108 WELL #4 SW 36-26-11	SW 36-26-11	0.0	NATIONAL ZINC CO
8132111		3511300000	103 WELL #7 SE 1-25-11	BALLEW	40.0	NATIONAL ZINC CO
8132113		3511300000	108 WELL 11-20 NE 20-25-12	NE 20-25-12	25.2	NATIONAL ZINC CO
8132114		3511300000	103 9-SE 20-25-12	HUGHES 9-SE 20-25-12	0.0	NATIONAL ZINC CO
-SERVICE DRILLING CO			RECEIVED: 05/18/81 JA: OK 8			
8132117		3511300000	103 FRED #4-8		0.0	CITIES SERVICE GA
** DEPARTMENT OF ENERGY						
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 05/18/81 JA: CA 9			
*8132088		0402900000	103 242 - #356	NAVAL PETROLEUM RESERVES	183.0	CHEVRON USA INC
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 04/06/81 JA: CA 9			
*8132087		0402900000	102-2 26R - #337	NAVAL PETROLEUM RESERVES	639.0	CHEVRON USA INC

OTHER PURCHASERS

8132087 GETTY OIL CO
8132088 GETTY OIL COMPANY
8132125 NORTHWEST PIPELINE CORPORATION
8132126 SOUTHERN UNION GATHERING COMPANY

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

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
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
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18653 Filed 6–23–81; 8:45 am]
BILLING CODE 6450–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-BUCKHORN OIL CO INC		RECEIVED: 05/19/81 JA: CH							
8132287		3407522765		103		BEILER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132287		3407522765		107-TF		BEILER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132278A		3407522716		103		HOUSE #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132278B		3407522716	D	107-TF		HOUSE #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132279A		3407522719		103		HOUSE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132279B		3407522719	D	107-TF		HOUSE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132286		3407522750		103		MILLER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132286		3407522750		107-TF		MILLER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132289		3407522767		103		RABER #1-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132289		3407522767		107-TF		RABER #1-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132288		3407522766		103		RABER #3-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132288		3407522766		107-TF		RABER #3-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132273A		3407522612		103		RUSSELL #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132273B		3407522612	D	107-TF		RUSSELL #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132274A		3407522613		103		RUSSELL #6	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132274B		3407522613	D	107-TF		RUSSELL #6	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132275A		3407522614		103		RUSSELL #7	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132275B		3407522614	D	107-TF		RUSSELL #7	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132272A		3407522610		103		SCHLAUCH #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132272B		3407522610	D	107-TF		SCHLAUCH #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8132276A		3407522615		103		TAYLOR #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8132276B		3407522615	D	107-TF		TAYLOR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132277A		3407522616		103		TAYLOR #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132277B		3407522616	D	107-TF		TAYLOR #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132283		3407522744		107-TF		TROYER #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132280		3407522741		103		YODER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132280		3407522741		107-TF		YODER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132285		3407522749		103		YODER #19-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132285		3407522749		107-TF		YODER #19-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132282		3407522743		103		YODER #2-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132282		3407522743		107-TF		YODER #2-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132284		3407522745		103		YODER #21-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132284		3407522745		107-TF		YODER #21-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132281		3407522742		103		YODER #24-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132281		3407522742		107-TF		YODER #24-1	MECHANIC	10.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY		RECEIVED: 05/19/81 JA: CH							
8132155		3410322300		103		DAQUE-MARRONE UNIT #1	SHARON	15.0	
8132155		3410322300		107-TF		DAQUE-MARRONE UNIT #1	SHARON	15.0	
8132157		3410322455		103		GILBERT DILLEY #2	SHARON	5.0	
8132157		3410322455		107-TF		GILBERT DILLEY #2	SHARON	5.0	

JD NO	JA CNT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132156		3410322454		103	MONDLE UNIT #1	SHARON	5.0	
8132156		3410322454		107-TF	MONDLE UNIT #1	SHARON	5.0	
8132158		3410322526		103	MOSS UNIT #1	SHARON	10.0	
8132158		3410322526		107-TF	MOSS UNIT #1	SHARON	10.0	
8132159		3410322527		103	MOSS UNIT #2	SHARON	15.0	
8132159		3410322527		107-TF	MOSS UNIT #2	SHARON	15.0	
8132160		3410322530		103	PEDCO UNIT #1	SHARON	10.0	
8132160		3410322530		107-TF	PEDCO UNIT #1	SHARON	10.0	
-BEREA OIL AND GAS CORPORATION					RECEIVED: 05/19/81 JA: OH			
8132164		3415521233		103	B R BURDMAN #1	LIBERTY	2.0	EAST OHIO GAS CO
8132164		3415521233		107-TF	B R BURDMAN #1	LIBERTY	2.0	EAST OHIO GAS CO
8132162		3411925629		103	FRICK #4	RICH HILL	0.0	COLUMBIA GAS TRAN
8132162		3411925629		107-TF	FRICK #4	RICH HILL	0.0	COLUMBIA GAS TRAN
8132163		3415521050		103	ROBERT & ALICE ULP #1	VIENNA	28.8	EAST OHIO GAS CO
8132163		3415521050		107-RT	ROBERT & ALICE ULP #1	VIENNA	28.8	EAST OHIO GAS CO
8132161		3411925413		103	WARNE UNIT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8132161		3411925413		107-TF	WARNE UNIT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
-BROWN PETROLEUM CORP					RECEIVED: 05/19/81 JA: OH			
8132261		3407522905		103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRAN
8132261		3407522905		107-TF	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRAN
-BUCKHORN OIL CO INC					RECEIVED: 05/19/81 JA: OH			
8132262A		3407522441		103	BRUMME #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132262B		3407522441	D	107-TF	BRUMME #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132263A		3407522442		103	BRUMME #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132263B		3407522442	D	107-TF	BRUMME #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132264A		3407522443		103	BRUMME #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132264B		3407522443	D	107-TF	BRUMME #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132269A		3407522546		103	GERBER #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132269B		3407522546	D	107-TF	GERBER #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132270A		3407522547		103	GERBER #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132270B		3407522547	D	107-TF	GERBER #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132271		3407522550		103	KEIM #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132271		3407522550		107-TF	KEIM #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132265A		3407522486		103	RUSSELL #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132265B		3407522486	D	107-TF	RUSSELL #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132266A		3407522487		103	RUSSELL #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132266B		3407522487	D	107-TF	RUSSELL #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132267A		3407522488		103	RUSSELL #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132267B		3407522488	D	107-TF	RUSSELL #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132268A		3407522480		103	RUSSELL #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132268B		3407522480	D	107-TF	RUSSELL #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC					RECEIVED: 05/19/81 JA: OH			
8132290		3411924171		103	B WHITE #4	HIGHLAND	12.0	EAST OHIO GAS CO
8132290		3411924171		107-RT	B WHITE #4	HIGHLAND	12.0	EAST OHIO GAS CO
8132291		3411924179		103	W & C SMITH #1	HIGHLAND	10.0	EAST OHIO GAS CO
8132291		3411924179		107-RT	W & C SMITH #1	HIGHLAND	10.0	EAST OHIO GAS CO
-CLINTON OIL CO					RECEIVED: 05/19/81 JA: OH			
8132306		3411925595		103	CLARK-PORTER UNIT #1-687	SALEM	100.0	
8132306		3411925595		107-TF	CLARK-PORTER UNIT #1-687	SALEM	100.0	
8132305		3411925483		103	D & J MERKER #4-536	CASS	100.0	
8132305		3411925483		107-TF	D & J MERKER #4-536	CASS	100.0	
8132294A		3411924867		103	DALTON #1	BRUSH CREEK	100.0	COLUMBIA GAS TRAN
8132294B		3411924867	D	107-TF	DALTON #1	BRUSH CREEK	100.0	COLUMBIA GAS TRAN

JD NO	JA TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132304		3411925438		103		E C PORTER #1-518	SALEM	75.0	COLUMBIA GAS TRAN
8132304		3411925438		107	TF	E C PORTER #1-518	SALEM	75.0	COLUMBIA GAS TRAN
8132299		3411925159		103		FRED & ALMA MCGEE #1-583	BRUSH CREEK	100.0	
8132299		3411925159		107	TF	FRED & ALMA MCGEE #1-583	BRUSH CREEK	100.0	
8132307		3412724809		103		J WILSON #3	CLAYTON	100.0	NATIONAL OIL & GA
8132307		3412724809		107	TF	J WILSON #3	CLAYTON	100.0	NATIONAL OIL & GA
8132296		3411925031		103		J YOST #1-A	NEWTON	80.0	NATIONAL OIL & GA
8132296		3411925031		107	TF	J YOST #1-A	NEWTON	80.0	NATIONAL OIL & GA
8132295		3411925006		103		MADDEN #1	FALLS	75.0	NATIONAL GAS & OI
8132295		3411925006		107	TF	MADDEN #1	FALLS	75.0	NATIONAL GAS & OI
8132298		3411925033		103		MCCOY - SWINGLE #1	BRUSH CREEK	100.0	COLUMBIA TRANSMIS
8132298		3411925033		107	TF	MCCOY - SWINGLE #1	BRUSH CREEK	100.0	COLUMBIA TRANSMIS
8132308		3413322416		103		OSCAR BRUGMANN SAND & GRAVEL #1-556	SHALERSVILLE	100.0	TIMKEN CO
8132308		3413322416		107	TF	OSCAR BRUGMANN SAND & GRAVEL #1-556	SHALERSVILLE	100.0	TIMKEN CO
8132297		3411925032		103		POTTS #2	NEWTON	150.0	NATIONAL GAS & OI
8132297		3411925032		107	TF	POTTS #2	NEWTON	150.0	NATIONAL GAS & OI
8132300		3411925367		103		RANDY ROBINSON UNIT #1-580	BRUSH CREEK	0.0	
8132300		3411925367		107	TF	RANDY ROBINSON UNIT #1-580	BRUSH CREEK	0.0	
8132302		3411925377		103		RONALD WHITE #1-544	SALEM	100.0	COLUMBIA GAS TRAN
8132302		3411925377		107	TF	RONALD WHITE #1-544	SALEM	100.0	COLUMBIA GAS TRAN
8132303		3411925387		103		RONALD WHITE #2-545	SALEM	100.0	
8132303		3411925387		107	TF	RONALD WHITE #2-545	SALEM	100.0	
8132301		3411925371		103		RUCKER-STOTTS #2-537	CASS	75.0	COLUMBIA GAS TRAN
8132301		3411925371		107	TF	RUCKER-STOTTS #2-537	CASS	75.0	COLUMBIA GAS TRAN
8132293		3411924865		103		SIEGRIST #3	CASS	120.0	COLUMBIA GAS TRAN
8132293		3411924865		107	TF	SIEGRIST #3	CASS	120.0	COLUMBIA GAS TRAN
-CRYSTAL ENERGY		RECEIVED: 05/19/81 JA: CH							
8132309		3410322424		103		AUDRA & LAVADA RAMEY #1	SPENCER	40.0	
8132309		3410322424		107	TF	AUDRA & LAVADA RAMEY #1	SPENCER	40.0	
8132312		3410322507		103		C ROOK #2	SPENCER	36.0	
8132312		3410322507		107	TF	C ROOK #2	SPENCER	36.0	
8132311		3410322498		103		KENNETH & ELLEN BREYLEY #2	SPENCER	36.0	
8132311		3410322458		107	TF	KENNETH & ELLEN BREYLEY #2	SPENCER	36.0	
8132310		3410322446		103		TOM & JANE TROUT #1	CHATHAM	36.0	
8132310		3410322446		107	TF	TOM & JANE TROUT #1	CHATHAM	36.0	
-DERRICK PETROLEUM INC		RECEIVED: 05/19/81 JA: CH							
8132313		3403124087		103		GUY LOWERY #1	JACKSON	0.0	
-DRILLEX INC		RECEIVED: 05/19/81 JA: CH							
8132327		3408520296		103		EDWARD H TRESGER INC #5	PAINTSVILLE	20.0	EAST OHIO GAS
8132327		3408520296		107	TF	EDWARD H TRESGER INC #5	PAINTSVILLE	20.0	EAST OHIO GAS
-EDCO DRILLING & PRODUCING INC		RECEIVED: 05/19/81 JA: CH							
8132329		3407522825		103		BL-1B HERSHBERGER	PAINT	18.0	
8132329		3407522825		107	TF	BL-1B HERSHBERGER	PAINT	18.0	
8132328		3407522142		103		BL-1D TROYER	PAINT	18.0	
8132328		3407522142		107	TF	BL-1D TROYER	PAINT	18.0	
8132334		3411925532		103		BL-2A CONRAD	CASS	18.0	
8132334		3411925532		107	TF	BL-2A CONRAD	CASS	18.0	
8132333		3411925531		103		BL-3A CONRAD	CASS	18.0	
8132333		3411925531		107	TF	BL-3A CONRAD	CASS	18.0	
8132331		3411925519		103		BL-8A LANE	CASS	18.0	
8132331		3411925519		107	TF	BL-8A LANE	CASS	18.0	
8132332		3411925520		103		BL-9A LANE	CASS	18.0	
8132332		3411925520		107	TF	BL-9A LANE	CASS	18.0	

JD NO	JA KT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132330		3407522852		103	KB-1B WEAVER	SALT CREEK	18.0	
8132330		3407522852		107-TF	KB-1B WEAVER	SALT CREEK	18.0	
-EVERFLOW EASTERN INC				RECEIVED: 05/19/81 JA: CH				
8132338		3409920799		107-RT	BECK #2	GOSHEN	0.0	AMERICAN ENERGY S
8132335		3409920756		107-RT	CLINGERMAN #2	ELLSWORTH	0.0	AMERICAN ENERGY S
8132337		3409920764		107-RT	DAVID #1	GOSHEN	0.0	AMERICAN ENERGY S
8132336		3409920760		107-RT	DAVID #2	GOSHEN	0.0	AMERICAN ENERGY S
-FORAKER PRODUCING COMPANY INC				RECEIVED: 05/19/81 JA: CH				
8132343		3411925094		103	BRUCE #1	NEWTON	6.0	
8132343		3411925094		107-TF	BRUCE #1	NEWTON	6.0	
8132345		3411925335		103	C MOORE #4	NEWTON	4.0	
8132345		3411925335		107-TF	C MOORE #4	NEWTON	4.0	
8132340		3411924782		103	CANNON #3	NEWTON	4.0	
8132340		3411924782		107-TF	CANNON #3	NEWTON	4.0	
8132342		3411925062		103	D WILLIAMS #1	NEWTON	7.0	
8132342		3411925062		107-TF	D WILLIAMS #1	NEWTON	7.0	
8132341		3411924979		103	G MOORE #2	NEWTON	4.0	
8132341		3411924979		107-TF	G MOORE #2	NEWTON	4.0	
8132344		3411925118		103	GRAHAM-MOODY #1	NEWTON	5.0	
8132344		3411925118		107-TF	GRAHAM-MOODY #1	NEWTON	5.0	
8132339		3411924553		103	MCCAULEY #1	NEWTON	8.0	
8132339		3411924553		107-TF	MCCAULEY #1	NEWTON	8.0	
8132350		3412724450		103	MCELWEE #2	HARRISON	7.0	
8132350		3412724450		107-TF	MCELWEE #2	HARRISON	7.0	
8132347		3412724351		103	MCNULTY #2	CLAYTON	7.0	
8132347		3412724351		107-TF	MCNULTY #2	CLAYTON	7.0	
8132349		3412724449		103	PEABODY-LEWIS #6	HARRISON	6.0	
8132349		3412724449		107-TF	PEABODY-LEWIS #6	HARRISON	6.0	
8132356		3412724722		103	PEABODY-LEWIS-MCELWEE #3	HARRISON	7.0	
8132356		3412724722		107-TF	PEABODY-LEWIS-MCELWEE #3	HARRISON	7.0	
8132353		3412724503		103	PENROD #1	HARRISON	5.0	
8132353		3412724503		107-TF	PENROD #1	HARRISON	5.0	
8132348		3412724399		103	SHERRICK #1	HARRISON	6.0	
8132348		3412724399		107-TF	SHERRICK #1	HARRISON	6.0	
8132354		3412724640		103	SHERRICK #3	HARRISON	7.0	
8132354		3412724640		107-TF	SHERRICK #3	HARRISON	7.0	
8132352		3412724502		103	TAYLOR #1	CLAYTON	6.0	
8132352		3412724502		107-TF	TAYLOR #1	CLAYTON	6.0	
8132346		3412724390		103	WOLTZ #1	CLAYTON	6.0	
8132346		3412724390		107-TF	WOLTZ #1	CLAYTON	6.0	
8132351		3412724490		103	WOLTZ #2	CLAYTON	7.0	
8132351		3412724490		107-TF	WOLTZ #2	CLAYTON	7.0	
8132355		3412724648		103	WOLTZ #3	CLAYTON	5.0	
8132355		3412724648		107-TF	WOLTZ #3	CLAYTON	5.0	
-GEO ENERGY INC				RECEIVED: 05/19/81 JA: OH				
8132358A		3411925475		103	B KENNEDY #31-1	RICH HILL	5.0	
8132358B		3411925475	D	107-TF	B KENNEDY #31-1	RICH HILL	5.0	
8132166		3412724773		103	LOGAN SAND & GRAVEL#10-1	MONROE	15.0	
8132166		3412724773		107-TF	LOGAN SAND & GRAVEL#10-1	MONROE	15.0	
8132357		3411925472		103	R MCCALL#22-1	HIGHLAND	12.0	
8132357		3411925472		107-TF	R MCCALL#22-1	HIGHLAND	12.0	
-H & S OPERATING COMPANY				RECEIVED: 05/19/81 JA: OH				
8132168		3407522909		103	JOHN P MILLER #1	CLARK	20.0	COLUMBIA GAS TRAN
8132168		3407522909		107-TF	JOHN P MILLER #1	CLARK	20.0	COLUMBIA GAS TRAN

JD NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132167		3407522908		103		JOHN P MILLER #2	CLARK	20.0	COLUMBIA GAS TRAN
8132167		3407522908		107-TF		JOHN P MILLER #2	CLARK	20.0	COLUMBIA GAS TRAN
				RECEIVED: 05/19/81 JA: OH					
-HANLEY HARDIN									
8132169		3410522000		103		J LAMBERT #2	SALSBURY	3.0	
				RECEIVED: 05/19/81 JA: OH					
-IRVIN PRODUCING COMPANY									
8132171		3411925489		103		FRED D GUTRIDGE #2	HOPEWELL	12.0	NATIONAL GAS & OI
8132171		3411925489		107-TF		FRED D GUTRIDGE #2	HOPEWELL	12.0	NATIONAL GAS & OI
8132170		3411922778		103		GEORGE SIMS #1	WAYNE	12.0	COLUMBIA GAS TRAN
8132170		3411922778		107-TF		GEORGE SIMS #1	WAYNE	12.0	COLUMBIA GAS TRAN
				RECEIVED: 05/19/81 JA: OH					
-KATHLEEN L MCSWEENEY									
8132207		3403500004		108		KATHLEEN L MCSWEENEY #1		8.0	EAST OHIO GAS CO
				RECEIVED: 05/19/81 JA: OH					
-KIMBELL PRODUCTION CO									
8132174		3407522709		103		H RABER #1	MECHANIC	28.0	
8132174		3407522709		107-TF		H RABER #1	MECHANIC	28.0	
8132173		3407522708		103		JOHN YODER #1	MECHANIC	28.0	
8132173		3407522708		107-TF		JOHN YODER #1	MECHANIC	28.0	
8132172		3407522252		103		WENGERD-NISLEY-HERSHBERGER #1	MECHANIC	28.0	
8132172		3407522252		107-TF		WENGERD-NISLEY-HERSHBERGER #1	MECHANIC	28.0	
				RECEIVED: 05/19/81 JA: OH					
-KING DRILLING CO									
8132175		3416922417		103		EVA FIKE NO 1	GREEN	10.0	COLUMBIA GAS TRAN
8132176		3416922432		103		IDA M RAMSEYER NO 1	GREEN	0.0	COLUMBIA GAS TRAN
8132176		3416922432		107-TF		IDA M RAMSEYER NO 1	GREEN	0.0	COLUMBIA GAS TRAN
				RECEIVED: 05/19/81 JA: OH					
-LANZER OIL CO									
8132179		3409921312		103		HAWKINS-GLEE #2	SMITH	28.0	
8132179		3409921312		107-TF		HAWKINS-GLEE #2	SMITH	28.0	
8132178		3409913110		103		INGRAHAM-LILLY	SMITH	28.0	
8132178		3409913110		107-TF		INGRAHAM-LILLY	SMITH	28.0	
				RECEIVED: 05/19/81 JA: OH					
-LEADER EQUITIES INC									
8132184		3411924849		103		ARNOLD & EULALIA HUTSON #1	CASS	15.0	
8132184		3411924849		107-TF		ARNOLD & EULALIA HUTSON #1	CASS	15.0	
8132198		3411925316		103		ARNOLD DINGESS #1	CASS	15.0	
8132198		3411925316		107-TF		ARNOLD DINGESS #1	CASS	15.0	
8132186		3411924908		103		CHAD & JANET FOGLE #1	CASS	15.0	
8132186		3411924908		107-TF		CHAD & JANET FOGLE #1	CASS	15.0	
8132182		3411924605		103		CHARLES & CAROL MITCHELL #2	CASS	15.0	
8132182		3411924605		107-TF		CHARLES & CAROL MITCHELL #2	CASS	15.0	
8132205		3412122248		103		EDWARD D & DORENA ALLEN #1	CENTER	15.0	
8132205		3412122248		107-TF		EDWARD D & DORENA ALLEN #1	CENTER	15.0	
8132185		3411924853		103		ERNEST & CAROLYN COCHRAN #1	ADAMS	15.0	
8132185		3411924853		107-TF		ERNEST & CAROLYN COCHRAN #1	ADAMS	15.0	
8132195		3411925221		103		GERALD FOSTER #1	ADAMS	17.0	
8132195		3411925221		107-TF		GERALD FOSTER #1	ADAMS	17.0	
8132200		3411925513		103		GILBERT COX #1	CASS	15.0	
8132200		3411925513		107-TF		GILBERT COX #1	CASS	15.0	
8132201		3411925545		103		GILBERT COX #2	CASS	15.0	
8132201		3411925545		107-TF		GILBERT COX #2	CASS	15.0	
8132189		3411924973		103		GIRL SCOUTS #1	MADISON	15.0	
8132189		3411924973		107-TF		GIRL SCOUTS #1	MADISON	15.0	
8132190		3411925077		103		IDA DURANT #1	ADAMS	10.0	
8132190		3411925077		107-TF		IDA DURANT #1	ADAMS	10.0	
8132196		3411925219		103		IVAN JOHNSON #3	CASS	15.0	
8132196		3411925219		107-TF		IVAN JOHNSON #3	CASS	15.0	
8132193		3411925166		103		IVAN JOHNSON ET AL #2	CASS	15.0	
8132193		3411925166		107-TF		IVAN JOHNSON ET AL #2	CASS	15.0	

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132181		3405922704	103	J R RONSHAUSEN #1	WHEELING	15.0	
8132181		3405922704	107-TF	J R RONSHAUSEN #1	WHEELING	15.0	
8132199		3411925317	103	JOHN GRAHAM #1	CASS	15.0	
8132199		3411925317	107-TF	JOHN GRAHAM #1	CASS	15.0	
8132183		3411924776	103	JOHN GRAHAM #2	CASS	17.0	
8132183		3411924776	107-TF	JOHN GRAHAM #2	CASS	17.0	
8132206		3412122374	103	JOHN WITT #1	BUFFALO	12.0	
8132206		3412122374	107-TF	JOHN WITT #1	BUFFALO	12.0	
8132192		3411925164	103	KENNETH MARTIN ET AL #3	JEFFERSON	15.0	
8132192		3411925164	107-TF	KENNETH MARTIN ET AL #3	JEFFERSON	15.0	
8132194		3411925168	103	KENNETH MARTIN ET AL #4	JEFFERSON	15.0	
8132194		3411925168	107-TF	KENNETH MARTIN ET AL #4	JEFFERSON	15.0	
8132204		3412122154	103	KENNETH R & SHELIA A WILEY #1	BUFFALO	15.0	
8132204		3412122154	107-TF	KENNETH R & SHELIA A WILEY #1	BUFFALO	15.0	
8132197		3411925315	103	LOUIS KOLB #2	MADISON	16.0	
8132197		3411925315	107-TF	LOUIS KOLB #2	MADISON	16.0	
8132191		3411925121	103	M MCBRIDE #1	JEFFERSON	15.0	
8132191		3411925121	107-TF	M MCBRIDE #1	JEFFERSON	15.0	
8132180		3405922629	103	MILO BOZ ET AL #A-1	WHEELING	15.0	
8132180		3405922629	107-TF	MILO BOZ ET AL #A-1	WHEELING	15.0	
8132187		3411924929	103	MONROE & AVERILL ALLEN #1	CASS	15.0	
8132187		3411924929	107-TF	MONROE & AVERILL ALLEN #1	CASS	15.0	
8132202		3412122156	103	RANDOLPH MURPHY #1	BUFFALO	15.0	
8132202		3412122156	107-RT	RANDOLPH MURPHY #1	BUFFALO	15.0	
8132203		3412122184	103	RANDOLPH MURPHY #2	BUFFALO	15.0	
8132203		3412122184	107-TF	RANDOLPH MURPHY #2	BUFFALO	15.0	
8132188		3411924972	103	ROBIN JANE MILSTEAD #1	CASS	12.0	
8132188		3411924972	107-TF	ROBIN JANE MILSTEAD #1	CASS	12.0	
-OHIO PARTNERS OIL CO		RECEIVED: 05/19/81 JA: OH					
8132212		3405922741	103	B DICKINSON #1	KNOX	20.0	COLUMBIA GAS TRAN
8132212		3405922741	107-TF	B DICKINSON #1	KNOX	20.0	COLUMBIA GAS TRAN
8132208		3405921831	103	ENOCHS #1	KNOX	20.0	COLUMBIA GAS TRAN
8132208		3405921831	107-TF	ENOCHS #1	KNOX	20.0	COLUMBIA GAS TRAN
8132211		3405922691	103	J LAWYER ETAL #1	KNOX	100.0	COLUMBIA GAS TRAN
8132211		3405922691	107-TF	J LAWYER ETAL #1	KNOX	100.0	COLUMBIA GAS TRAN
8132209		3405922681	103	MEWHA #2	KNOX	100.0	COLUMBIA GAS TRAN
8132209		3405922681	107-TF	MEWHA #2	KNOX	100.0	COLUMBIA GAS TRAN
8132210		3405922682	103	R MEWHA #1	KNOX	100.0	COLUMBIA GAS TRAN
8132210		3405922682	107-TF	R MEWHA #1	KNOX	100.0	COLUMBIA GAS TRAN
8132213		3412724220	103	S BENEDICT #1	MONROE	100.0	COLUMBIA GAS TRAN
8132213		3412724220	107-TF	S BENEDICT #1	MONROE	100.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO		RECEIVED: 05/19/81 JA: OH					
8132214		3407522876	103	#1 A A TROYER	HARDY	1000.0	COLUMBIA GAS TRAN
8132214		3407522876	107-TF	#1 A A TROYER	HARDY	1000.0	COLUMBIA GAS TRAN
8132215		3407522877	103	#1 ALVIN B MILLER	HARDY	1200.0	COLUMBIA GAS TRAN
8132215		3407522877	107-TF	#1 ALVIN B MILLER	HARDY	1200.0	COLUMBIA GAS TRAN
-ORFMAN PRODUCTION CO		RECEIVED: 05/19/81 JA: OH					
8132318		3409921200	103	A LOHR NO 1	DAMASCUS	7.0	
8132318		3409921200	107-TF	A LOHR NO 1	DAMASCUS	7.0	
8132317		3409921196	103	COURTNEY UNIT NO 4	DAMASCUS	7.0	DAMASCUS GAS CO
8132317		3409921196	107-TF	COURTNEY UNIT NO 4	DAMASCUS	7.0	DAMASCUS GAS CO
8132325		3409921287	103	HAWKINS UNIT NO 1	DAMASCUS	16.0	
8132325		3409921287	107-TF	HAWKINS UNIT NO 1	DAMASCUS	16.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132321		3409921277		103		LERCH UNIT NO 1	DAMASCUS	16.0	
8132321		3409921277		107-TF		LERCH UNIT NO 1	DAMASCUS	16.0	
8132322		3409921278		103		LERCH UNIT NO 2	DAMASCUS	16.0	
8132322		3409921278		107-TF		LERCH UNIT NO 2	DAMASCUS	16.0	
8132323		3409921279		103		LERCH UNIT NO 3	DAMASCUS	16.0	
8132323		3409921279		107-TF		LERCH UNIT NO 3	DAMASCUS	16.0	
8132324		3409921280		103		LERCH UNIT NO 4	DAMASCUS	16.0	
8132324		3409921280		107-TF		LERCH UNIT NO 4	DAMASCUS	16.0	
8132315		3409921179		103		MALMSBERRY A NO 1	DAMASCUS	1.0	DAMASCUS GAS CO
8132315		3409921179		107-TF		MALMSBERRY A NO 1	DAMASCUS	1.0	DAMASCUS GAS CO
8132316		3409921195		103		MYERS B UNIT NO 2	DAMASCUS	3.0	DAMASCUS GAS CO
8132316		3409921195		107-TF		MYERS B UNIT NO 2	DAMASCUS	3.0	DAMASCUS GAS CO
8132319		3409921275		103		MYERS C UNIT NO 1	DAMASCUS	16.0	
8132319		3409921275		107-TF		MYERS C UNIT NO 1	DAMASCUS	16.0	
8132320		3409921276		103		MYERS C UNIT NO 2	DAMASCUS	16.0	
8132320		3409921276		107-TF		MYERS C UNIT NO 2	DAMASCUS	16.0	
8132326		3409921295		103		RURITAN UNIT NO 1	DAMASCUS	16.0	
8132326		3409921295		107-TF		RURITAN UNIT NO 1	DAMASCUS	16.0	
8132314		3409921132		103		WAGNER NO 2	DAMASCUS	16.0	
8132314		3409921132		107-TF		WAGNER NO 2	DAMASCUS	16.0	
-ONEAL PETROLEUM INC		RECEIVED: 05/19/81 JA: OH							
8132216		3412122124		103		C HILL #4	BUFFALO	22.0	COLUMBIA GAS TRAN
8132216		3412122124		107-TF		C HILL #4	BUFFALO	22.0	COLUMBIA GAS TRAN
8132217		3412122125		103		DRUMM #1	SENCA	6.0	COLUMBIA GAS TRAN
8132217		3412122125		107-TF		DRUMM #1	SENCA	6.0	COLUMBIA GAS TRAN
8132218		3412122198		103		GREGORY #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8132218		3412122198		107-TF		GREGORY #1	BUFFALO	30.0	COLUMBIA GAS TRAN
-PAGE P BLAKEMORE		RECEIVED: 05/19/81 JA: OH							
8132165		3416725443		103		FOREST MILLER NO 1-F	GRANDVIEW	18.6	
8132260		3416725575		103		RACER NO 2	GRANDVIEW	11.6	
-PATRICK T DONNELLY DBA LANDPROVEST		RECEIVED: 05/19/81 JA: OH							
8132177		3411925588		103		WARDEN WEST #5A	SONORA	25.0	
8132177		3411925588		107-TF		WARDEN WEST #5A	SONORA	25.0	
-POMINEX INC		RECEIVED: 05/19/81 JA: OH							
8132219		3409921257		103		ANTAC INVESTMENTS #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132219		3409921257		107-TF		ANTAC INVESTMENTS #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132220		3409921258		103		GRACE-KANDRAY UNIT #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132220		3409921258		107-TF		GRACE-KANDRAY UNIT #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132221		3409921259		103		HOWARD HOFF #1	BEAVER	35.0	REPUBLIC STEEL CO
8132221		3409921259		107-TF		HOWARD HOFF #1	BEAVER	35.0	REPUBLIC STEEL CO
-RESOURCE EXPLORATION INC		RECEIVED: 05/19/81 JA: OH							
8132222		3406720404		103		D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132222		3406720404		107-TF		D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132224		3406720409		103		J STULL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132224		3406720409		107-TF		J STULL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132223		3406720405		103		KENNETH G MAROSELL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132223		3406720405		107-TF		KENNETH G MAROSELL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
-SHELDON L TURRILL		RECEIVED: 05/19/81 JA: OH							
8132251		3412724797		103		#1 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132251		3412724797		107-TF		#1 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132252		3412724798		103		#2 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132252		3412724798		107-TF		#2 F HITE	MADISON	50.0	NATIONAL GAS & OI
-STRATA EXPLORATION INC LTD		RECEIVED: 05/19/81 JA: OH							

JD NO	JA DKT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132229		3407522790		103		#1 ABE DAN & SARAH RABER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132229		3407522790		107-TF		#1 ABE DAN & SARAH RABER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132236		3407522802		103		#1 ALBERT RABER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132236		3407522802		107-TF		#1 ALBERT RABER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132231		3407522792		103		#1 ANDY J & S KURTZ	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132231		3407522792		107-TF		#1 ANDY J & S KURTZ	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132235		3407522801		103		#1 DAVID O SCHLABACH	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132235		3407522801		107-TF		#1 DAVID O SCHLABACH	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132237		3407522803		103		#1 DAVID MILLER & ELI YODER UNIT	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132237		3407522803		107-TF		#1 DAVID MILLER & ELI YODER UNIT	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132234		3407528000		103		#1 DAVID S YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132234		3407528000		107-TF		#1 DAVID S YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132241		3407522878		103		#1 EASTERN HOLMES SPORTSMAN ASSOCI*	HARDY	1250.0	COLUMBIA GAS TRAN
8132241		3407522878		107-TF		#1 EASTERN HOLMES SPORTSMAN ASSOCI*	HARDY	1250.0	COLUMBIA GAS TRAN
8132226		3407522787		103		#1 ELI B MILLER	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132226		3407522787		107-TF		#1 ELI B MILLER	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132227		3407522788		103		#1 ELI D & S E MILLER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132227		3407522788		107-TF		#1 ELI D & S E MILLER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132233		3407522799		103		#1 ELI D MULLET	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132233		3407522799		107-TF		#1 ELI D MULLET	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132232		3407522794		103		#1 EMMA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132232		3407522794		107-TF		#1 EMMA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132239		3407522815		103		#1 FERDINAND & E STUTZMAN	MECHANIC	1150.0	COLUMBIA GAS TRAN
8132239		3407522815		107-TF		#1 FERDINAND & E STUTZMAN	MECHANIC	1150.0	COLUMBIA GAS TRAN
8132240		3407522875		103		#1 HOWARD KEIRNS	HARDY	750.0	
8132240		3407522875		107-TF		#1 HOWARD KEIRNS	HARDY	750.0	
8132230		3407522791		103		#1 JOE AND EDNA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132230		3407522791		107-TF		#1 JOE AND EDNA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132238		3407522814		103		#1 LEVI A AND MARY YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132238		3407522814		107-TF		#1 LEVI A AND MARY YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132228		3407522789		103		#1 NANCY RABER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132228		3407522789		107-TF		#1 NANCY RABER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132225		3407522780		103		#1 PAUL YOUNG	HARDY	775.0	COLUMBIA GAS TRAN
8132225		3407522780		107-TF		#1 PAUL YOUNG	HARDY	775.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 05/19/81 JA: OH					
8132245		3405922786		103		A WENTZ #1	GUERNSEY	0.0	
8132245		3405922786		107-TF		A WENTZ #1	GUERNSEY	0.0	
8132248		3405922817		103		HATFIELD #2	GUERNSEY	0.0	
8132248		3405922817		107-TF		HATFIELD #2	GUERNSEY	0.0	
8132250		3405922874		103		LINN #4	GUERNSEY	0.0	
8132250		3405922874		107-TF		LINN #4	GUERNSEY	0.0	
8132249		3405922818		103		PADEN/B S A 1	GUERNSEY	0.0	
8132249		3405922818		107-TF		PADEN/B S A 1	GUERNSEY	0.0	
8132247		3405922816		103		WENTZ 2	GUERNSEY	0.0	
8132247		3405922816		107-TF		WENTZ 2	GUERNSEY	0.0	
8132246		3405922813		103		WITTMER #1	GUERNSEY	0.0	
8132246		3405922813		107-TF		WITTMER #1	GUERNSEY	0.0	
-UNITED PETROLEUM CORP				RECEIVED: 05/19/81 JA: OH					
8132254		3409920731		107-RT		BROWN #5	ELLSWORTH	0.0	AMERICAN ENERGY S
8132256		3409920828		107-RT		COMAN #1	BERLIN	0.0	AMERICAN ENERGY S
8132255		3409920745		107-RT		STEEL PLANT #1	ELLSWORTH	0.0	AMERICAN ENERGY S
8132253		3409920730		107-RT		STERNAGLE #1	ELLSWORTH	0.0	AMERICAN ENERGY S
-VESCORP INDUSTRIES INC				RECEIVED: 05/19/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132258		3415723279		103	D IMMEL #1	WAYNE	90.0	COLUMBIA GAS TRAN
8132258		3415723279		107-TF	D IMMEL #1	WAYNE	90.0	COLUMBIA GAS TRAN
8132257		3407522127		103	SEMAC INDUSTRIES #2-527	MECHANIC	100.0	
8132257		3407522127		107-TF	SEMAC INDUSTRIES #2-527	MECHANIC	100.0	
-WILLIAM N TIPKA					RECEIVED: 05/19/81 JA: OH			
8132243		3405922733		103	BOWEN #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8132243		3405922733		107-TF	BOWEN #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8132244		3406720383		103	M BERTINE #3	FREEPORT	8.0	LIBBEY-OWENS-FORD
8132244		3406720383		107-TF	M BERTINE #3	FREEPORT	8.0	LIBBEY-OWENS-FORD
8132242		3405922725		103	R YOUNG #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8132242		3405922725		107-TF	R YOUNG #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
-WILLIAM V CANTLIN					RECEIVED: 05/19/81 JA: OH			
8132292		3411925575		103	TROUT #1	BRUSH CREEK	18.0	
8132292		3411925575		107-TF	TROUT #1	BRUSH CREEK	18.0	
-WOA INC & MELLENCO INC					RECEIVED: 05/19/81 JA: OH			
8132259		3410322368		103	SMITH #1	GRANGER	20.0	

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	R: Revision of Redetermination by Jurisdictional Agency C: Correction to Prior Fed. Reg. Notice
						Not. 108
81-00583	OK	Petro Lewis Corp	Fritts No. 2 (Medrano)	300	10-22-80	C: 102-4 and 103 Approved
81-17278	OK	Samson Resources	Guenzel Unit No. 1	376	03-19-81	C: 102-4 and 103 Approved
81-20867	TX	Clayton W. Williams Jr.	Gataga Gas Unit #5-A	394	03-31-81	C: Field Name Vermeju (Ellenberger)
81-23198-81-23202	LA	Lock Arbor Production Co.	Smith Et al Nos. 17, 18, 19, 21, 24	406	04-21-81	C: 103 and 108 approved
81-24367	OK	Union Oil Co. of California	Hoffmann #3-2	412	05-01-81	C: 102-4 and 103 Approved
81-24975	TX	Windsor Producing Co.	Jackson No. 1	415	05-11-81	C: 102 not 103
81-25264	NM	Phillips Petroleum Company	East Vac GB/SA TR 3236 #007	416	05-11-81	C: 103 Approved, Not 108
81-27217	US5	Getty Oil Company	Mystery Creek Well No. 1-16	425	05-20-81	C: JA Docket "ND 94-1"
81-28043	KS	Anadarko Production Co.	Interstate C No. 11	429	05-18-81	C: Well Name
81-28431	NM	Phillips Petroleum Co.	Philmex #1	430	05-21-81	C: 108 Approved, not 103
81-28816	OH	MB Operating Co. Inc.	MWCD #9	432	05-28-81	C: From 103 to 107-6
81-28832	OH	John C. Mason	Manelius Schlabach #1	432	05-28-81	C: Well Name

BILLING CODE 6450-01-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 detemination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

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
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
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18654 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–01–M

Determinations by Jurisdictional Agencies under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA DKT	FFI FD	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
				TEXAS RAILROAD COMMISSION			
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 05/15/81 JA: TX				
8131599	32828	4223931476	102-4	SYLVAN GURINSKY ET AL #1-06048	ROSE FIELD FRIO	55.0	
8131599	32828	4223931476	103	SYLVAN GURINSKY ET AL #1-06048	ROSE FIELD FRIO	55.0	
-AMOCO PRODUCTION CO			RECEIVED: 05/15/81 JA: TX				
8131626	33475	4220330781	102-4	EMANUEL WASHINGTON GAS UNIT WELL	BLOCKER/PAGE/	146.0	UNITED GAS PIPELI
8131615	33295	4200332415	103	FULLERTON SAN ANDRES UNIT #62	FULLERTON SAN ANDRES	4.8	AMOCO PRODUCTION
8131884	33900	4213333430	103	GOLDSMITH LANDRETH DEEP UNIT #203	GOLDSMITH (CLEARFORK)	19.4	PHILLIPS PETROLEU
-APACHE CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131593	32656	4248330617	107-DP	STILES #5-16	STILES RANCH (ATOKA)	328.5	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/15/81 JA: TX				
8131618	33369	4213100000	108	HAGIST RANCH A-10	HAGIST RANCH (ARGO NE)	5.5	NATURAL GAS PIPEL
-BILL J GRAHAM			RECEIVED: 05/15/81 JA: TX				
8131614	33170	4210900000	108	TXL - 9 #2	GERALDINE (FORD)	0.0	CONTINENTAL OIL C
-BOJA OIL CO			RECEIVED: 05/15/81 JA: TX				
8131865	34119	4206500000	108	IDA 00180 #1	PANHANDLE	1.3	CABOT CORP
8131866	34120	4206500000	108	IDA 00180 #2	PANHANDLE	0.7	CABOT CORP
-BRAZOS PETROLEUM CO			RECEIVED: 05/15/81 JA: TX				
8131606	32948	4232930881	103	SNELL NO 1 WELL #25921	SPRABERRY (TREND AREA)	43.8	PHILLIPS PETROLEU
-BRIGHT & COMPANY			RECEIVED: 05/15/81 JA: TX				
8131622	33464	4225530795	103	FOEGELLE-KUNKEL GU #1	PANNA MARIA (EDWARDS)	1000.0	VALERO TRANSMISSI
-CAG PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131600	32873	4205131246	102-2	ROSE NO 2 RRC 13682	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CARTER ENERGY CORP			RECEIVED: 05/15/81 JA: TX				
8131644	33552	4223900000	103	#2 ARMSTRONG	BOOKSVILLE (BEND CONGLOM	0.0	TEXAS UTILITIES F
-CARTER EXPLORATION CO			RECEIVED: 05/15/81 JA: TX				
8131752	33748	4223900000	102-4	C D WILKERSON NO 1	COLLIER EAST (2525 SAND)	200.0	HOUSTON PIPE LINE
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 05/15/81 JA: TX				
8131604	32932	4235130936	103	D L GLASS NO 1	CONGER SW (PENN)	235.0	NORTHERN NATURAL
8131597	32813	4215700000	103	DRYDEN J W NO 6	STRATTON	24.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY			RECEIVED: 05/15/81 JA: TX				
8131679	33599	4217900000	108	GOODE A #1	PANHANDLE EAST	7.5	COLTEXO CORP
8131678	33598	4217900000	108	HUDGINS A #1	PANHANDLE EAST	17.9	COLTEXO CORP
8131666	33585	4206500000	108	JORDAN BROWN A NC 1	WEST PANHANDLE	4.1	SHELL OIL CO
8131677	33597	4217900000	108	KENNEDY B #1	PANHANDLE EAST	8.2	COLTEXO CORP
8131676	33596	4217900000	108	NOEL B #1	PANHANDLE EAST	7.5	COLTEXO CORP
8131675	33595	4217900000	108	NOEL B #2	PANHANDLE EAST	17.1	COLTEXO CORP
8131665	33584	4239300000	108	PARSELL RANCH A #1	PARSELL (MORROW UPPER)	13.0	TRANSWESTERN PIPE
8131674	33594	4217900000	108	PERKINS B #2	PANHANDLE EAST	9.6	COLTEXO CORP
8131673	33593	4217900000	108	PERKINS D #1	PANHANDLE EAST	13.2	COLTEXO CORP
8131672	33592	4217900000	108	PERKINS D #2	PANHANDLE EAST	7.7	COLTEXO CORP
8131671	33591	4217900000	108	PERKINS E #1	PANHANDLE EAST	8.5	COLTEXO CORP

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LC NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8131664	33582	4217900000		108		SULLIVAN A #1
8131670	33589	4217900000		108		UPHAM GAS CO #1
8131669	33588	4217900000		108		UPHAM GAS CO #2
8131668	33587	4217900000		108		UPHAM GAS CO #3
8131667	33586	4217900000		108		UPHAM GAS CO #4
8131596	32713	4250531240		102-2		VELA A NO 1
				RECEIVED: 05/15/81 JA: TX		
-COLA PETROLEUM INC						
8131802	33897	4217930726		103		BIDWELL #1
8131824	33976	4238331641		103		GORDON 138 #1
8131826	33978	4238331650		103		HOLT 112 #1
8131825	33977	4246131627		103		PRICE 29 #1
8131803	33898	4217930744		103		SAYE #1
				RECEIVED: 05/15/81 JA: TX		
-COLUMBIA GAS DEVELOPMENT CORP						
8131819	33962	4205131252		102-2		J K PEARCE NO 1
8131820	33963	4205131213		102-2		W H & J T KRUEGER NC 1
				RECEIVED: 05/15/81 JA: TX		
-COMMAND-MERGNER ENERGY CORP						
8131607	32952	4213332144		102-4		NELSON NO 1 WELL LEASE NO 16585
				RECEIVED: 05/15/81 JA: TX		
-CONOCO INC						
8131852	34016	4210900000		103		RAMSEY-22-#11 ID #24217
8131765	33769	4248500000		103		T J & J L WAGGONER-ADE-#33
8131764	33768	4248535088		103		T J & J L WAGGONER-ADE-#36
8131848	34070	4203330583		103		T J GOOD-35-#1
				RECEIVED: 05/15/81 JA: TX		
-COASTAL OIL & GAS CORP						
8131768	33778	4237530754		103		BIVINS 1615 RD
8131611	33019	4237530744		103		BIVINS 2135RD
8131811	33920	4237530745		103		BIVINS 2829RD
8131833	34019	4237530764		103		BIVINS 3313 S
8131766	33776	4237530763		103		BIVINS 3403 S
8131767	33777	4237530756		103		BIVINS 5066RD
				RECEIVED: 05/15/81 JA: TX		
-DALLAS PRODUCTION INC						
8131581	32181	4222130446		102-2		COOK C NO 1
8131591	32622	4222130443		102-2		WILLIAMS C NO 1
				RECEIVED: 05/15/81 JA: TX		
-DIAMOND SHAMROCK CORPORATION						
8131861	34108	4234100000		108		BROWN NO 1
				RECEIVED: 05/15/81 JA: TX		
-EL PASO NATURAL GAS COMPANY						
8131612	33032	4243530555		108		DEBERRY - BOYETT UNIT #2
				RECEIVED: 05/15/81 JA: TX		
-ENERGETICS INC						
8131788	33839	4214930451		102-2		MELBA F YOUNG NO 1 ID #13160
8131801	33888	4202130251		102-2		W T KIESCHNIK A NC 1 #13383
				RECEIVED: 05/15/81 JA: TX		
-ENRE CORP						
8131828	33982	4212130341		102-4		W A MERRITT JR #1
				RECEIVED: 05/15/81 JA: TX		
-EVCO ENTERPRISES						
8131884	34140	4206500000		108		IDA BLOCK 01626 #1
8131885	34141	4206500000		108		IDA BLOCK 01626 #2
8131886	34142	4206500000		108		IDA BLOCK 01626 #3
				RECEIVED: 05/15/81 JA: TX		
-EXXON CORPORATION						
8131805	33903	4204730866		103		D J SULLIVAN B 50 (ID PENDING)
*8131738	33721	4204730847		103		D J SULLIVAN F-17 (89343)
*8131731	33708	4213133902		102-4		EXXON-YATES RANCH FEE #5 #86204
8131620	33399	4239330762		103		FLOWERS TRUST #2-L
8131773	33794	4222732229		103		H R CLAY #32
8131806	33905	4249930827		103		HAWKINS FIELD UNIT #1197
8131610	32969	4239330764		103		J C VOLLMERT #3-L

FIELD NAME	PROD	PURCHASER
WEST PANHANDLE	12.4	CITIES SERVICE CO
PANHANDLE EAST	7.6	COLTEXO CORP
PANHANDLE EAST	10.5	COLTEXO CORP
PANHANDLE EAST	3.8	COLTEXO CORP
PANHANDLE EAST	3.2	COLTEXO CORP
MIGLEL CREEK 8200	45.0	
EAST PANHANDLE	3.4	PHILLIPS PETROLEU
CALVIN (DEAN)	37.8	UNION TEXAS PETRO
CALVIN (DEAN)	172.1	UNION TEXAS PETRO
CALVIN (DEAN)	64.8	UNION TEXAS PETRO
EAST PANHANDLE	10.8	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	61.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK)	52.0	FERGUSON CROSSING
SHOAF-MERGNER (MISS)	0.0	INTERNATIONAL CRU
FORD WEST (4100)	19.3	EL PASO NATURAL G
WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
JO HILL (SPRAYBERRY)	1.1	
PANHANDLE (RED CAVE)	29.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	104.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	26.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	7.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	41.0	COLORADO INTERSTA
MCINTOSH (STRAWN)	92.0	SOUTHWESTERN GAS
MCINTOSH (STRAWN)	168.0	SOUTHWESTERN GAS
PANHANDLE WEST	3.0	NORTHERN NATURAL
SONORA CANYON UPPER	27.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	110.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEU
MCNEATH (ATOKA UPPER)	307.0	TEXAS UTILITIES F
PANHANDLE	2.0	GETTY OIL CO
PANHANDLE	0.4	GETTY OIL CO
PANHANDLE	0.4	GETTY OIL CO
PITA (E-7-E)	173.0	TENNESSEE GAS PIP
CARL PETERS (D-4-B)	402.0	ARMCO STEEL CORP
FARMERS LIFE (1780)	274.0	ARMCO STEEL CORP
MENDOTA NW (GRANITE WASH	196.0	TRANSWESTERN PIPE
HOWARD GLASSCOCK (GLORIE	0.1	PHILLIPS PETROLEU
HAWKINS	5.5	
MENDOTA NW (GRANITE WASH	1360.0	TRANSWESTERN PIPE

OD NO	DA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131609	32968	4239330764	103	J C VOLLMERT #3-U	MENDOTA NW (DOUGLAS LO)	455.0	TRANSWESTERN PIPE
*8131706	33643	4227331316	102-4	K R ALAZAN 324-F (80453)	ALAZAN (J-80)	550.0	ARMCO STEEL CORP
*8131707	33644	4227331325	103	K R ALAZAN 329-D (06998)	ALAZAN (ALL ZONES)	730.0	ARMCO STEEL CORP
*8131708	33645	4227331335	103	K R ALAZAN 329-F (06998)	ALAZAN (ALL ZONES)	100.0	ARMCO STEEL CORP
*8131709	33646	4227331366	102-4	K R ALAZAN 336 (86380)	ALAZAN (I-83)	900.0	ARMCO STEEL CORP
*8131723	33684	4226130517	102-4	K R BADENO 6 (86587)	SAN JOSE SOUTH (G-35 I)	0.0	ARMCO STEEL CORP
*8131720	33679	4226130519	102-4	K R BADENO 7 (85551)	SAN JOSE SOUTH (G-35 I)	900.0	ARMCO STEEL CORP
*8131715	33668	4227331403	103	K R BORREGOS 551-F (06544)	BORREGOS (COMBINED ZONES	37.0	ARMCO STEEL CORP
*8131719	33678	4226130450	102-4	K R SAN JOSE DE LA PARRA 24-F	CALANDRIA (F-78)	730.0	ARMCO STEEL CORP
*8131732	33710	4226130518	102-4	K R SAN JOSE DE LA PARRA 27-F	CALANDRIA (F-91)	900.0	ARMCO STEEL CORP
*8131733	33711	4226130544	103	K R SAN JOSE DE LA PARRA 28-F	CALANDRIA (H-73)	550.0	ARMCO STEEL CORP
*8131734	33712	4226131566	102-4	K R SAN JOSE DE LA PARRA 29-D	CALANDRIA (G-56)	365.0	ARMCO STEEL CORP
*8131735	33713	4226130566	102-4	K R SAN JOSE DE LA PARRA 29-F	CALANDRIA (G-15)	770.0	ARMCO STEEL CORP
*8131736	033714	4226130565	102-4	K R SAN JOSE DE LA PARRA 30 (88861)	CALANDRIA (F-68)	365.0	ARMCO STEEL CORP
*8131688	33619	4227331201	102-4	K R SEELIGSON E-94 (09049)	T-C-B EAST (20-1-4 N)	18.0	ARMCO STEEL CORP
*8131687	33618	4227331367	102-4	K R TIJERINA A-62 (09327)	T-C-B EAST (20-1-4 S)	21.0	ARMCO STEEL CORP
*8131696	33627	4227331369	102-4	K R VISNAGA 17 (85362)	YEARY (J-13)	730.0	ARMCO STEEL CORP
*8131743	33727	4227331357	103	KING RANCH ALAZAN #337	KING RANCH ALAZAN 337 (8	146.0	ARMCO STEEL CORP
*8131713	33660	4227331250	102-4	KING RANCH ALAZAN 309 (09651)	HINCJOSA (F-53)	60.0	ARMCO STEEL CORP
*8131712	33659	4227331320	102-4	KING RANCH ALAZAN 320-F	HINCJOSA N	45.0	ARMCO STEEL CORP
*8131744	33728	4227331353	103	KING RANCH ALAZAN 328-D (84907)	HINCJOSA	949.0	ARMCO STEEL CORP
*8131710	33647	4227331387	102-4	KING RANCH ALAZAN 338 (86729)	ALAZAN	840.0	ARMCO STEEL CORP
*8131741	33724	4227331434	103	KING RANCH ALAZAN 346-D (87950)	ALAZAN (I-83)	803.0	ARMCO STEEL CORP
*8131730	33706	4227331269	102-4	KING RANCH BORREGOS M-17-E (09115)	ESCONDIDO CREEK	35.0	ARMCO STEEL CORP
*8131748	33736	4227331215	103	KING RANCH BORREGOS 543-F (76624)	BORREGOS	400.0	ARMCO STEEL CORP
*8131729	33696	4227331254	103	KING RANCH BORREGOS 545-F (76388)	BORREGOS (ZONE F-5)	325.0	ARMCO STEEL CORP
*8131728	33695	4227331271	103	KING RANCH BORREGOS 549 (84057)	BORREGOS	650.0	ARMCO STEEL CORP
*8131750	33740	4227331463	103	KING RANCH BORREGOS 554 (88749)	BORREGOS (ZONE S-7 NW)	1800.0	ARMCO STEEL CORP
*8131727	33693	4227331470	103	KING RANCH BORREGOS 555-T (90506)	BORREGOS (J-19)	500.0	ARMCO STEEL CORP
*8131737	33719	4227331295	102-4	KING RANCH CANELO 36 (09606)	CANELO (E-67)	18.0	ARMCO STEEL CORP
*8131683	33613	4227300000	103	KING RANCH CHILTIPIN 54 (09019)	LOBO SE (F-70)	40.0	ARMCO STEEL CORP
*8131746	33730	4227331219	103	KING RANCH CHILTIPIN 58 (07894)	LOBO SE (F-79)	18.0	ARMCO STEEL CORP
*8131745	33729	4227331371	103	KING RANCH CHILTIPIN 70	HINCJOSA N	4.0	ARMCO STEEL CORP
*8131701	33634	4227331283	103	KING RANCH EAST LAURELS G-37	LAGUNA LARGA	500.0	ARMCO STEEL CORP
*8131726	33692	4226130439	103	KING RANCH SAN JOSE DE LA PARRA	CALANDRIA	657.0	ARMCO STEEL CORP
*8131749	33739	4226130580	103	KING RANCH SAN JOSE DE LA PARRA 33	CALANDRIA (E-02)	700.0	ARMCO STEEL CORP
*8131702	33635	4227331454	103	KING RANCH SEELIGSON C-204-T 9032	SEELIGSON (ZONE 21-F)	360.0	ARMCO STEEL CORP
*8131686	33617	4227331401	102-4	KING RANCH SEELIGSON E-107 (09388)	T-C-B EAST (20-1 4 NE)	12.0	ARMCO STEEL CORP
*8131716	33670	4227331270	102-4	KING RANCH STRATTON P-253 (77552)	STRATTON	730.0	ARMCO STEEL CORP
*8131714	33662	4227331409	103	KING RANCH VISNAGA 19 (09559)	INFERNILLO (L-70 SEG B)	96.0	ARMCO STEEL CORP
*8131717	33675	4227330569	102-4	KING RANCH WEST BORREGOS M-102-C	BORREGOS W	100.0	ARMCO STEEL CORP
*8131718	33676	4226130490	103	KR SAN JOSE DE LA PARRA 24-D .6	CALANDRIA	620.0	ARMCO STEEL CORP
8131631	33481	4202531429	103	LAURA T BARROW #15 (ID PENDING)	LAURA THOMSON (4850)	340.0	NATURAL GAS PIPEL
8131762	33762	4200332538	103	MEANS/SAN ANDRES/ UNIT #1812	MEANS	4.0	PHILLIPS PETROLEU
8131608	32960	4200332527	103	MEANS/SAN ANDRES/UNIT #1460	MEANS	13.0	PHILLIPS PETROLEU
*8131684	33614	4226130564	103	MRS S K EAST 111-F (90102)	RITA N E (H-75)	876.0	ARMCO STEEL CORP
*8131685	33615	4226130423	102-4	MRS S K EAST 92 (82773)	RITA SE (O-53 II)	365.0	ARMCO STEEL CORP
*8131724	33686	4226130460	103	MRS S K EAST 99-F (89694)	RITA NE (H-75)	730.0	ARMCO STEEL CORP
*8131689	33620	4248930577	103	R J K JR STILLMAN 37 (80153)	TORDILLA	475.0	ARMCO STEEL CORP
*8131725	33689	4204730345	103	R J K JR TR BARROSA PASTURE 13-F	PITA N W (H-50)	511.0	ARMCO STEEL CORP
*8131704	33641	4204730613	102-4	R J K JR TR LOS MUERTOS 24 (81593)	VIBORAS WEST (I-65)	830.0	ARMCO STEEL CORP
*8131739	33722	4204730696	102-4	R J K JR TR LOS MUERTOS 27-D	EL AZUL (H-42)	430.0	ARMCO STEEL CORP
*8131694	33625	4204730684	103	R J K JR TR QUITERIA PASTURE 89	VIBORAS	100.0	ARMCO STEEL CORP

JT NO	DA TAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8131711	33656	4226130472		102-4		R J K JR TR STILLMAN PASTURE 42	STILLMAN (I-61)	1095.0	ARMCO STEEL CORP
*8131691	33622	4248930609		102-4		R J K JR TR STILLMAN PASTURE 44	TORDILLA (J-58)	365.0	ARMCO STEEL CORP
*8131722	33681	4226130226		103		R J K JR TR STILLMAN 34-D (74038)	STILLMAN	1022.0	ARMCO STEEL CORP
*8131721	33680	4226130475		103		R J K JR TR STILLMAN 38-D (84782)	STILLMAN	219.0	ARMCO STEEL CORP
*8131690	33621	4226130441		103		R J K JR TR STILLMAN 41 (84780)	TORDILLA	657.0	ARMCO STEEL CORP
*8131698	33629	4204730833		102-4		R J K JR TR VIBCRAS PASTURE 89-F	VIBCRAS (G-54 VIII W)	750.0	ARMCO STEEL CORP
*8131700	33633	4204730763		102-4		R J K JR TR VP-83-F (87248)	VIBCRAS (MASSIVE 2ND VII	1278.0	ARMCO STEEL CORP
*8131705	33642	4204730807		102-4		R J K JR TR VP-88-F (89358)	VIBCRAS (MASSIVE FIRST 5	1095.0	ARMCO STEEL CORP
*8131697	33628	4204730833		102-4		R J K JR TR VP-85-D (09607)	VIBCRAS (ZONE 2 SEG VIII	50.0	ARMCO STEEL CORP
*8131703	33637	4204730830		102-4		R J K JR TR ZACH PASTURE ST 8-F	VIBCRAS (ZONE 2 VIII C)	50.0	ARMCO STEEL CORP
*8131692	33623	4204730584		102-4		R J K JR TR ZACH PASTURE 9	VIBCRAS (ZONE 3-C VIII N	540.0	ARMCO STEEL CORP
*8131693	33624	4204730342		102-4		R J KLEBERG QUITERIA PASTURE 74-C	VIBCRAS (8500 SOUTH)	720.0	ARMCO STEEL CORP
*8131740	33723	4204730785		102-4		SANTA FE RANCH 57-D (89425)	SANTA FE (1ST MASSIVE 1	730.0	ARMCO STEEL CORP
*8131634	33488	4234730441		103		TRAWICK GAS UNIT 11 #2U	TRAWICK (JAMES)	300.0	ARMCO STEEL CORP
*8131619	33373	4234730478		103		TRAWICK GAS UNIT 3 #4	TRAWICK (JAMES)	250.0	ARMCO STEEL CORP
*8131742	33726	4204730693		103		VFGU #1 V-79-D (81315)	VIBCRAS (G-54)	200.0	ARMCO STEEL CORP
*8131699	33632	4204730787		103		VFGU #1 V-86-F (87902)	VIBCRAS (MASSIVE 1ST EAS	365.0	ARMCO STEEL CORP
*8131747	33731	4204730803		103		VFGU #1 V-87-D (87157)	VIBCRAS (MASSIVE SECOND	500.0	ARMCO STEEL CORP
*8131695	33626	4204730599		103		VIBCRAS FIELD GU NO 1 V-68-D 7519	VIBCRAS	913.0	ARMCO STEEL CORP
-FLAG-REDFERN OIL CO				RECEIVED: 05/15/81 JA: TX					
8131890	34158	4246131684		103		E S DARBY NO 1 WELL #08738	KING MOUNTAIN N (BEND)	82.1	WARREN PETROLEUM
-G DEPRANG OIL CO				RECEIVED: 05/15/81 JA: TX					
8131827	33981	4208331932		103		DEPRANG B # 15 (15143)	FRANCES (JENNINGS SAND)	5.0	UNION TEXAS PETRO
-GENESIS PETROLEUM CORP				RECEIVED: 05/15/81 JA: TX					
8131586	32421	4232100060		102-4		STATE TRACT 309 AC 3	OLIVER POINT S (4050)	109.0	DOW CHEMICAL USA
-GEODYNAMICS OIL & GAS				RECEIVED: 05/15/81 JA: TX					
8131760	33760	4205130968		102-2		PATTERSON E #2	STONE CITY (AUSTIN CHALK	67.0	CLAJON GAS CO
8131834	34021	4205131316		102-2		PATTERSON E #3	STONE CITY (AUSTIN CHALK	65.0	CLAJON GAS CO
8131585	32406	4205131057		102-2		V HYVL NO 1	CALDWELL (AUSTIN CHALK)	173.0	CHAMPLIN PETROLEU
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 05/15/81 JA: TX					
8131781	33818	4224931261		103		BARRON-HENDRICKS #4	ALFRED WEST (2000)	0.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED: 05/15/81 JA: TX					
8131755	33755	4213533548		103		GOLDSMITH SAN ANDRES UNIT NO 2-171	GOLDSMITH	82.5	PHILLIPS PETROLEU
8131800	33886	4247532242		103		HUTCHINGS STOCK ASSN WELL NO 1118	WAGON WHEEL (PENN)	217.0	CABOT CORP
8131757	33757	4249504361		108		IDA HENDRICK A NO 4	KERMIT	1.1	CABOT CORP
8131761	33761	4249501800		108		IDA HENDRICK A NO 6	KERMIT	4.0	CABOT CORP
8131849	34071	4249501803		108		IDA HENDRICK A WELL NO 8	KERMIT	2.0	CABOT CORP
8131754	33753	4210510869		108		J H TIPPETT E NO 7	TIPPETT WEST (5050 WOLFC	8.0	NELEH GAS & OIL
8131756	33756	4241330603		108		O DEAL A NO 2	P W - CANYON	5.0	CRA INC
-HIGHLAND RESOURCES INC				RECEIVED: 05/15/81 JA: TX					
8131888	34149	4200130957		102-4		ELTON BOMER ET AL #1	BLACKFOOT NORTH (RODESSA	50.0	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED: 05/15/81 JA: TX					
8131623	33469	4221131249		103		CLEVELAND 84-1 (90746)	HEMPHILL/GRANITE WASH/	52.9	PALO DURO PIPELIN
8131751	33745	4247532544		102-2		HIRSCH ESTATE 857 #1 ID #87321	BIG COWBOY	27.4	HOUSTON PIPELINE
8131751	33745	4247532544		103		HIRSCH ESTATE 857 #1 ID #87321	BIG COWBOY	27.4	HOUSTON PIPELINE
8131584	32370	4243532164		103		MAYFIELD 46-2 (84727)	SAWYER/CANYON/	77.4	INTRATEX GAS CO
8131813	33935	4243532431		103		SAWYER 4 #4 (91991)	SAWYER/CANYON/	91.3	INTRATEX GAS CO
8131813	33935	4243532431		107-TF		SAWYER 4 #4 (91991)	SAWYER/CANYON/	91.3	INTRATEX GAS CO
8131590	32585	4243532288		103		SAWYER 4-1 (88268)	SAWYER/CANYON/	182.5	INTRATEX GAS CO
8131590	32585	4243532288		107-TF		SAWYER 4-1 (88268)	SAWYER/CANYON/	182.5	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 05/15/81 JA: TX					
8131605	32947	4231732204		103		ALLAR #1	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEU
8131621	33462	4245130589		102-4		HOBLIT-JACOBS ET AL #1	ALLEN HILL (STRAWN)	191.0	LONE STAR GAS CO

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-J M HUBER CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131682	33612	4223330924	103	WEATHERLY C NO 58	PANHANDLE	11.0	COLORADO INTERSTA
-JADE ENTERPRISES INC			RECEIVED: 05/15/81 JA: TX				
8131867	34121	4217900000	108	CHAPMAN A 00220 #1	PANHANDLE	4.3	COLTEXO CORP
8131868	34122	4217900000	108	CHAPMAN A 00220 #2	PANHANDLE	13.0	COLTEXO CORP
-JATAM INC			RECEIVED: 05/15/81 JA: TX				
8131601	32894	4243130929	103	JATAM INC KNIGHT-142	JAMESON (STRAWN)	48.0	SUN OIL CO
-JENNINGS EXPLORATION CO			RECEIVED: 05/15/81 JA: TX				
8131772	33782	4250731415	102-4	NO 26-1 H&F PROPERTIES 91920	AIRSTRIP EAST (ELAINE)	68.0	VALERO TRANSMISSI
-JOHN Q MCCABE			RECEIVED: 05/15/81 JA: TX				
8131850	34074	4241300000	108	J F WEBSTER B #3	FT MCKAVITT (4270 LIME)	0.0	ARCO OIL & GAS CO
-JOHN R THOMPSON OPERATING INC			RECEIVED: 05/15/81 JA: TX				
8131829	33991	4220700000	103	HARRISON ESTATE #1	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
8131864	34118	4220700000	103	HARRISON ESTATE #3	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
8131889	34152	4220700000	103	HARRISON ESTATE #4	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
-K-M CO			RECEIVED: 05/15/81 JA: TX				
8131624	33472	4213300000	108	MORRIS -H- #45 ID-17305	ANZAC (GARDNER)	16.3	UNION TEXAS PETRO
-KENNEDY & CHANEY			RECEIVED: 05/15/81 JA: TX				
8131831	34012	4247500000	103	DORR NO 7 #07229	WARE SOUTH	72.0	DELHI GAS PIPELIN
-KETAL OIL PRODUCING CO			RECEIVED: 05/15/81 JA: TX				
8131753	33752	4208130639	103	PENTECOST NO 1	MEADOW CREEK (CANYON)	9.0	
-LA SALLE ENERGY CORP			RECEIVED: 05/15/81 JA: TX				
8131787	33836	4214930720	102-2	GREGG RING #1	GIDDINGS	0.0	
-MADERA R F			RECEIVED: 05/15/81 JA: TX				
8131625	33473	4250300000	108	SHEPARD B J #2 ID-87188	YOUNG COUNTY REG (GAS)	10.9	SUN GAS TRANSMISS
-MAY PETROLEUM INC			RECEIVED: 05/15/81 JA: TX				
8131818	33955	4219530749	103	MCCLELLAN #1 (04682)	GRUVER N W (MORROW UPPER	547.5	PANHANDLE EASTERN
-MEWBOURNE OIL COMPANY			RECEIVED: 05/15/81 JA: TX				
8131841	34053	4229530701	103	TREGELLAS 675 #1 WELL	PEERY (CLEVELAND)	10.0	TRANSWESTERN PIPE
-MGF OIL CORP			RECEIVED: 05/15/81 JA: TX				
8131854	34096	4223531651	103	WINTERBOTHAM B #3	DOVE CREEK (CANYON -C-)	81.0	CRA INC
-MILLWEE OIL INC			RECEIVED: 05/15/81 JA: TX				
8131587	32529	4222732215	102-4	WHITAKER #1	MILLWEE (CANYON REEF)	36.5	GETTY OIL CO
-MITCHELL ENERGY CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131639	33501	4237330390	103	ALLEN C WILLIAMS #1	SANDY CREED (AUSTIN CHAL	164.0	
8131840	34051	4249700000	103	ASCCU #14-1	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRODUCING TX & NM INC			RECEIVED: 05/15/81 JA: TX				
8131594	32679	4230130259	102-4	CHRISTOPHER NO 2	WHEAT (CHERRY CANYON)	10.6	INTRATEX GAS CO
8131595	32686	4250531275	102-4	VILLARREAL GUTIERREZ UNIT NO 1	WILDCAT	929.3	
-MONSANTO COMPANY			RECEIVED: 05/15/81 JA: TX				
8131839	34048	4221131258	103	FIELDS-STATE #1	PARSELL (MORROW UPPER)	400.0	TRANSWESTERN PIPE
-MONTERREY PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131842	34057	4247931912	103	BLOCKER RANCH E WELL 5 (91151)	APACHE RANCH (OLMOS)	70.0	DELHI GAS PIPELIN
8131853	34094	4247931914	103	BLOCKER RANCH F WELL NO 6 (91150)	APACHE RANCH (OLMOS)	70.0	DELHI GAS PIPELIN
-MORAN EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131816	33952	4210536234	103	JONES MILLER #2-C	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
8131817	33953	4210532634	103	JONES MILLER #2-T	THOMASON (STRAWN)	0.0	NORTHERN NATURAL
-MR OIL CO			RECEIVED: 05/15/81 JA: TX				
8131791	33854	4247532256	103	DORR NO 12 #25917	WARE SOUTH	60.0	DELHI GAS PIPELIN
8131792	33855	4247500000	103	DORR NO 9 #25917	WARE SOUTH	60.0	DELHI GAS PIPELIN
-OILWELL OPERATORS INC			RECEIVED: 05/15/81 JA: TX				
8131892	34184	4217900000	108	MORSE ALEXANDER #1 26470	PANHANDLE-EAST	5.0	PHILLIPS PETROLEU
8131894	34186	4217900000	108	MORSE ALEXANDER A 26471	PANHANDLE-EAST	6.0	PHILLIPS PETROLEU

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JD NO	DA NBR	API NO	T SEC CAT	WELL NAME	FIELD NAME	PRCL	PURCHASER
8131893	34185	4217900000	108	MORSE ALEXANDER E 26472	PANHANDLE-EAST	8.0	PHILLIPS PETROLEU
-OMEGA PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131638	33500	4223732213	108	WIMBERLY NO 1	LUCY(CONGL)	18.0	NATURAL GAS PIPEL
-PALO-PLACER			RECEIVED: 05/15/81 JA: TX				
8131582	32219	4246131631	103	LONG 37-1	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
-PARAGON RESOURCES INC			RECEIVED: 05/15/81 JA: TX				
8131616	33328	4216130614	102-A	CANNON ESTATE #1	DONIE (RODESSA)	255.0	
8131616	33328	4216130614	103	CANNON ESTATE #1	DONIE (RODESSA)	255.0	
-PARKER & PARSLEY INC			RECEIVED: 05/15/81 JA: TX				
8131613	33074	4232930951	103	BAKER WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PAUL DE CLEVA			RECEIVED: 05/15/81 JA: TX				
8131786	33834	4244731774	103	MCKNIGHT A NO 1	GOBER	15.0	GREAT WESTERN GAS
8131785	33833	4249731426	103	PORTWOOD NO 1	BOOKSVILLE BEND CONGL	105.0	NATURAL GAS PIPEL
-PENNZOIL PRODUCING COMPANY			RECEIVED: 05/15/81 JA: TX				
8131812	33933	4235506346	108	B B SIMMONDS NO 7	AGUA DULCE (5400)	20.0	UNITED GAS PIPE L
-PETERSON/GORDON			RECEIVED: 05/15/81 JA: TX				
8131643	33545	4250333964	103	DAILY #1	YOUNG COUNTY REGULAR	50.0	SOUTHWESTERN GAS
-PETROLEUM TECHNICAL SERVICES CO			RECEIVED: 05/15/81 JA: TX				
8131891	34161	4236731961	103	BRYD NO 2	H & R (BEND CONGL)	3.6	SOUTHWESTERN GAS
8131815	33943	4213533533	103	COWDEN 33 NO 3	COWDEN SOUTH	33.3	ODESSA NATURAL CO
8131830	34011	4205131227	103	LOEHR A NO 1	GIDDINGS (AUSTIN CHALK)	101.8	FERGUSON CROSSING
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 05/15/81 JA: TX				
8131776	33808	4217900000	108	ANNIE #3	PANHANDLE GRAY	0.0	
8131798	33878	4217900000	108	ANNIE #4	PANHANDLE GRAY	0.0	
8131775	33807	4217900000	108	ANNIE #5	PANHANDLE GRAY	0.0	
8131774	33806	4217900000	108	ANNIE #6	PANHANDLE GRAY	0.0	
8131778	33812	4217900000	108	CLAY #11	PANHANDLE GRAY	0.0	
8131780	33816	4217900000	108	CLAY #4	PANHANDLE GRAY	0.0	
8131779	33815	4217900000	108	CLAY #6	PANHANDLE GRAY	0.0	
8131777	33811	4217900000	108	CLAY #9	PANHANDLE GRAY	0.0	
8131814	33942	4234100000	108	RACHEL #1	HORSE CREEK NW-MORROW LC	0.0	EL PASO NATURAL E
8131860	34005	4242100000	108	WITTER B #5	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
-R L KIRKWOOD JR			RECEIVED: 05/15/81 JA: TX				
8131589	32571	4202500000	103	DAN A HUGHES WELL NO 5 ID NO 05872	FRIENDSHIP CHURCH (HOCKL	60.0	VALERO TRANSMISSI
8131588	32529	4202500000	103	DAN A HUGHES WELL NO 6 ID NO 05872	FRIENDSHIP CHURCH (HOCKL	60.0	VALERO TRANSMISSI
-RALPH L WAY INC			RECEIVED: 05/15/81 JA: TX				
8131627	33477	4238331571	103	UNIVERSITY 9A #5	FARMER (SAN ANDRES)	5.4	NORTHERN NATURAL
8131628	33478	4238331572	103	UNIVERSITY 9A #6	FARMER (SAN ANDRES)	16.2	NORTHERN NATURAL
8131629	33479	4238331573	103	UNIVERSITY 9A #7	FARMER (SAN ANDRES)	13.5	NORTHERN NATURAL
8131630	33480	4238331574	103	UNIVERSITY 9A #8	FARMER (SAN ANDRES)	10.8	NORTHERN NATURAL
-RALPH SPENCE			RECEIVED: 05/15/81 JA: TX				
8131681	33607	4207300000	108	PRATHER NO 1	RICAPPY (RODESSA)	180.0	LONE STAR GAS CO
-RIO PETROLEUM INC			RECEIVED: 05/15/81 JA: TX				
8131641	33542	4217930793	103	RIO #1 PAMELA	PANHANDLE GRAY COUNTY	20.0	PIONEER NATURAL G
-S C EVANS			RECEIVED: 05/15/81 JA: TX				
8131876	34132	4206500000	108	B F BLOCK (00080) #1	PANHANDLE	0.8	GETTY OIL CO
8131877	34133	4206500000	108	B F BLOCK (00080) #2	PANHANDLE	0.2	GETTY OIL CO
8131878	34134	4206500000	108	B F BLOCK (00080) #3	PANHANDLE	0.8	GETTY OIL CO
8131879	34135	4206500000	108	B F BLOCK (00080) #5	PANHANDLE	4.0	GETTY OIL CO
8131880	34136	4206500000	108	B F BLOCK (00080) #6	PANHANDLE	1.2	GETTY OIL CO
8131881	34137	4206500000	108	B F BLOCK (00080) #7	PANHANDLE	1.2	GETTY OIL CO
8131882	34138	4206500000	108	B F BLOCK (00080) #8	PANHANDLE	0.8	GETTY OIL CO
8131883	34139	4206500000	108	B F BLOCK (00080) #9	PANHANDLE	0.4	GETTY OIL CO

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8131869	34125	4217900000	108	J T BENTON (00292) #2	PANHANDLE	0.0	PHILLIPS PETROLEU
8131870	34126	4217900000	108	J T BENTON (00292) #3	PANHANDLE	0.1	PHILLIPS PETROLEU
8131871	34127	4217900000	108	J T BENTON (00292) #4	PANHANDLE	0.2	PHILLIPS PETROLEU
8131872	34128	4217900000	108	J T BENTON (00292) #5	PANHANDLE	0.3	PHILLIPS PETROLEU
8131873	34129	4217900000	108	J T BENTON (00292) #6	PANHANDLE	0.0	PHILLIPS PETROLEU
8131874	34130	4217900000	108	J T BENTON (00292) #7	PANHANDLE	0.0	PHILLIPS PETROLEU
8131875	34131	4217900000	108	J T BENTON (00292) #8	PANHANDLE	0.2	PHILLIPS PETROLEU
-SAGE ENERGY COMPANY				RECEIVED: 05/15/81 JA: TX			
8131859	34104	4228730738	103	DREAMER #1 RRC #13565	GIDDINGS (AUSTIN CHALK)	19.0	PHILLIPS PETROLEU
8131592	32641	4214930602	102-2	PLUM B #1 RRC #13654	GIDDINGS (AUSTIN CHALK)	35.0	FALCON GAS CO
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 05/15/81 JA: TX			
8131809	33911	4229732127	102-4	CHARLES L BODDEN NO 5L	GEORGE WEST WEST (8500)	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY				RECEIVED: 05/15/81 JA: TX			
8131783	33823	4238331834	103	ARMSTRONG NO 1	BENEDUM (SPRABERRY)	19.3	PHILLIPS PETROLEU
8131782	33822	4238331809	103	GARDNER NO 4	BENEDUM (SPRABERRY)	20.4	PHILLIPS PETROLEU
8131603	32927	4246131651	103	HANKS NO 3	SPRABERRY (TREND AREA)	9.1	PHILLIPS PETROLEU
8131784	33827	4246131634	103	WINDHAM C NO 1	SPRABERRY (TREND AREA)	19.3	EL PASO NATURAL G
-SCANDRILL CO				RECEIVED: 05/15/81 JA: TX			
8131851	34079	4250334746	103	KISINGER NO 7	NAPECO (MISS)	405.5	SOUTHWESTERN GAS
-SHELL OIL CO				RECEIVED: 05/15/81 JA: TX			
8131855	34098	4250131907	103	DENVER UNIT WELL NO 3133	WASSON	15.7	SHELL OIL CO
8131856	34099	4250131909	103	DENVER UNIT WELL NO 4122	WASSON	22.6	SHELL OIL CO
8131857	34100	4250131908	103	DENVER UNIT WELL NO 4233	WASSON	38.7	SHELL OIL
8131858	34101	4250131903	103	DENVER UNIT WELL NO 4234	WASSON	38.7	SHELL OIL CO
8131807	33907	4216531860	103	T O STARK WELL NO 30	ROBERTSON N (CLEARFORK 7	6.5	PHILLIPS PETROLEU
8131808	33908	4216531854	103	T O STARK WELL NO 31	ROBERTSON N (CLEARFORK 7	2.2	PHILLIPS PETROLEU
-SHILLELAGH CORP				RECEIVED: 05/15/81 JA: TX			
8131598	32820	4242932639	103	LEDPETTER #1 RRC #16745	STEPHENS COUNTY REGULAR	73.0	LONE STAR GAS CO
-SOHIO PETROLEUM CO				RECEIVED: 05/15/81 JA: TX			
8131810	33918	4223300000	108	SANFORD NO 1-77	WEST PANHANDLE	12.0	J M HUBER CORP
-SOJOURNER DRILLING CORP				RECEIVED: 05/15/81 JA: TX			
8131844	34064	4225331600	102-4	W H MARSH #5 (15343)	JAY (CANYON LIME)	39.0	PALO DURO PIPELIN
8131846	34066	4225331601	102-4	W H MARSH #6 (15343)	JAY (CANYON LIME)	39.0	PALO DURO PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED: 05/15/81 JA: TX			
8131836	34023	4210300000	103	BRYANT 20 #4	CRAWAR	16.0	EL PASO NATURAL G
8131793	33865	4246100000	103	ONEAL SAN ANDRES UNIT #60	MCELROY	6.0	PHILLIPS PETROLEU
8131794	33866	4246100000	103	ONEAL SAN ANDRES UNIT #61	MCELROY	6.0	PHILLIPS PETROLEU
8131795	33867	4246100000	103	ONEAL SAN ANDRES UNIT #62	MCELROY	4.0	PHILLIPS PETROLEU
8131796	33868	4246100000	103	ONEAL SAN ANDRES UNIT #63	MCELROY	2.7	PHILLIPS PETROLEU
-SUBURBAN PROPANE GAS CORP				RECEIVED: 05/15/81 JA: TX			
8131822	33971	4216300000	108	C R THOMPSON GAS UNIT #1	WEST BIG FOOT / GAS	21.1	TRANSCONTINENTAL
8131823	33972	4216300000	108	GORDON E TATE #4	WEST BIG FOOT / GAS	21.0	TRANSCONTINENTAL
8131821	33970	4216300000	108	SAM CURTIS #3	WEST BIG FOOT / GAS	20.6	TRANSCONTINENTAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/15/81 JA: TX			
8131657	33571	4218300000	108	C BROWN NO 18	EAST TEXAS	0.5	MOBIL OIL CORP
8131648	33561	4208130908	103	CENTRAL NATIONAL BANK -A- #14	LYGAY	27.0	LONE STAR GAS CO
8131659	33574	4245900000	108	EVA OBYRNE NO 6	EAST TEXAS	0.1	UNITED GAS PIPE L
8131661	33576	4240100000	108	FINNEY NO 15	EAST TEXAS	0.1	PARADE CO
8131662	33577	4240100000	108	FINNEY NO 2A	EAST TEXAS	0.1	PARADE CO
8131642	33544	4235330974	102-4	GERTRUDE WITHERS #4	WITHERS (ELLENBURGER)	6.9	PALO DURO PIPELIN
8131647	33560	4219931504	103	GULF FEE LOT 14 NO 1	SARATOGA (WEST)	92.0	UNITED TEXAS TRAN
8131649	33563	4235531568	103	H L MCCANN NO 24	ARNOLD DAVID	300.0	
8131602	32912	4243330955	102-4	I S MCMILLIN A/C 2 #10	MCMILLIN (CANYON REEF)	8.9	CITIES SERVICE CO

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JD NO	GA NAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131652	33566	4218300000		108		J C GRAY NO 11	EAST TEXAS	0.6	UNITED GAS PIPE L
8131653	33567	4218300000		108		J C GRAY NO 18	EAST TEXAS	0.5	UNITED GAS PIPE L
8131656	33510	4218300000		108		J C GRAY NO 19	EAST TEXAS	1.0	UNITED GAS PIPE L
8131654	33568	4218300000		108		J C GRAY NO 4	EAST TEXAS	0.6	UNITED GAS PIPE L
8131651	33565	4218300000		108		J C MCKINLEY NO 3	EAST TEXAS	0.7	UNITED GAS PIPE L
8131658	33572	4218300000		108		J C MCKINLEY NO 6	EAST TEXAS	1.0	UNITED GAS PIPE L
8131580	32168	4242731329		103		J W KINCAID NO 3	LA COPITA (4900)	762.0	
8131646	33558	4233531702		103		JAMES H NAIL JR TRUSTEE #1	DIXON (STRAWN)*	8.0	LONE STAR GAS CO
8131663	33578	4218300000		108		M T COLE NO 36	EAST TEXAS	1.0	ARCO OIL & GAS CO
8131645	33556	4218300000		108		M T COLE NO 43	EAST TEXAS	1.0	ARCO OIL & GAS CO
8131650	33564	4219931467		103		SUN FEE LOT 26 NC 1	SARATOGA	15.0	UNITED TEXAS TRAN
8131579	32161	4233531832		103		V T MCCABE NO 37	JAMESON N (ODOM)	84.0	LONE STAR GAS CO
8131660	33575	4218300000		108		WEBB NO 7	EAST TEXAS	0.6	UNITED GAS PIPE L
8131655	33569	4218300000		108		WILLIAM COBB NO 4	EAST TEXAS	0.2	UNITED GAS PIPE L
-TEXACO INC						RECEIVED: 05/15/81 JA: TX			
8131758	33758	4243130937		103		COPE-ANDREWS UNIT #1	CONGER SW (PENN)	236.0	
8131759	33759	4243130865		103		V E BROWNFIELD #1	CONGER (PENN)	369.0	
-TEXAS OIL & GAS CORP						RECEIVED: 05/15/81 JA: TX			
8131852	34089	4228531450		102-4		KOLONKO #1 #88407	KINKLER	100.0	DELHI GAS PIPELIN
-TEXLAND-RECTOR & SCHUMACHER						RECEIVED: 05/15/81 JA: TX			
8131771	33781	4236332074		102-4		C B LONG NO 1-54	BEAR CANYON (BEND CONGL)	110.0	SOUTHWESTERN GAS
8131637	33494	4236731403		103		HERMAN STROUD NO 1	BUCK RANCH (STRAWN)	40.0	SOUTHWESTERN GAS
8131636	33492	4236731506		103		W K YOUNG A UNIT NO 1	BUCK RANCH (STRAWN)	90.0	SOUTHWESTERN GAS
-THOMAS D COFFMAN INC						RECEIVED: 05/15/81 JA: TX			
8131790	33851	4214930410		102-2		ZATOPEK NO 1 062267	GIDDINGS (AUSTIN CHALK)	10.0	SOUTH CEN-TEX GAS
-UNC TEXAS INC						RECEIVED: 05/15/81 JA: TX			
8131835	34022	4249700000		108		B KELLEY #2 RRC ID #28884	BOONSVILLE (BEND CONGL)	8.5	LONE STAR GAS CO
-UNION TEXAS PETROLEUM						RECEIVED: 05/15/81 JA: TX			
8131617	33367	4223531520		103		FARMAR 45-10 #2	ROCK PEN (CANYON) CANYON	7.8	CRA INC
8131635	33490	4223531286		103		FARMAR 56 #5	ROCK PEN (CANYON) CANYON	31.8	CRA INC
8131789	33842	4223531373		103		SKELLY-SUGG 45 #2	CANYON B ROCK PEN (SEC 4	95.0	CRA INC
-W R EDWARDS JR						RECEIVED: 05/15/81 JA: TX			
8131862	34112	4223300000		103		BARNHILL #23-1	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8131863	34113	4223300000		103		BARNHILL #36-1	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8131843	34058	4223300000		103		BEARKILLER #34	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8131845	34065	4223300000		103		BEARKILLER #36	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8131838	34027	4223300000		103		JOHN PAUL #12	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8131837	34026	4223300000		103		JOHN PAUL #6	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
-WARREN PETR CO A DIV OF GULF OIL CO						RECEIVED: 05/15/81 JA: TX			
8131770	33780	4210332346		103		M F HENDERSON NO 167	UNIVERSITY-WADDELL (DEVC	46.0	EL PASO NATURAL G
8131887	34146	4210332468		103		STATE EB NO 11	DUNE	2.0	EL PASO NATURAL G
8131680	33600	4210332282		103		W N WADDELL ET AL NC 1161	SAND HILLS (JUDKINS)	30.0	EL PASO NATURAL G
8131769	33779	4210332272		103		W N WADDELL ET AL NC 1170	SAND HILLS (JUDKINS)	185.0	EL PASO NATURAL G
8131799	33885	4210332401		103		W N WADDELL NO 1142	WADDELL	9.0	EL PASO NATURAL G
-WILBROOK EXPLORATION INC						RECEIVED: 05/15/81 JA: TX			
8131797	33873	4213332576		103		PARSLEY #2 (16341)	MANGUM NORTH (3200)	92.0	ODESSA NATURAL CO
-WILSON ENERGY INC						RECEIVED: 05/15/81 JA: TX			
8131763	33767	4210500000		103		GULF STATE 20 A #3 08272	FARMER (SAN ANDRES)	109.0	BIG LAKE GASOLINE
-WM GRUENERWALD & ASSOC INC						RECEIVED: 05/15/81 JA: TX			
8131633	33485	4234130558		103		MASTERSON H #16 03947	PANHANDLE (RED CAVE)	44.0	COLORADO INTERSTA
8131632	33484	4234130557		103		MASTERSON H #17 03947	PANHANDLE (RED CAVE)	12.7	COLORADO INTERSTA
-WOODHAM CORP						RECEIVED: 05/15/81 JA: TX			
8131640	33536	4250731364		102-4		RAINE NO 1	INDEPENDENCE WEST (OLMOS	183.0	VALERO TRANSMISSI
-WY-VEL CORP						RECEIVED: 05/15/81 JA: TX			
8131847	34068	4223330565		103		SOUTHLAND #7 (04341)	PANHANDLE HUTCHINSON COL	15.0	PHILLIPS PETROLEU
-ZONERGY INC						RECEIVED: 05/15/81 JA: TX			
8131583	32266	4205100000		102-2		JOHNNIE JOHNSON #1	GIDDINGS	0.0	FERGUSON CROSSING

OTHER PURCHASERS

8131619	E I DUPONT DE NEMOURS & CO INC
8131634	E I DUPONT DE NEMOURS & CO INC
8131683	E I DUPONT DE NEMOURS & CO INC
8131684	E I DUPONT DE NEMOURS & CO INC
8131685	E I DUPONT DE NEMOURS & CO INC
8131686	E I DUPONT DE NEMOURS & CO INC
8131687	E I DUPONT DE NEMOURS & CO INC
8131688	E I DUPONT DE NEMOURS & CO INC
8131689	E I DUPONT DE NEMOURS & CO INC
8131690	E I DUPONT DE NEMOURS & CO INC
8131691	E I DUPONT DE NEMOURS & CO INC
8131692	E I DUPONT DE NEMOURS & CO INC
8131693	E I DUPONT DE NEMOURS & CO INC
8131694	E I DUPONT DE NEMOURS & CO INC
8131695	E I DUPONT DE NEMOURS & CO INC
8131696	E I DUPONT DE NEMOURS & CO INC
8131697	E I DUPONT DE NEMOURS & CO INC
8131698	E I DUPONT DE NEMOURS & CO INC
8131699	E I DUPONT DE NEMOURS & CO INC
8131700	E I DUPONT DE NEMOURS & CO INC
8131701	E I DUPONT DE NEMOURS & CO INC
8131702	E I DUPONT DE NEMOURS & CO INC
8131703	E I DUPONT DE NEMOURS & CO INC
8131704	E I DUPONT DE NEMOURS & CO INC
8131705	E I DUPONT DE NEMOURS & CO INC
8131706	E I DUPONT DE NEMOURS & CO INC
8131707	E I DUPONT DE NEMOURS & CO INC
8131708	E I DUPONT DE NEMOURS & CO INC
8131709	E I DUPONT DE NEMOURS & CO INC
8131710	E I DUPONT DE NEMOURS & CO INC
8131711	E I DUPONT DE NEMOURS & CO INC
8131712	E I DUPONT DE NEMOURS & CO INC
8131713	E I DUPONT DE NEMOURS & CO INC
8131714	E I DUPONT DE NEMOURS & CO INC
8131715	E I DUPONT DE NEMOURS & CO INC
8131716	E I DUPONT DE NEMOURS & CO INC
8131717	E I DUPONT DE NEMOURS & CO INC
8131718	E I DUPONT DE NEMOURS & CO INC
8131719	E I DUPONT DE NEMOURS & CO INC
8131720	E I DUPONT DE NEMOURS & CO INC
8131721	E I DUPONT DE NEMOURS & CO INC
8131722	E I DUPONT DE NEMOURS & CO INC
8131723	E I DUPONT DE NEMOURS & CO INC
8131724	E I DUPONT DE NEMOURS & CO INC
8131725	E I DUPONT DE NEMOURS & CO INC
8131726	E I DUPONT DE NEMOURS & CO INC
8131727	E I DUPONT DE NEMOURS & CO INC
8131728	E I DUPONT DE NEMOURS & CO INC
8131729	E I DUPONT DE NEMOURS & CO INC
8131730	E I DUPONT DE NEMOURS & CO INC
8131731	E I DUPONT DE NEMOURS & CO INC
8131732	E I DUPONT DE NEMOURS & CO INC
8131733	E I DUPONT DE NEMOURS & CO INC
8131734	E I DUPONT DE NEMOURS & CO INC
8131735	E I DUPONT DE NEMOURS & CO INC
8131736	E I DUPONT DE NEMOURS & CO INC
8131737	E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-01-C

OTHER PURCHASERS VOLUME NO 2444

8131738	E I DUPONT DE NEMOURS & CO INC
8131739	E I DUPONT DE NEMOURS & CO INC
8131740	E I DUPONT DE NEMOURS & CO INC
8131741	E I DUPONT DE NEMOURS & CO INC
8131742	E I DUPONT DE NEMOURS & CO INC
8131743	E I DUPONT DE NEMOURS & CO INC
8131744	E I DUPONT DE NEMOURS & CO INC
8131745	E I DUPONT DE NEMOURS & CO INC
8131746	E I DUPONT DE NEMOURS & CO INC
8131747	E I DUPONT DE NEMOURS & CO INC
8131748	E I DUPONT DE NEMOURS & CO INC
8131749	E I DUPONT DE NEMOURS & CO INC
8131750	E I DUPONT DE NEMOURS & CO INC

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

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
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
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18652 Filed 6-23-81; 8:45 am]
BILLING CODE 6450-01-M

JD	JA AT	API NO	D SEC CAT WELL NAME	FIELD NAME	PRCL	PURCHASER
TEXAS RAILROAD COMMISSION						
-ADAMS EXPLORATION CO			RECEIVED: 05/15/81 JA: TX			
8131461	26377	4237133072	103 CLARK #1	ABELL (CLEARFORK 3200)	325.0	
-ADOBE OIL & GAS CORPORATION			RECEIVED: 05/15/81 JA: TX			
8131430	24642	4213332328	102-4 KERR #2	MANGUM NORTH (3200)	151.0	ODESSA NATURAL CO
-AGOIL INC			RECEIVED: 05/15/81 JA: TX			
8131269	12588	4246931303	102-4 MCCAN NO 8	CRANE FIELD	91.0	TENNESSEE GAS PIP
8131269	12588	4246931303	103 MCCAN NO 8	CRANE FIELD	91.0	TENNESSEE GAS PIP
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 05/15/81 JA: TX			
8131573	32066	4240100000	103 C B DORSEY GAS UNIT #2 WELL #1	HENDERSON NORTH (COTTON	104.0	UNITED GAS PIPE L
8131573	32066	4240100000	107-TF C B DORSEY GAS UNIT #2 WELL #1	HENDERSON NORTH (COTTON	104.0	UNITED GAS PIPE L
-AMOCO PRODUCTION CO			RECEIVED: 05/15/81 JA: TX			
*8131564	31427	4236530888	107-TF BURNETT BROTHERS WELL NO 12	CARTHAGE/COTTON VALLEY/	436.0	UNITED GAS PIPELI
8131432	24669	4200332162	102-4 C W LOGSDON A #73	FULLERTON(SILURIAN)	26.7	EL PASO NATURAL G
8131577	32115	4213533440	103 GOLDSMITH LANDRETH DEEP UNIT#215	GOLDSMITH(CLEARFORK)	57.3	PHILLIPS PETROLEU
8131576	32114	4213533457	103 GOLDSMITH LANDRETH DEEP UNIT#217	GOLDSMITH(CLEARFORK)	58.4	PHILLIPS PETROLEU
8131575	32113	4213533479	103 GOLDSMITH LANDRETH DEEP UNIT#224	GOLDSMITH(CLEARFORK)	36.5	PHILLIPS PETROLEU
8131574	32112	4213533446	103 GOLDSMITH LANDRETH DEEP UNIT#227	GOLDSMITH(CLEARFORK)	14.2	PHILLIPS PETROLEU
8131275	17424	4239131347	103 J M OBRIEN E #12-T	GRETA 800	125.0	TRANSCONTINENTIAL
8131509	29965	4235730954	103 R P ROBERTS NO 11	HORIZON (CLEVELAND)	17.5	PHILLIPS PETROLEU
-ANDERSON PETROLEUM INC			RECEIVED: 05/15/81 JA: TX			
8131476	27459	4210532509	107-TF L B COX JR 1-10	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8131405	24006	4243532250	103 PAULINE FRIESS C #1-111	SAWYER (CANYON) FIELD	0.0	SUTTON COUNTY PIP
-ARKANSAS LOUISIANA GAS CO			RECEIVED: 05/15/81 JA: TX			
8131495	29218	4231530523	103 CROMER #4	ODESSA (COTTON VALLEY)	365.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY			RECEIVED: 05/15/81 JA: TX			
8131463	26576	4236531052	102-3 DORIS GRAVES #1	CARTHAGE (COTTON VALLEY)	80.0	ARKANSAS LOUISIAN
8131451	25688	4240130906	102-3 M K FINDLEY #1 ET AL	N TATUM (COTTON VALLEY)	250.0	ARKANSAS LOUISIAN
-B J GIERHART INC			RECEIVED: 05/15/81 JA: TX			
8131290	20197	4205100000	102-2 DUNCAN NO 1 (13474)	GIDDINGS (AUSTIN CHALK)	210.0	CLAJON GAS CO
8131350	22225	4205100000	102-2 DUNCAN NO 2 (13474)	GIDDINGS (AUSTIN CHALK)	210.0	CLAJON GAS CO
8131479	27586	4205100000	102-2 DUNCAN NO 3 (13474)	GIDDINGS (AUSTIN CHALK)	220.0	CLAJON GAS CO
8131462	26469	4205100000	102-2 DUNHAM NO 1 (13476)	GIDDINGS (AUSTIN CHALK)	210.0	UNI OIL INC
8131469	26988	4205100000	102-2 MAREK A NO 3 (13475)	GIDDINGS (AUSTIN CHALK)	220.0	FERGUSON CROSSING
8131485	28396	4205100000	102-2 STUART NO 1 (13477)	GIDDINGS (AUSTIN CHALK)	300.0	UNI OIL INC
-B M HESTER			RECEIVED: 05/15/81 JA: TX			
8131333	21973	4237330448	103 KAVANAUGH & COLLINS 5-A	LIVINGSTON (SPARTA)	0.0	
8131332	21972	4237330447	103 KAVANAUGH AND COLLINS 3-A	LIVINGSTON (SPARTA)	0.0	
-BONANZA PETROLEUM INC			RECEIVED: 05/15/81 JA: TX			
8131270	12655	4217531193	103 BONANZA #1 WHITFIELD	WEESATCHE S (FRIO 2600)	90.0	UNITED GAS PIPELI
-BOURNE OIL CO			RECEIVED: 05/15/81 JA: TX			
8131264	07682	4213100000	102-4 TYRLE #1-222	LABBE (2650)	64.0	TENNESSEE GAS PIP

JD NO	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BRAZOS RESOURCES INC			RECEIVED: 05/15/81 JA: TX				
8131404	24001	4205100000	102-4	KNESEK NO 1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-BRUCE A WILBANKS			RECEIVED: 05/15/81 JA: TX				
8131402	23877	4205900000	102-4	MONTGOMERY #1	MARGIE (CONGLO) FIELD	474.0	LONE STAR GAS CO
-C L GAGE JR			RECEIVED: 05/15/81 JA: TX				
8131272	16434	4249700000	103	LUTHER WILLIAMS #1	BOONSVILLE (BEND CONGLOM	151.0	NATURAL GAS PIPEL
8131370	22847	4236700000	103	RIGGS NO 1-A	WILDCAT	0.0	NATURAL GAS PIPEL
8131263	06372	4249700000	103	ROLAND WALKER #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS P L C
-CAG PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131513	30219	4205130803	102-2	KARISCH NO 1 13317	GIDDINGS AUSTIN CHALK	382.0	CLAJON GAS CO
-CENTRAL PRODUCERS INC			RECEIVED: 05/15/81 JA: TX				
8131349	22143	4229732178	103	SKAGGS-KLINE WELL NO 1	WHITE CREEK (COLE 1200)	72.0	GASDUCTO INC
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 05/15/81 JA: TX				
8131409	24035	4212731859	102-4	BETTY ANN STEDMAN RANCH NO 6	STEDMAN	0.0	
8131331	21905	4236500000	103	CARTHAGE GAS UNIT 29 NO 2	CARTHAGE (COTTON VALLEY)	1.5	TENNESSEE GAS PIP
8131515	3026R	4236531014	107-TF	CARTHAGE GAS UNIT 29 NO 2	CARTHAGE	1.5	TENNESSEE GAS PIP
8131516	30273	4236500000	107-TF	CARTHAGE GAS UNIT 4-2	CARTHAGE (COTTON VALLEY)	547.5	TENNESSEE GAS PIP
8131277	18045	4227331382	102-4	G P WARDNER NO 140	STRATTON	75.0	TENNESSEE GAS PIP
8131277	18045	4227331382	103	G P WARDNER NO 140	STRATTON	75.0	TENNESSEE GAS PIP
*8131407	24030	4235531504	102-4	G P WARDNER NO 147	STRATTON (F-22)	0.0	TENNESSEE GAS PIP
8131489	28656	4217331087	102-2	I W TERRY A-7 (25540)	CONGER S W (PENN)	60.0	NORTHERN NATURAL
8131413	24249	4246500000	102-4	MCFADDIN A NO 13	KAY CREEK	467.2	CHANNEL INDUSTRIE
-CHAPARRAL ENERGY DEVELOPMENT CORP			RECEIVED: 05/15/81 JA: TX				
8131438	24986	4250500000	102-4	HARALSON NO 1	EXSLN (1850)	73.0	TENNESSEE GAS PIP
-CHEVRON U S A INC			RECEIVED: 05/15/81 JA: TX				
8131524	30670	4218130658	103	7500 SAND UNIT #20-2	SHERMAN	4.0	LONE STAR GAS CO
8131525	30671	4218130695	103	7500 SAND UNIT #34-2	SHERMAN	36.0	LONE STAR GAS CO
8131400	23726	4218130660	103	7500 SAND UNIT #49-4	SHERMAN	6.8	LONE STAR GAS CO
-CHRISTIE ENERGY CO INC			RECEIVED: 05/15/81 JA: TX				
8131467	26901	4214330658	102-4	WAYNICK A WELL NO 1	INDIANOLA (MARBLE FALLS)	527.0	CHRISTIE GAS TRAN
8131428	24609	4214330636	102-4	WAYNICK WELL NO 1	INDIANOLA (MARBLE FALLS)	976.0	CHRISTIE GAS TRAN
-CIRCLE SEVEN PRODUCTION CO			RECEIVED: 05/15/81 JA: TX				
8131445	25384	4223700000	102-4	ATKINSON-MCCONNELL GAS UNIT NO 1 1*	TERESA (5065)	0.0	LONE STAR GAS CO
8131446	25385	4223700000	102-4	ATKINSON-MCCONNELL GAS UNIT NO 2 1*	MIGL (5150)	0.0	LONE STAR GAS CO
8131447	25395	4223700000	102-4	R D TURNER NO 1 ID #85118	HUNTER (CONGL)	0.0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR			RECEIVED: 05/15/81 JA: TX				
8131547	31232	4205100000	102-2	BENTON-SCHMIDT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8131549	31248	4205100000	102-2	BERTHA LEHDE UNIT #1	GIDDINGS	53.4	VALERO TRANSMISSI
8131548	31246	4205130977	102-2	GAAS #2	GIDDINGS	0.0	VALERO TRANSMISSI
8131521	30311	4205130986	102-2	JOHN KUBECKA #1	GIDDINGS	142.5	VALERO TRANSMISSI
8131536	30920	4205130982	102-2	JOHN SOBOTIK -B- #1	GIDDINGS	278.6	VALERO TRANSMISSI
8131519	30308	4205131014	102-2	LEHDE-SIMPSON UNIT #1	GIDDINGS	78.5	VALERO TRANSMISSI
8131539	30927	4228700000	102-2	MAMIE SCHMIDT #1	GIDDINGS	59.3	VALERO TRANSMISSI
8131541	30930	4205131081	102-2	MILBERGER-STRECKERT UNIT #1	GIDDINGS	63.1	VALERO TRANSMISSI
8131550	31249	4205100000	102-2	MINNIE MATCEK UNIT #1	GIDDINGS	76.2	VALERO TRANSMISSI
8131537	30921	4205130980	102-2	OLA BOWERS SIMPSON #1	GIDDINGS	129.9	VALERO TRANSMISSI
8131538	30924	4205131061	102-2	POLANSKY-SCHUPACHER UNIT #1	GIDDINGS	321.8	VALERO TRANSMISSI
8131520	30310	4214930614	102-2	R E PIETSCH #1	GIDDINGS	104.8	VALERO TRANSMISSI
8131535	30919	4205131019	102-2	ROY HERMANN #3	GIDDINGS	66.6	VALERO TRANSMISSI
8131540	30928	4214930503	102-2	ROY M KARISCH #1	GIDDINGS	1.2	VALERO TRANSMISSI
-COLUMBIA GAS DEVELOPMENT CORP			RECEIVED: 05/15/81 JA: TX				
8131572	31969	4228730666	102-2	J A BOWERS ESTATE NO 1	GIDDINGS(AUSTIN CHALK)	101.0	
-CONOCO INC			RECEIVED: 05/15/81 JA: TX				

OIL NO	OIL DIST	API NO	DIST	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131448	25504	4243300000	108			J G DALBY #2 ID #04291	WEST FLOWERS	0.0	CITIES SERVICE CO
8131553	31289	4210531473	103			RAMSEY-22-#7 ID #24217	FORD WEST	12.8	EL PASO NATURAL G
8131433	24743	4218530241	102-4			WILLIAM GARDNER NO 2 89567	WHITEHALL (WILCOX 12100)	90.0	LONE STAR GAS CO
			RECEIVED: 05/15/81 JA: TX						
-COURSON OIL & GAS INC									
8131426	24401	4221131126	103			ISAACS #3-80	ALPAR (TONKAWA)	50.0	NORTHERN NATURAL
			RECEIVED: 05/15/81 JA: TX						
-CPC EXPLORATION INC									
8131421	24390	4205130511	102-4			ALLEN #1 RRC #12804	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING
8131454	25992	4205130728	102-4			BIRD #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131456	25994	4205130735	102-4			BRITT #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131453	25991	4205130579	102-4			BROWN #1 RRC #12793	CALDWELL (AUSTIN CHALK)	50.0	FERGUSON CROSSING
8131422	24391	4205130424	102-4			HAINES #1 RRC #12555	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING
8131455	25993	4205130672	102-4			HANOVER #1 WELL	CALDWELL (AUSTIN CHALK)	125.0	FERGUSON CROSSING
8131423	24392	4205130578	102-4			KIDD #1 RRC #12794	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131457	25995	4205130651	102-4			MATCEK #1 WELL	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131420	24389	4205130506	102-4			MCNEESE #1 RRC #12625	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131424	24393	4205130504	102-4			SCHMARDO #1 RRC #12747	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-CRB OIL & GAS INC									
8131475	27392	4214500000	102-2			BAIA NO 1	GIDDINGS (AUSTIN CHALK)	90.0	CLAJON GAS CO
			RECEIVED: 05/15/81 JA: TX						
-CROWN CENTRAL PETROLEUM CORP									
8131386	23457	4229732058	103			J W MCCLELLAND NO 1	OAKVILLE WEST SLICK A	182.0	DELHI GAS PIPELIN
			RECEIVED: 05/15/81 JA: TX						
-CRYSTAL OIL COMPANY									
8131459	26075	4216130584	102-2			N B HUNT #3	DONIE FIELD	310.0	TEXAS UTILITIES F
8131493	28945	4216130612	102-2			N B HUNT #4	DONIE FIELD	620.5	TEXAS UTILITIES F
			RECEIVED: 05/15/81 JA: TX						
-DALECO RESOURCES									
8131307	20428	4204100000	102-2			TOM MOORE NO 1-L	WESTLANDS (EDWARDS 12600	0.0	PRODUCERS GAS CO
8131307	20428	4204100000	103			TOM MOORE NO 1-L	WESTLANDS (EDWARDS 12600	0.0	PRODUCERS GAS CO
			RECEIVED: 05/15/81 JA: TX						
-DALLAS PRODUCTION INC									
8131554	31300	4236732007	103			WINSTON & REBA JONES NO 1	SPRINGTOWN (5700)	440.0	LONE STAR GAS CO
			RECEIVED: 05/15/81 JA: TX						
-DANCO RESOURCES INC									
8131281	18944	4209330617	103			DANIELS UNIT #1 (85015)	DUSTER NE (MARBLE FALLS)	14.0	
			RECEIVED: 05/15/81 JA: TX						
-DANDEN PETROLEUM INC									
8131362	22764	4223300000	108			KNUDSEN #22	PANHANDLE	2.1	DIAMOND-SHAMROCK
8131363	22773	4223300000	108			KNUDSEN #7	PANHANDLE	2.1	DIAMOND-SHAMROCK
			RECEIVED: 05/15/81 JA: TX						
-DELHI OIL CORP & NRM									
8131500	29611	4214900000	102-3			APPELT #2	GIDDINGS (EDWARDS)	588.0	PHILLIPS PETROLEU
			RECEIVED: 05/15/81 JA: TX						
-DELRAY OIL INC									
8131542	31159	4208332199	103			GUY A MCDANIEL WELL NO 3	COLEMAN COUNTY REGULAR	3.0	LONE STAR GAS CO
			RECEIVED: 05/15/81 JA: TX						
-DELTA DRILLING CO									
8131452	25796	4236500000	102-3			TAYLOR #1	NORTH BECKVILLE	1191.0	NATURAL GAS PIPEL
8131452	25796	4236500000	107-TF			TAYLOR #1	NORTH BECKVILLE	1191.0	NATURAL GAS PIPEL
			RECEIVED: 05/15/81 JA: TX						
-DELTA OIL & GAS CO									
8131372	22929	4242900000	102-4			BEN BURGESS NO 1 LEASE NO 86873	BEN BURGESS (CONGL 4050)	0.0	SUN GAS GATHERING
8131371	22928	4250300000	102-4			DONNELL ESTATE NO 1 LEASE NO 86281	DONNELL (4180 CONGL)	0.0	LONE STAR GAS CO
			RECEIVED: 05/15/81 JA: TX						
-DERRICK OIL & GAS INC									
8131443	25319	4203900000	102-4			V S HUFFMAN NO 1C	ARCOLA	200.0	TENNGASCO INC
			RECEIVED: 05/15/81 JA: TX						
-DIAMOND SHAMROCK CORPORATION									
8131427	24459	4236731800	103			ORAN WOSSUM NO 1	DICEY	21.0	
			RECEIVED: 05/15/81 JA: TX						
-DISCORBIS OIL CO									
8131368	22817	4213132565	102-2			JULIA S MONTEMAYOR WELL #1	WILDCAT	180.0	VALLEY GAS TRANSM
			RECEIVED: 05/15/81 JA: TX						
-DYCO PETROLEUM CORPORATION									
8131449	25525	4248330655	103			MAXWELL UNIT #1-23	BUFFALOW WALLOW	150.0	PIONEER NATURAL G
			RECEIVED: 05/15/81 JA: TX						
-DYNAMIC PRODUCTION INC									
8131567	31849	4236700000	102-4			LARSON UNIT NO 1		0.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	F SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENSERCH EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131289	19987	4201330957	103	H A SCHUMANN A NO 2-U	FASHING	649.0	NATURAL GAS PIPEL
8131385	23381	4201300000	103	J L TOM UNIT 4 NO 2	FASHING	576.0	NATURAL GAS PIPEL
8131361	22742	4249700000	103	N B C JONES NO 2-T	BOONSVILLE	298.0	LONE STAR GAS CO
8131306	20272	4232100000	103	STATE TRACT 171 NO 5	MATAGORDA BAY SOUTH	653.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP			RECEIVED: 05/15/81 JA: TX				
8131571	31930	4235330950	103	JORDAN #5	WHITE (GARDNER SAND) FIE	15.0	ESPERANZA PIPELIN
-EXPANDO OIL CO			RECEIVED: 05/15/81 JA: TX				
8131486	28490	4246900000	102-4	EDWARDS UNIT #1 86432	VIC-WITT (2750)	36.5	VALERO TRANSMISSI
-EXXON CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131412	24241	4224731120	102-4	A M K BASS E-21 (87115)	KELSEY DEEP (ZONE 19-H A	265.0	TRUNKLINE GAS CO
8131403	23948	4224731112	102-4	A M K BASS 43 (87345)	KELSEY DEEP (ZONE 7990 S	500.0	TRUNKLINE GAS CO
*8131316	21845	4204730610	103	D J SULLIVAN B 43	CARL PETERS	45.0	ARMCO STEEL CORP
*8131304	20242	4235531354	103	EAST FLOUR BLUFF ST D-16 85676	FLOUR BLUFF EAST DEEP (C	730.0	ARMCO STEEL CORP
*8131303	20241	4235531358	103	EAST FLOUR BLUFF ST F-6 85343	EAST FLOUR BLUFF	600.0	ARMCO STEEL CORP
*8131285	19907	4235531307	103	EAST FLOUR BLUFF STATE H-5 82507	FLOUR BLUFF EAST DEEP (C	475.0	ARMCO STEEL CORP
8131558	31319	4210332366	103	J B TUBB A/C 1 #232U	SAND HILLS (MCKNIGHT)	29.0	EL PASO NATURAL G
8131569	31888	4226130465	103	J G KENEDY JR J-15 (91486)	EL PAISTLE DEEP (SEG B F	548.0	TEXAS EASTERN TRA
*8131287	19952	4239131228	103	J M OBRIEN C 312 D 03981	GRETA (4400)	61.0	ARMCO STEEL CORP
*8131286	19951	4239130549	103	J M OBRIEN C-311 82141	GRETA (1080)	60.0	ARMCO STEEL CORP
*8131355	22366	4239131337	103	J M OBRIEN D-404-D	GRETA (950)	50.0	ARMCO STEEL CORP
*8131288	19953	4239131337	103	J M OBRIEN D-404-F 85667	GRETA (1080)	100.0	ARMCO STEEL CORP
*8131406	24021	4227331280	102-4	K R ALAZAN 312-D (75637)	HINOJOSA N	600.0	ARMCO STEEL CORP
*8131366	22801	4227331419	103	K R CHILTIPIN 78 (05513)	HINOJOSA NORTH (F-15)	200.0	ARMCO STEEL CORP
*8131364	22799	4227331416	103	K R MORGAN M-69 (05154)	WEST BORREGOS (F-74 SEG	16.0	ARMCO STEEL CORP
*8131314	21842	4226130234	103	K R SAN JOSE DE LA PARRA 16-D (760*	CALANDRIA (I-75)	548.0	ARMCO STEEL CORP
*8131328	21887	4226130234	103	K R SAN JOSE DE LA PARRA 16-F (760*	CALANDRIA	511.0	ARMCO STEEL CORP
*8131335	21996	4226130403	103	K R SAN JOSE DE LA PARRA 17-D (763*	CALANDRIA	370.0	ARMCO STEEL CORP
*8131325	21882	4226130420	103	K R SAN JOSE DE LA PARRA 18 (82309)	CALANDRIA	520.0	ARMCO STEEL CORP
*8131326	21883	4226130439	103	K R SAN JOSE DE LA PARRA 19-D 83056	CALANDRIA	694.0	ARMCO STEEL CORP
*8131339	22001	4226130438	103	K R SAN JOSE DE LA PARRA 20-D (831*	CALANDRIA	280.0	ARMCO STEEL CORP
*8131338	22000	4226130438	103	K R SAN JOSE DE LA PARRA 20-F (828*	CALANDRIA	570.0	ARMCO STEEL CORP
*8131319	21875	4226130469	103	K R SAN JOSE DE LA PARRA 22 (82528)	CALANDRIA	438.0	ARMCO STEEL CORP
*8131336	21998	4226130473	103	K R SAN JOSE DE LA PARRA 23-D	CALANDRIA	54.0	ARMCO STEEL CORP
*8131439	25058	4227331381	103	K R SEELIGSON C-202-C (86144)	ZONE 21-B TREND	365.0	ARMCO STEEL CORP
*8131367	22803	4227331370	103	K R STRATTON T-42-C (03031)	STRATTON (N-23 W)	37.0	ARMCO STEEL CORP
*8131365	22800	4227331431	102-4	K R TIJERINA A-66 (09327)	T-C-B EAST (20-I-4 S)	47.0	ARMCO STEEL CORP
8131501	29663	4247330321	103	KATY GAS FIELD UNIT NO 2 WELL 54	KATY (FIRST WILCOX)	657.0	AMOCO PROD CO
8131460	26208	4247330315	103	KATY GAS FIELD UNIT 2 WELL 51	KATY (WILCOX SPARKS SEG	295.0	AMOCO PROD CO
*8131340	22002	4227330564	103	KING RANCH BORREGOS 535	BORREGOS	15.0	ARMCO STEEL CORP
*8131341	22008	4227330588	103	KING RANCH BORREGOS 538	BORREGOS	100.0	ARMCO STEEL CORP
*8131302	20240	4227331209	103	KING RANCH BORREGOS 541-D (75595)	BORREGOS (ZONE L-9 X 11)	730.0	ARMCO STEEL CORP
*8131299	20237	4227331213	103	KING RANCH BORREGOS 542-D (76567)	BORREGOS (ZONE T-5)	310.0	ARMCO STEEL CORP
*8131294	20232	4227331213	103	KING RANCH BORREGOS 542-F (76669)	BORREGOS (ZONE N-4-5-6-7	456.0	ARMCO STEEL CORP
*8131300	20238	4227331215	103	KING RANCH BORREGOS 543-D (81541)	BORREGOS (ZONE S-15 N)	340.0	ARMCO STEEL CORP
*8131301	20239	4227331214	103	KING RANCH BORREGOS 544-F (76814)	BORREGOS (N-4 5 6 7)	265.0	ARMCO STEEL CORP
*8131298	20236	4227331257	103	KING RANCH BORREGOS 546-F (76851)	BORREGOS (ZONE L-5)	670.0	ARMCO STEEL CORP
*8131305	20243	4227331256	103	KING RANCH BORREGOS 547-F (76852)	BORREGOS L-9 X 11	970.0	ARMCO STEEL CORP
*8131295	20233	4227331253	103	KING RANCH BORREGOS 548-F (76412)	BORREGOS (F-5)	450.0	ARMCO STEEL CORP
*8131297	20235	4227331259	103	KING RANCH BORREGOS 550 (81544)	BORREGOS (R-2 N)	335.0	ARMCO STEEL CORP
*8131377	22994	4227331374	103	KING RANCH CHILTIPIN 72 86023	ARNOLD DAVID	1278.0	ARMCO STEEL CORP
*8131345	22118	4227331264	103	KING RANCH MOTAS NEGRAS 4	MOTAS NEGRAS	10.0	ARMCO STEEL CORP
*8131318	21847	4226130359	103	KING RANCH SALTILLO 14 (77215)	SAN JOSE	128.0	ARMCO STEEL CORP

JD	DA CAT	API #	F	SEC	RAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8131534	021995	4227331207		103		KING RANCH STRATTON P-259-F	STRATTON	44.0	ARMCO STEEL CORP
*8131296	20234	4227331254		103		KKING RANCH PORREGOS 545-D (76207)	PORREGOS (J-18)	240.0	ARMCO STEEL CORP
8131411	24240	4242731363		102-4		L M GUERRA 8 (87333)	KELSEY SOUTH (ZONE 21-C)	400.0	TRUNKLINE GAS CO
*8131282	19082	4215730442		103		LOCKWOOD & SHARP A-82	THOMPSON	15.0	ARMCO STEEL CORP
8131360	22724	4224730912		102-4		MRS A M K BASS 41 (86394)	KELSEY DEEP (7300)	290.0	TRUNKLINE GAS CO
8131474	27334	4240130833		102-3		PRICE GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	374.0	HYDROCARBON TRANS
*8131342	22021	4204730581		103		R J K JR TR BA RRCSA PAST 14-D (77*	PITA N W	390.0	ARMCO STEEL CORP
*8131351	22242	4204730345		103		R J K JR TR BARROSA PAST 13-D (767*	PITA N W (H-25)	255.0	ARMCO STEEL CORP
*8131315	21843	4204730672		103		R J K JR TR BARRCSA PAST 15-D (794*	PITA N W (H-65)	840.0	ARMCO STEEL CORP
*8131313	21841	4204730672		103		R J K JR TR BARROSA PAST 15-F (794*	PITA N W	219.0	ARMCO STEEL CORP
*8131388	23502	4248930578		103		RJK JR TR STILLMAN PASTURE 36-D (8*	TORCILLA (H-78 S)	770.0	ARMCO STEEL CORP
*8131327	21886	4204730347		103		RJK GUITERIA PASTURE 75-F (79848)	VIBCRAS	511.0	ARMCO STEEL CORP
*8131387	23501	4226130523		103		SANTA FE RANCH MULA PASTURE 23 (87*	STILLMAN (SHALLOW)	0.0	ARMCO STEEL CORP
8131494	28973	4204730870		103		SCOTT AND HOPPER 33 (ID PENDING)	SCOTT AND HOPPER (6600)	700.0	TENNESSEE GAS PIP
*8131321	21878	4204730607		103		VIBCRAS FIELD G U #1 G-82-F (76368)	VIBCRAS	475.0	ARMCO STEEL CORP
*8131329	21888	4204730601		103		VIBCRAS FIELD G U #1 G-83-D (74764)	VIBCRAS	657.0	ARMCO STEEL CORP
*8131317	21846	4204730601		103		VIBCRAS FIELD G U #1 G-83-F (75111)	VIBCRAS	621.0	ARMCO STEEL CORP
*8131320	21877	4204730606		103		VIBCRAS FIELD G U #1 G-85-D (78651)	VIBCRAS	256.0	ARMCO STEEL CORP
*8131330	21890	4204730606		103		VIBCRAS FIELD G U #1 G-85-F (78652)	VIBCRAS	584.0	ARMCO STEEL CORP
*8131337	21999	4204730608		103		VIBCRAS FIELD G U #1 G-86-F (78094)	VIBCRAS	730.0	ARMCO STEEL CORP
*8131324	21881	4204730747		103		VIBCRAS FIELD G U #1 G-93-F (84384)	VIBCRAS	584.0	ARMCO STEEL CORP
*8131323	21880	4204730654		103		VIBCRAS FIELD G U #1 V-78-F (80283)	VIBCRAS	511.0	ARMCO STEEL CORP
*8131346	22119	4204730609		103		VIBCRAS FIELD GAS UNIT #1 V-72-F (*	VIBCRAS	329.0	ARMCO STEEL CORP
*8131343	22107	4204730605		103		VIBCRAS FIELD GU #1 V-71-D (75628)	VIBCRAS	219.0	ARMCO STEEL CORP
*8131322	21879	4204730612		103		VIBCRAS FIELD GU #1 V-74-D (75627)	VIBCRAS	730.0	ARMCO STEEL CORP
8131358	22479	4237930059		103		W YANTIS GAS UNIT 1 #2A	YANTIS S W (SMACKOVER)	1689.5	LONE STAR GAS CO
-FORT WORTH OIL & GAS CO INC				RECEIVED: 05/15/81 JA: TX					
8131560	31374	4245532358		103		JONES 119 NO 4 WELL #50629	SAWYER (CANYON)	182.5	NORTHERN NATURAL
-GEORGE J MORGAN				RECEIVED: 05/15/81 JA: TX					
8131396	23586	4236300000		108		RITCHIE #1 (9275)	STRAWN	8.5	LONE STAR GAS CO
8131392	23577	4236300000		108		RITCHIE 1A (8969)	STRAWN	8.9	LONE STAR GAS CO
8131391	23576	4236300000		108		RITCHIE 2A (9292)	STRAWN	8.8	LONE STAR GAS CO
8131394	23579	4236300000		108		ROBERSON #1 (3867)	STRAWN	12.6	LONE STAR GAS CO
8131390	23575	4236300000		108		SANDERS 2A (8940)	STRAWN	11.4	LONE STAR GAS CO
8131395	23580	4236300000		108		SANDERS 3A (9023)	STRAWN	30.5	LONE STAR GAS CO
8131393	23578	4236300000		108		STEPHENS #1 (3182)	STRAWN	21.2	LONE STAR GAS CO
-GETTY OIL COMPANY				RECEIVED: 05/15/81 JA: TX					
8131276	17433	4228500000		103		FRED MELNAR ESTATE NO 1	WILDCAT	0.0	
8131435	24825	4235300000		108		NORTH NENA LUCIA UNIT #111	NENA LUCIA (STRAWN REEF)	0.4	WEST LAKE NATURAL
8131436	24835	4235300000		108		NORTH NENA LUCIA UNIT #88	NENA LUCIA (STRAWN REEF)	0.2	WEST LAKE NATURAL
8131358	23627	4235300000		108		NORTH NENA LUCIA UNIT NO 66	NENA LUCIA (STRAWN REEF)	0.2	WEST LAKE NATURAL
8131419	24283	4207900000		108		SOUTHWEST LEVELLAND UNIT NO 42	LEVELLAND	7.4	CITIES SERVICE CO
8131418	24280	4207900000		108		SOUTHWEST LEVELLAND UNIT NO 62	LEVELLAND	0.9	CITIES SERVICE CO
-GOLDKING PRODUCTION COMPANY				RECEIVED: 05/15/81 JA: TX					
8131517	30284	4217531410		103		JACOB NO 2	MISSION VALLEY WEST (MAS	76.0	TRANSCONTINENTAL
-GRACE PETROLEUM CORPORATION				RECEIVED: 05/15/81 JA: TX					
8131468	26974	4228930366		102-4		MCASHAN NO 1	BEAR GRASS (TRAVIS PEAK)	320.0	DELHI GAS PIPELIN
8131472	27320	4228930366		102-4		MCASHAN NO 1	BEAR GRASS (PETIT)	270.0	DELHI GAS PIPELIN
8131512	30194	4216130603		103		STILES-BAGGETT UNIT NO 1	WEST TEAGUE (COTTON VALL	350.0	LONE STAR GAS CO
8131514	30247	4216130603		107-TF		STILES-BAGGETT UNIT NO 1	WEST TEAGUE (COTTON VALL	350.0	LONE STAR GAS CO
-GREAT WEST OPERATING CO INC				RECEIVED: 05/15/81 JA: TX					
8131389	23529	4236731748		103		GROGAN UNIT NO 1	CARTERVILLE N (CADDO CON	144.0	LONE STAR GAS CO
-GULF OIL CORPORATION				RECEIVED: 05/15/81 JA: TX					

JD NO	JA TKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131284	19653	4223300000	108	C L DIAL ET AL NC 267	PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
			RECEIVED: 05/15/81 JA: TX				
-GULF SANDS OIL CO							
8131293	20217	4202531167	102-4	DR VICTOR H OLCESE NO 1 (85931)	LITTLE JOHN (2000)	182.5	UNITED GAS PIPELI
8131380	23177	4202531267	102-4	GORDON WALLEK NO 1	LITTLE JOHN (3970)	0.0	UNITED GAS PIPELI
8131292	20216	4202531162	102-4	JOHN HERCEK NO 1 (ID 85932)	LITTLE JOHN (3600)	183.5	UNITED GAS PIPELI
			RECEIVED: 05/15/81 JA: TX				
-H-M OIL CO							
8131551	31267	4213134977	103	AVELINO GARCIA #1	WILDCAT (ABOVE 6800) (PR	180.0	UNITED GAS PIPELI
			RECEIVED: 05/15/81 JA: TX				
-HAMMAN OIL & REFINING CO							
8131471	27292	4220131012	102-4	DAVID MANDELL #2 WELL	CYPRESS FIELD	108.0	TENNESSEE GAS PIP
			RECEIVED: 05/15/81 JA: TX				
-HANSON MINERALS CO							
8131507	29842	4224130339	102-4	ARCO SECTION 51-1A WELL	NICHOLS CREEK (FRIO 4150	72.0	UNITED GAS PIPE L
			RECEIVED: 05/15/81 JA: TX				
-HNG OIL COMPANY							
8131497	29407	4247932515	102-4	BRUNI MINERAL B #3 87362	JUANITA (LOBO)	757.0	HOUSTON PIPE LINE
8131497	29407	4247932515	103	BRUNI MINERAL B #3 87362	JUANITA (LOBO)	757.0	HOUSTON PIPE LINE
8131291	20204	4243531989	108	FIELDS 53 #2 74891	SAWYER (CANYON)	16.0	INTRATEX GAS CC
			RECEIVED: 05/15/81 JA: TX				
-HOU-TEX OIL & GAS CO							
8131484	28199	4240100000	103	WALLACE ESTATE UNIT NC 1	HENDERSON SOUTH (TRAVIS	250.0	FERGUSON CROSSING
			RECEIVED: 05/15/81 JA: TX				
-HUMBLE EXPLORATION CO INC							
8131401	23731	4214930450	102-2	CORI EBNER #1 - 13039	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
8131401	23731	4214930450	103	CORI EBNER #1 - 13039	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
8131344	22112	4228730358	102-2	JESSIE STEIN #1 - 12039	GIDDINGS	99.0	PHILLIPS PETROLEU
8131344	22112	4228730398	103	JESSIE STEIN #1 - 12039	GIDDINGS	99.0	PHILLIPS PETROLEU
8131376	22961	4214930463	102-2	LINDA KIESCHNICK -	GIDDINGS	850.5	PHILLIPS PETROLEU
8131376	22961	4214930463	103	LINDA KIESCHNICK -	GIDDINGS	850.5	PHILLIPS PETROLEU
8131347	22133	4228730350	102-2	NANCY #1 - 12246	GIDDINGS	418.6	PHILLIPS PETROLEU
8131347	22133	4228730350	103	NANCY #1 - 12246	GIDDINGS	418.6	PHILLIPS PETROLEU
8131348	22134	4228700000	102-2	ROBBIE #1 - 11853	GIDDINGS	104.0	PHILLIPS PETROLEU
8131348	22134	4228700000	103	ROBBIE #1 - 11853	GIDDINGS	104.0	PHILLIPS PETROLEU
8131356	22370	4214949303	102-2	TERTIA #1 - 12740	GIDDINGS - AUSTIN CHALK	45.6	PHILLIPS PETROLEU
8131356	22370	4214949303	103	TERTIA #1 - 12740	GIDDINGS - AUSTIN CHALK	45.6	PHILLIPS PETROLEU
-INTERNATIONAL OIL & GAS CORP							
8131279	18527	4210532351	103	ODESSA ET AL 4 - 2X	INGHAM (CANYON 6400)	10.0	EL PASO NATURAL G
8131410	24078	4210531804	103	UNIVERSITY 3-1	PERNER RANCH(CANYON)	175.0	DELHI GAS CORP
-JAMES E HUGHES							
8131477	27505	4220300000	102-4	LIZZIE MILLER #3	PANOLA (NACATOCH)	0.0	UNITED GAS PIPELI
			RECEIVED: 05/15/81 JA: TX				
-JAMES E SKIDMORE							
8131508	29958	4233731302	102-2	RAYMOND #1	TAFFEY (CONGLOMERATE)	96.5	NATURAL GAS PIPEL
			RECEIVED: 05/15/81 JA: TX				
-JENNINGS EXPLORATION CO							
8131434	24818	4250731285	102-4	NO 2-T H&F PROPERTIES E 88034	ALLIGATOR SLOUGH (BRACER	164.0	VALERO TRANSMISSI
			RECEIVED: 05/15/81 JA: TX				
-KNOX INDUSTRIES INC							
8131399	23659	4238331518	103	DIXON A #2	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
			RECEIVED: 05/15/81 JA: TX				
-LA SALLE ENERGY CORP							
8131518	30305	4204130533	102-2	SUE ELLEN #1	GIDDINGS	510.4	CLAJON GAS CO
			RECEIVED: 05/15/81 JA: TX				
-LAYTON ENTERPRISES INC							
8131561	31402	4207931261	103	REED WRIGHT #17	LEVELLAND	75.0	CITIES SERVICE CO
8131562	31403	4207931260	103	REED WRIGHT #18	LEVELLAND	85.0	CITIES SERVICE CO
			RECEIVED: 05/15/81 JA: TX				
-LEAR PETROLEUM CORPORATION							
8131268	10351	4208700000	108	BELL LEASE WELL #7	EAST PANHANDLE	1.6	EL PASO NATURAL G
8131267	10350	4208700000	108	BELL LEASE WELL NO 8	EAST PANHANDLE	1.8	EL PASO NATURAL G
			RECEIVED: 05/15/81 JA: TX				
-MARSHALL R YOUNG OIL CO							
8131431	24648	4210532322	103	UNIVERSITY 9-33	PERNER RANCH (DEVONIAN)	1022.0	
			RECEIVED: 05/18/81 JA: TX				
-MIDWAY OIL CORP							
8131466	26723	4205130826	102-4	CHARANZA-KEEPERS UNIT NO 1	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO

JD NO	JA PT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MITCHELL ENERGY CORPORATION		RECEIVED: 05/15/81 JA: TX					
8131280	18840	4223700000	108	C A LAWRENCE A #1 28723	BOONSVILLE (BEND CONGL G	9.0	NATURAL GAS PIPEL
8131481	27895	4249700000	108	E R LILES #1 13759	CAUGHLIN SO (ATOKA 5610)	9.4	NATURAL GAS PIPEL
8131487	28564	4249700000	108	H P HOOVER #1 80879	BOONSVILLE (BEND CONGL G	11.0	NATURAL GAS PIPEL
8131546	31201	4249731946	103	J R WITT #2	BOONSVILLE (BEND CONGLOM	520.0	NATURAL GAS PIPEL
8131488	28639	4243930122	103	JACK G WILKINSON #1	LAKE WORTH (PENN 5590)	60.0	
8131482	28068	4236731934	103	L W RAGLE #3	DICEY (CONGLOMERATE)	100.0	SOUTHWESTERN GAS
8131415	24253	4249731655	103	W T BETTS #2U	BARROW (STRAWN)	4.6	NATURAL GAS PIPEL
8131458	26027	4223130974	103	WAGNER #2 89167	PALACIOS (FRIO D)	15.0	FLORIDA GAS TRANS
-MOBIL PROD TEXAS & NEW MEXICO INC		RECEIVED: 05/15/81 JA: TX					
8131354	22310	4203900000	103	ALLIGATOR POINT UNIT NO 3	ALLIGATOR POINT (GRUEBS	392.0	AMOCO GAS CO
8131544	31171	4210332338	103	TEXAS UNIVERSITY SEC 15 & 16 #1550	DUNE	14.2	PHILLIPS PETROLEU
8131545	31172	4210332337	103	TEXAS UNIVERSITY SEC 15 & 16 #1551	DUNE	27.4	PHILLIPS PETROLEU
8131543	31170	4210332334	103	TEXAS UNIVERSITY SEC 15 & 16 #1556	DUNE	59.1	PHILLIPS PETROLEU
-MORMAC OIL & GAS CO		RECEIVED: 05/15/81 JA: TX					
8131437	24882	4212732020	102-4	CECIL WARD NO 1	STUMBERG (OLMOS 4150)	40.0	VALERO TRANSMISSI
-MOTE RESOURCES INC		RECEIVED: 05/15/81 JA: TX					
8131555	31305	4249731928	103	METHODIST HOME	EANES CONGLOMERATE	7.0	NATURAL GAS PIPEL
-NAPECO INC		RECEIVED: 05/15/81 JA: TX					
8131498	29526	4236330841	102-4	MORTON A #1	MORTON (4150)	55.0	NATURAL GAS PIPEL
-PARKER & PARSLEY INC		RECEIVED: 05/15/81 JA: TX					
8131557	31314	4232930934	103	ANDREW BRADFORD WELL A NO 1	SPRAYBERRY (TREND AREA)	15.0	EL PASO NATURAL G
8131369	22825	4232930885	103	JUDKINS WELL NO 1	SPRAYBERRY (TREND ARES)	15.0	EL PASO NATURAL G
8131556	31309	4231732243	103	RICHARDS F WELL NO 1	SPRAYBERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PETROLEUM EXPL & DEV FUNDS INC		RECEIVED: 05/15/81 JA: TX					
8131416	24264	4211500000	103	CLEARMAN #2	PATRICIA NE (SPRAYBERRY)	19.9	PHILLIPS PETROLEU
-PETROLEUM MANAGEMENT INC		RECEIVED: 05/15/81 JA: TX					
8131417	24274	4205730954	102-4	SMS FARMS UNIT WELL NO 1	LONG POTT NORTH (8480)	360.0	CHANNEL INDUSTRIE
-PETROLEUM TECHNICAL SERVICES CO		RECEIVED: 05/15/81 JA: TX					
8131473	27321	4241930351	103	ROSANKY NO 1	GIDDING-AUSTIN CHALK	17.0	PHILLIPS PETROLEU
8131429	24614	4236731254	103	SHERIFFS POSSE #1 - T	WEATHERFORD (ATOKA MIDDL	232.5	ALEDO GAS CO LTD
-PEYTON MCKNIGHT JR		RECEIVED: 05/15/81 JA: TX					
8131566	31677	4240100000	103	J L BURTON ESTATE NO 2 (91564)	OAK HILL (COTTON VALLEY)	700.0	LONE STAR GAS CO
8131566	31677	4240100000	107-TF	J L BURTON ESTATE NO 2 (91564)	OAK HILL (COTTON VALLEY)	700.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 05/15/81 JA: TX					
*8131312	21672	4223300000	108	GREENRIVER NO 6	PANHANDLE FIELD	0.3	EL PASO NATURAL G
-PITTS OIL CO & DALLAS PROD INC		RECEIVED: 05/15/81 JA: TX					
8131499	29562	4216130599	103	COLEMAN NO 2	SIMSBORO N (COTTON VALLE	700.0	UNITED TEXAS TRAN
8131499	29562	4216130599	107-TF	COLEMAN NO 2	SIMSBORO N (COTTON VALLE	700.0	UNITED TEXAS TRAN
-R E KIBBE		RECEIVED: 05/15/81 JA: TX					
8131311	21573	4213133625	103	H A & H E MCOS #1	LA PUERTA N W (NEW YEARS	182.5	VALLEY GAS TRANSP
-R E SMITH INTERESTS		RECEIVED: 05/15/81 JA: TX					
8131397	23592	4236530732	107-TF	HOPPER UNIT #1 WELL #2	CARTHAGE (COTTON VALLEY)	739.0	TEXAS EASTERN TRA
-RK PETROLEUM CORP		RECEIVED: 05/15/81 JA: TX					
8131378	22995	4231732120	103	RK UNION #2	ANCHOR RANCH (DEVONIAN)	56.4	NORTHERN NATURAL
-ROY E KINSEY		RECEIVED: 05/15/81 JA: TX					
8131534	30896	4247532059	103	KRISTEN-SCOTT-STATE UNIT NO 1 WELL	SCOTT (DELAWARE) FIELD	124.8	INTRATEX GAS CC
-SANCHEZ-OBRIEN MINERALS CORP		RECEIVED: 05/15/81 JA: TX					
8131425	24398	4235531287	102-4	BOBBY LYNN KING GAS UNIT NO 1	BOBBY LYNN KING FIELD	0.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY		RECEIVED: 05/15/81 JA: TX					
8131273	16647	4238331372	103	UNIVERSITY 9-A-9 #2	SPRAYBERRY (TREND AREA)	25.0	NORTHERN NATURAL
8131283	19143	4238331426	103	WAYLE TRUST NO 3	SPRAYBERRY (TREND AREA)	20.1	NORTHERN NATURAL
8131274	16653	4244130919	103	WAYNE YOUNG A #3	LAKE ABILENE (CROSSCUT)	39.8	UNION TEXAS PETRO

JD NO	JA TXT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHELL OIL CO						RECEIVED: 05/15/81 JA: TX			
8131568	31884	4221531082		102-4		BRIGHT & SCHIFF RAMPAR GU NO 1	MONTE CHRISTO (VICKSBURG	300.0	VALERO INTERSTATE
8131523	30644	4204730868		102-4		HECTOR LOPEZ NO 2	LOPEZ RANCH (VICKSBURG P	400.0	LONE STAR GAS CO
-SOJOURNER DRILLING CORP						RECEIVED: 05/15/81 JA: TX			
8131442	25230	4225331229		102-4		SAM SWANN NC 1 (15401)	CULLERS & BAILEY (CANYON	54.8	PALO DURO PIPELIN
8131441	25226	4225331311		102-4		W H MARSH #2 (15343)	JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
8131440	25225	4225331212		102-4		W H MARSH NO 1 (15343)	JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
-SOUTHLAND ROYALTY CO						RECEIVED: 05/15/81 JA: TX			
8131265	09368	4213532840		103		H C FOSTER #25	FOSTER	19.0	ODESSA NATURAL CO
8131266	09414	4213533007		103		H C FOSTER #27	FOSTER	25.0	ODESSA NATURAL CO
8131491	28790	4247532138		103		JANELLE EDWARDS #5		125.0	HT GATHERING CO
-SOUTHWEST EXPLORATION INC						RECEIVED: 05/15/81 JA: TX			
8131310	21133	4218100000		103		KREAGER NO 1	SHERMAN DAVIS 9100	80.0	CHEVRON USA INC
-SOUTHWESTERN GAS EXPLORATION						RECEIVED: 05/15/81 JA: TX			
8131379	23147	4236700000		103		C C LAMKIN #1	BETHESDA (BIG SALINE)	344.0	SOUTHWESTERN GAS
8131382	23266	4236731355		103		CITY OF WEATHERFORD #1	WEATHERFORD (STRAWN)	90.0	SOUTHWESTERN GAS
8131357	22381	4236731532		103		D M WEBB #1	RENO (CONG)	80.0	
8131383	23272	4222130497		103		J W CROWELL #1	BRATTEN (MARBLE FALLS)	65.9	
8131381	23224	4214330330		103		R T DRAKE #1	MORGAN MILL N E (MARBLE	0.0	ENERGY PIPELINE C
8131384	23274	4214330366		103		R T DRAKE #3	MORGAN MILL (MARBLE FALL	52.0	ENERGY PIPELINE
-SPENCER & HUTSON						RECEIVED: 05/15/81 JA: TX			
8131552	31287	4228700000		103		SHORTY LEASE WELL NC 1	GILDINGS (AUSTIN CHALK)	108.0	PGP GAS PRODUCTS
-SPINDLETOP OIL & GAS CO						RECEIVED: 05/15/81 JA: TX			
8131308	20469	4236332201		102-4		STEWART #1-T (85 799)	MCCLISH-STONE (CONGL LC)	35.0	TEXAS UTILITIES F
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 05/15/81 JA: TX			
8131414	24251	4242731370		103		I V MONTALVO C NO 40	SUN NORTH	500.0	
8131578	32159	4208130955		103		JAMESON REEF UNIT NC 11-59A	JAMESON	40.0	LONE STAR GAS CO
8131278	18458	4235531425		102-4		MCCANN-STATE UNIT A NC 3	ARNOLD-DAVID	2920.0	TRANSCONTINENTAL
8131278	18458	4235531425		103		MCCANN-STATE UNIT A NC 3	ARNOLD-DAVID	2920.0	TRANSCONTINENTAL
8131353	22280	4246931275		103		SHELTON-WEST UNIT 1 WELL NO 1	PALO ALTO (6350)	30.0	UNITED TEXAS TRAN
8131359	22681	4233531617		103		V T MCCABE -C- WELL NC 13	JAMESON N (ELLEN)	10.0	LONE STAR GAS CO
8131465	26684	4218300000		108		WILLIAM COBB NO 3	EAST TEXAS	0.1	UNITED GAS PIPE L
-SUPERIOR OIL CO						RECEIVED: 05/15/81 JA: TX			
8131309	20732	4233930457		102-4		LAKE CREEK UNIT WELL NO 32	LAKE CREEK UNIT	365.0	TRUNKLINE GAS CO
8131309	20732	4233930457		103		LAKE CREEK UNIT WELL NO 32	LAKE CREEK UNIT	365.0	TRUNKLINE GAS CO
-SUPRON ENERGY CORPORATION						RECEIVED: 05/15/81 JA: TX			
8131470	27270	4200130965		102-3		WOODBURN NO 2	BLAVER (RODESSA)	165.0	LONE STAR GAS CO
-TAHOE OIL & CATTLE CO						RECEIVED: 05/15/81 JA: TX			
8131559	31322	4237100000		103		PAPOOSE #2	USM (QUEEN)	7.7	NORTHERN NATURAL
-TAYLOR OPERATING COMPANY						RECEIVED: 05/15/81 JA: TX			
8131496	29288	4207700000		103		HILBURN B NO 1 (19837)	SHANNON (CADDO)	73.0	TEXAS UTILITIES F
-TENNECO OIL COMPANY						RECEIVED: 05/15/81 JA: TX			
8131464	26603	4236531133		103		T C ADAMS GAS UNIT A NC 2	BETHANY	490.0	UNITED GAS PIPELI
-TEXACO INC						RECEIVED: 05/15/81 JA: TX			
8131480	27679	4213533373		103		ECTOR C FEE NCT-1 #11	HARPER	17.5	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 05/15/81 JA: TX			
8131563	31404	4205130850		102-2		JOHN L BUGG #1	GIDDINGS (AUSTIN CHALK)	4.0	CLAJON GAS CO
8131565	31473	4205131010		102-2		SHUPAK #2	GIDDINGS	18.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 05/15/81 JA: TX			
8131450	25581	4216130589		102-4		ORAND #1	REED N (COTTON VALLEY LI	1.0	
8131450	25581	4216130589		107-TF		ORAND #1	REED N (COTTON VALLEY LI	1.0	
-THE MAURICE L BROWN COMPANY						RECEIVED: 05/15/81 JA: TX			
8131271	15538	4220300000		108		SNEED GAS UNIT #1	BETHANY	3.0	UNITED GAS PIPELI

JD	DA NBR	API NO	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TIERRA EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131510	30040	4208300000	102-4	O W GOULD NO 1	COLEMAN S (BRENEKE)	36.0	LONE STAR GAS CO
8131511	30042	4208300000	102-4	T C HALL NO 1	COLEMAN S (BRENEKE)	30.0	LONE STAR GAS CO
-TOWNSEND CO			RECEIVED: 05/15/81 JA: TX				
8131530	30815	4209300000	102-4	SWINT NO 1	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131532	30817	4209300000	102-4	SWINT NO 1A	WEED VALLEY (900)	3.0	ENERGY PIPELINE C
8131526	30811	4209300000	102-4	W W LINDLEY NO 1	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131527	30812	4209300000	102-4	W W LINDLEY NO 2	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131528	30813	4209300000	102-4	W W LINDLEY NO 3	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131531	30816	4209300000	102-4	W W LINDLEY NO 4	WEED VALLEY (900)	15.0	ENERGY PIPELINE C
8131529	30814	4209300000	102-4	W W LINDLEY NO 5	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
-U S OPERATING INC			RECEIVED: 05/15/81 JA: TX				
8131483	30521	4228730713	102-2	BECKY NO 1 RRC ID 13532	GIDDINGS (AUSTIN CHALK)	109.0	PGP GAS PRODUCTS
-VORTT EXPLORATION CO INC			RECEIVED: 05/15/81 JA: TX				
8131373	22956	4236300000	102-2	#1 J GLIDEWELL	MINERAL WELLS S (CONGL)	280.0	SOUTHWESTERN GAS
8131374	22959	4236300000	102-2	#1 P GLIDEWELL	WILDCAT PENDING	200.0	SOUTHWESTERN GAS
8131375	22960	4236300000	102-3	#1 VARNELL-SEAY	MINERAL WELLS S (CONGL)	0.0	SOUTHWESTERN GAS
-W L BRUCE OPERATOR			RECEIVED: 05/15/81 JA: TX				
8131444	25375	4234100000	108	LETHEN #2 RRC#03915	PANHANDLE FIELD	27.6	PHILLIPS PET CO
-W L PENNINGTON INC			RECEIVED: 05/15/81 JA: TX				
8131505	29795	4208730151	108	EMMERT 2-82 ID#88953	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131503	29793	4208730150	108	EMMERT 2-99 ID#88918	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131502	29792	4208730153	108	EMMERT 3-99 ID#88917	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131504	29794	4208730149	108	MCFARLAND 3-1 ID#88520	PANHANDLE EAST	20.0	EL PASO NATURAL G
-W M LAUGHLIN			RECEIVED: 05/15/81 JA: TX				
8131490	28672	4224931104	103	NO 1 SALVATION ARMY WELL	PREPCAT N W (4400) FIELD	182.5	VALLEY GAS TRANSP
-W W WALTON JR			RECEIVED: 05/15/81 JA: TX				
8131352	22264	4240931298	102-4	BESS MCFALL ET AL NC 2-T	HIBERNIA (4922)	55.0	HOUSTON PIPELINE
-WESSELY ENERGY CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131533	30893	4201331121	102-4	WERNER AHRENS NO 1 91979	ATKINSON NW (4000-RECKLA	105.0	VALERO TRANSMISSI
-WHITEHEAD PRODUCTION CO INC			RECEIVED: 05/15/81 JA: TX				
8131506	29822	4236332464	102-2	FOWLER 90665	MINERAL WELLS S (GEORGIA	350.0	
8131522	30501	4223733052	102-2	THWEATT	POST OAK WEST (ELLEN)	150.0	
-WILLIAM PERLMAN			RECEIVED: 05/15/81 JA: TX				
8131478	27528	4243532371	103	FIELDS 55-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131478	27528	4243532371	107-TF	FIELDS 55-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131492	28900	4243532353	103	HUDSPETH MEM HOSP I-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131492	28900	4243532353	107-TF	HUDSPETH MEM HOSP I-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
-WTG EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131408	24032	4210500000	103	TODD B #3	HOWARD DRAW NE (QUEEN)	0.0	EL PASO NATURAL G
-ZONERGY INC			RECEIVED: 05/15/81 JA: TX				
8131570	31918	4265131127	102-2	BATES #2	GIDDINGS	0.0	CLAJON GAS CO

OTHER PURCHASERS	VOLUME NC 2443
8131282	HOUSTON LIGHTING & POWER CO
8131285	HOUSTON LIGHTING & POWER CO
8131286	HOUSTON LIGHTING & POWER CO
8131287	HOUSTON LIGHTING & POWER CO
8131288	HOUSTON LIGHTING & POWER CO
8131294	HOUSTON LIGHTING & POWER CO
8131295	HOUSTON LIGHTING & POWER CO
8131296	HOUSTON LIGHTING & POWER CO
8131297	HOUSTON LIGHTING & POWER CO
8131298	HOUSTON LIGHTING & POWER CO
8131299	HOUSTON LIGHTING & POWER CO
8131300	HOUSTON LIGHTING & POWER CO
8131301	HOUSTON LIGHTING & POWER CO
8131302	HOUSTON LIGHTING & POWER CO
8131303	HOUSTON LIGHTING & POWER CO
8131304	HOUSTON LIGHTING & POWER CO
8131305	HOUSTON LIGHTING & POWER CO
8131312	PANHANDLE EASTERN P L CO
8131313	HOUSTON LIGHTING & POWER CO
8131314	HOUSTON LIGHTING & POWER CO
8131315	HOUSTON LIGHTING & POWER CO
8131316	E I DUPONT DE NEMOURS & CO INC
8131317	E I DUPONT DE NEMOURS & CO INC
8131318	E I DUPONT DE NEMOURS & CO INC
8131319	E I DUPONT DE NEMOURS & CO INC
8131320	E I DUPONT DE NEMOURS & CO INC
8131321	E I DUPONT DE NEMOURS & CO INC
8131322	E I DUPONT DE NEMOURS & CO INC
8131323	E I DUPONT DE NEMOURS & CO INC
8131324	E I DUPONT DE NEMOURS & CO INC
8131325	E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-01-C

OTHER PURCHASERS	VOLUME NC 2443
8131326	E I DUPONT DE NEMOURS & CO INC
8131327	E I DUPONT DE NEMOURS & CO INC
8131328	E I DUPONT DE NEMOURS & CO INC
8131329	E I DUPONT DE NEMOURS & CO INC
8131330	E I DUPONT DE NEMOURS & CO INC
8131334	E I DUPONT DE NEMOURS & CO INC
8131335	E I DUPONT DE NEMOURS & CO INC
8131336	E I DUPONT DE NEMOURS & CO INC
8131337	E I DUPONT DE NEMOURS & CO INC
8131338	E I DUPONT DE NEMOURS & CO INC
8131339	E I DUPONT DE NEMOURS & CO INC
8131340	E I DUPONT DE NEMOURS & CO INC
8131341	E I DUPONT DE NEMOURS & CO INC
8131342	E I DUPONT DE NEMOURS & CO INC
8131343	E I DUPONT DE NEMOURS & CO INC
8131345	E I DUPONT DE NEMOURS & CO INC
8131346	E I DUPONT DE NEMOURS & CO INC
8131351	E I DUPONT DE NEMOURS & CO INC
8131355	E I DUPONT DE NEMOURS & CO INC
8131364	E I DUPONT DE NEMOURS & CO INC
8131365	E I DUPONT DE NEMOURS & CO INC
8131366	E I DUPONT DE NEMOURS & CO INC
8131367	E I DUPONT DE NEMOURS & CO INC
8131377	E I DUPONT DE NEMOURS & CO INC
8131387	E I DUPONT DE NEMOURS & CO INC
8131388	E I DUPONT DE NEMOURS & CO INC
8131406	E I DUPONT DE NEMOURS & CO INC
8131407	COLUMBIA GAS TRANS CORP
8131439	E I DUPONT DE NEMOURS & CO INC
8131564	TENNESSEE GAS PL CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

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
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
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18851 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Appeal of December 1980 Entitlements Notice Filed by Mobil Oil Corp.

AGENCY: Department of Energy, Office of Hearings and Appeals.

ACTION: Notice of issuance of interlocutory order and notice of public hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) hereby gives notice of an Interlocutory Order issued with respect to an Appeal of the December 1980 Entitlements Notice filed by Mobil Oil Corporation. The DOE also gives notice of a public hearing to be held in Washington, D.C. to receive comments on the Interlocutory Order.

DATES: Written comments: June 23, 1981.
Hearing: June 29, 1981.
Request to speak: June 25, 1981.

ADDRESSES: Request to speak: Wayne Davis, Office of Hearings and Appeals, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461 (202) 653–3054.
Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.
Time: 10:00 a.m.
Comments and Further Information: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 2000 M Street, N.W. Room 8014, Washington, D.C. 20461 (202) 653–3100.

SUPPLEMENTARY INFORMATION: On March 12, 1981, Mobil Oil Corporation (Mobil) appealed the issuance of the December 1980 Entitlements Notice, 46 F.R. 14157 (February 26, 1981). On June 4, 1981, the Office of Hearings and Appeals issued an Interlocutory Order in the appeal proceeding. The Interlocutory Order contains DOE's preliminary determination that additional factual information should be gathered for the record in the appeal proceeding. The DOE invites comments on the Interlocutory Order.

Written comments should be filed by June 23, 1981, with the Office of Hearings and Appeals at the address shown in the "ADDRESSES" section above and must be clearly marked, "Case No. BEZ–0096." The DOE is required to maintain a docket room where information concerning submissions is made available for public inspection. To ensure that no confidential material is placed in the Docket Room, we request that you delete material which is exempt by law from public disclosure from two copies of your written comments and forward them to us with the undeleted version. If there is nothing confidential in your comments, please so indicate and provide one additional copy. Failure to claim confidential treatment will result in disclosure of your entire submission.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by June 25, 1981. All requests to speak shall be made in writing. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by June 26, 1981. The Director of the Office of Hearings and Appeals or his designee will preside at the hearing.

At the hearing, representatives from Mobil will be afforded an opportunity to make an initial presentation. Following those statements, interested parties will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. In addition, the public record in the appeal proceeding is now available for inspection in the Public Docket Room. Copies of all written comments received in response to this notice will be made available for inspection in the Public Docket Room by June 24, 1981.

Issued in Washington, D.C., June 5, 1981.

Thomas L. Wieker,

Deputy Director, Office of Hearings and Appeals.

Department of Energy, *Washington, June 4, 1981.*

Decision and Order of the Department of Energy

Interlocutory Order

Name of Petitioner: Mobil Oil Corporation.
Case Number: BEZ–0096.

This proceeding was initiated on March 12, 1981 when Mobil Oil Corporation (Mobil) appealed the issuance of the December 1980 Entitlements Notice, 46 FR 14157 (February 26, 1981). On March 27, 1981, the Office of Hearings and Appeals convened a hearing at which representatives of Mobil, ERA, and several interested parties presented oral argument on Mobil's Appeal. *See* Transcript of Proceedings, Case No. BEA–0630 (March 27, 1981). For the reasons set forth below, the Office of Hearings and Appeals has reached the tentative determination that the factual record which has been developed to date in

this proceeding is insufficient to enable this Office to reach a determination on the merits of Mobil's Appeal. We have reached the further tentative determination that the information required to make a determination can be most effectively gathered by having the ERA request that all refiners submit the data specified in the Appendix to this Decision and Order. We invite comments on our tentative findings in this Order. Written comments should be filed with the Office of Hearings and Appeals by June 23, 1981. We will hold a hearing to receive oral comments on June 29, 1981.

I. Background

A. The Entitlements Program

The Entitlements Program is designed to allocate equitably the benefits of access to price-controlled crude oil, in furtherance of the statutory objectives set forth in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, (EPAA), 15 U.S.C. 753(b)(1). Specifically, the Entitlements Program is intended to promote the objective of "equitable distribution of crude oil . . . at equitable prices among all . . . sectors of the petroleum industry." EPAA, section 4(b)(1)(F), 15 U.S.C. section 753(b)(1)(F). *See* 39 FR 31650 (August 30, 1974); 39 FR 39740 (November 11, 1974). Rather than physically allocating price controlled crude oil among refiners, the Entitlements Program requires transfer payments among refiners, the net effect of which is approximately to equalize the financial benefits of access to price-controlled oil *See Asamera Oil (U.S.) Inc.*, No. BEE–1491 (January 15, 1981) (proposed decision).

This allocation by transfer payment mechanism depends upon crude oil refiners filing monthly reports listing their "crude oil receipts" of price-controlled crude oil. The DOE regulations define the term "crude oil receipts" as follows:

"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (i) booked into its refineries in accordance with *accounting procedure generally accepted and consistently and historically applied by the refiner concerned,* for its own account or for the account of a firm other than a refiner or (ii) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another refiner. *A particular crude oil receipt shall be deemed to have occurred when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, whether or not such crude oil has been actually received by that refiner,* except that crude oil delivered by one refiner to another refiner pursuant to a processing agreement will be deemed to have been delivered by the delivering refiner to the other refiner when the risk of loss passes to the other refiner under the particular processing agreement or when the crude oil is received at the refinery of the other refiner, whichever occurred first. Crude oil which as been added by a refiner to its inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil receipts at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned. The volume of domestic crude oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts.

10 CFR 211.62 (emphasis added).

Under the provisions of the Entitlements Program, every eligible refiner is issued a number of entitlements that is equal to the national domestic crude oil supply ratio (DOSR) (as defined in 10 CFR 211.62) multiplied by the volume of the crude oil runs to stills reported by the refiner for a given month. 10 CFR 211.67(a)(1). If the number of entitlements issued to the refiner in a month is less than the number of barrels of deemed old oil included in the refiner's adjusted crude oil receipts, the refiner is required to purchase entitlements. Conversely, if the number of entitlements issued is greater than the number of barrels of deemed old oil included in a refiner's crude oil receipts, the refiner is required to sell entitlements. 10 CFR 211.67(b) (1) and (c). The volume of deemed old oil attributed to a refiner in a month is equal to the number of barrels of lower-tier crude oil receipts plus a fraction (as specified in each monthly Entitlements Notice) of the number of barrels of upper-tier oil included in its crude oil receipts. 10 CFR 211.67(b)(2). The adjusted deemed old oil receipts, the number of entitlements issued, and the entitlement purchase or sale obligation of each refiner are specified in the monthly Entitlements Notices issued by the DOE. The net effect of this mechanism is to distribute to each refiner a proportionate share (based upon the refiner's crude oil runs to stills) of the benefits of the price-controlled crude oil reported as receipts into inventory by all domestic refiners. The more old crude oil received by refiners into inventory, the greater the benefits shared by all refiners.

B. Effect of Decontrol on the Entitlements Program

On January 28, 1981, the President ordered the immediate decontrol of crude oil and refined petroleum products. Executive Order No. 12287, 46 Fed. Reg. 9909 (January 30, 1981). Section 1 of the Executive Order exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the EPAA and directed the Secretary of Energy to revoke the price and allocation regulations. However, Section 3 specified:

The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for period prior to this Order.

Id.

Pursuant to the authority provided in Section 3 of the Executive Order, the ERA determined to issue regular entitlements notices for the months of December 1980 and January 1981 and then to issue a final "clean-up" notice to account for corrections and administrative and judicial determinations. *See* Notice of Proposed Rulemaking, Establishment of Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil, 46 F.R. 15112 (March 3, 1981). *See also Ruling 1981–1* (February 12, 1981), 46 F.R. 12945 (Febuary 19, 1981). However, the ERA's Notice does not discuss whether any adjustments or clarifications to the regulations should be undertaken to impose entitlements obligations on crude oil which was produced and sold at controlled prices but which was not reported as "crude oil receipts" by a refiner prior to January 28, 1981.

II. Mobil's Appeal

In its Appeal, Mobil contends that the ERA's issuance of the December 1980 Entitlements Notice exceeded ERA's statutory authority and was arbitrary and capricious. Mobil's appeal concentrates on the "disappearance" of deemed old oil from the Entitlements Program. By "disappearance," Mobil refers to price-controlled crude oil produced but never reported in refiners' crude oil receipts. Mobil observes that this phenomenon can be seen in the decline in ther DOSR, which is essentially the adjusted ratio of price-controlled crude oil receipts to crude oil runs to stills each month. The DOSR declined at a relatively steady rate from January 1980 (DOSR = 0.224) to November 1980 (DOSR = 0.098). In December 1980, however, the DOSR dropped by 43 percent from its November value to a value of 0.056. Mobil asserts that this drastic reduction cannot be completely explained by either a reduction in the volume of price-controlled crude oil being produced and sold, or by an increase in the amount of crude oil being decontrolled in accordance with the gradual decontrol of crude oil, (*see* 10 CFR 212.72 (defining "market level new crude oil"); 10 CFR 212.74(a) (exempting market level new crude oil from price controls)) and the tertiary recovery incentive program (*see* 10 CFR 212.78). Mobil alleges that a substantial portion of the decline in the DOSR reflects practices adopted by some refiners and resellers designed to delay until after January 28, 1981 the booking as "crude oil receipts" into *refinery* inventory of deemed old oil that was produced during the period of price controls. Mobil claims that in this manner refiners could avoid the entitlements purchase obligation normally associated with the receipt of price-controlled crude oil. The effect of such action by refiners would be to avoid sharing with other refiners the financial benefits of purchasing price-controlled oil. Resellers who held price-controlled crude oil on January 28, 1981 were able to obtain a benefit equal to the difference between controlled and uncontrolled prices.

Mobil suggests that some of these practices were probably violations of the price and allocation regulations and recommends that

the DOE's compliance activity be increased. However, Mobil also contends that much of the sheltering of price-controlled crude oil from the Entitlements Program was accomplished through practices which did not violate the specific terms of the DOE Regulations as they have been interpreted by both the agency and industry during the ongoing operation of the Entitlements Program. According to Mobil, such practices include time exchanges, tier-trades, and the maintenance of off-site (non-inventory) storage of price-controlled crude oil. Mobil contends that these practices proliferated during the concluding period of price controls. Mobil estimates that as much as 500,000 barrels of price-controlled crude oil per day "escaped" entitlements purchase obligations during the fourth quarter of 1980. The firm maintains that refiners, resellers, and producers who successfully sheltered price-controlled crude oil from the Entitlements Program would have received a benefit of up to $30 per barrel.

Mobil correctly points out that a reduction in the volumes of price-controlled crude oil in the entitlements system decreases the numerator of the DOSR, and thus the DOSR itself. *See Alabama River Pulp Co.*, BES-0588, 7 DOE ¶ ——— (February 21, 1981). When the DOSR decreases, each refiner receives a smaller share of the benefits of access to price controlled oil. A firm which normally is an entitlements purchaser is then required to purchase additional entitlements, while a firm which is typically an entitlements seller is permitted to sell fewer entitlements or may even be required to purchase entitlements. *See, e.g., Ashland Oil, Inc.*, BEA-0637, Appeal filed March 25, 1981. In each case, the refiner's post-entitlements cost of crude oil increases. As a result of the failure of refiners to report old oil as "crude oil receipts," Mobil contends, the Entitlements Program has not fully distributed the benefits of price-controlled crude oil.

Mobil asserts that the ERA has been aware of this situation for a considerable period of time and has failed to take any regulatory or interpretive action. Mobil believes that with the advent of decontrol, the regulations, interpretations, and assumptions underlying the ongoing Entitlements Program are no longer valid, since they do not serve their primary purpose: the equitable distribution of the benefits of price-controlled crude oil. Mobil maintains that the ERA interpretation of its rules which permits crude oil produced during the life of the price control program to escape entitlements obligations is arbitrary and capricious. Since the ERA interpretation of crude oil receipts underlying the calculation of the entitlements indices is no longer proper, Mobil argues, the Entitlements Notice is unlawful. Mobil further alleges that the Entitlements Program no longer serves any of the national energy policy objectives set forth in Section 4(b)(1) of the EPAA. The firm asserts that under Executive Order No. 12287, the DOE is required to make such adjustments to the Entitlements Program as are necessary to ensure that the Program is concluded in an orderly and equitable fashion. Under these circumstances, the ERA is obliged to take corrective action, according to Mobil. Mobil adds that by issuing the December 1980 Entitlements Notice prior to the adoption of corrective interpretations and procedures, the ERA abused its discretion and acted in an arbitrary and capricious manner. The firm requests that the December 1980 Notice be remanded to the ERA with orders to recalculate and republish the list based on modifications of existing interpretations.

III. ERA Response to Mobil's Appeal

On March 26, 1981, the ERA filed comments in opposition to Mobil's appeal. The ERA contends that issuance of the December 1980 Entitlements Notice was required by Section 211.67(i) and that the ERA therefore lacked discretion not to issue the Notice. The ERA maintains that postponement or non-issuance of the Notice would have constituted agency noncompliance with its validly promulgated regulations and therefore would have been unlawful. Next, the ERA asserts that it has initiated a rulemaking proceeding to ensure an equitable and orderly termination of the Entitlements Program and that therefore it has not abused its discretion by failure to act in compliance with Executive Order No. 12287. The ERA further contends that any crude oil receipts withheld from the Entitlements Program in violation of the DOE Regulations should and will be handled through the enforcement process. The ERA therefore believes that the mere existence of such violations does not constitute grounds for invalidating the December Notice. The ERA argues that Mobil's allegation that substantial volumes of crude oil may have legally escaped the entitlements Program as a result of the ERA's interpretations of its rules is based largely on unsubstantiated conjecture. The ERA therefore contends that there is no proper basis for finding its interpretrations concerning crude oil in the supply pipeline (prior to receipt in refinery inventory) and on time exchange to be arbitrary or capricious.

IV. Analysis

With regard to possible violations of DOE regulations, such as the failure of firms to certify crude oil properly, we believe that active enforcement by the DOE is the most appropriate solution to the problems raised by Mobil. To the extent, however, that Mobil's Appeal is predicated on the ERA's allegedly improper regulatory interpretations, we will consider the firm's claims.

In essence, Mobil asserts that when many firms anticipated decontrol, they adopted practices to shelter price-controlled crude oil from entitlement purchase obligations by keeping the crude oil from being reported as crude oil receipts. Mobil believes that these practices constituted such radical changes in the circumstances under which the Entitlements Program operates as to compel the ERA to modify the interpretations and practices it used in gathering the data which form the basis for the calculation of the Entitlements Notice. In the absence of such corrections, Mobil asserts the continuation of the Entitlements Program "as is" through the issuance of the December 1980 Entitlements Notice was arbitrary and capricious.

The present factual record in this proceeding is insufficient to enable us to reach a determination on the merits of Mobil's Appeal. We are not yet in a position to evaluate fully the effect of the ERA's interpretation on the disappearance of price-controlled crude oil from the Entitlements Program through time exchanges and inventory practices. However, Mobil has raised very significant issues concerning the ERA's interpretations of its rules. Moreover, we do not believe that the ERA's contention that it lacked the discretion to postpone issuance of the December 1980 Entitlements Notice pending revision or interpretation of the Entitlements Program regulations is relevant. If the ERA's interpretations or practices led to arbitrary and capricious results, the appeal should be granted, and the Notice should be recalculated using data derived from a proper interpretation of crude oil receipts. For these reasons, we have tentatively determined that additional factual information should be submitted for the record in this proceeding.

The central premise of Mobil's position is that the ERA's interpretations of the Entitlements Program regulations and the practices historically adopted by both the agency and the industry contemplated an ongoing program. When federal controls were continuing, Mobil claims, it was unnecessary to impose an entitlements purchase obligation on a barrel of price-controlled crude oil at the wellhead, since the crude oil would eventually find its way through the supply chain to a refiner's inventory. Mobil believes that this approach might be reasonable for an ongoing program but makes no sense at the conclusion of the program. The firm explains that crude oil in the pipeline or on time exchange at the time of decontrol had been produced and sold at controlled prices. However, that crude oil would escape an entitlement purchase obligation under current ERA interpretations. Mobil argues that the incentive under these interpretations to withhold crude oil from refinery receipts mushroomed as the expectation of imminent decontrol increased. Consequently Mobil believes, certain refiners, resellers, and producers garnered exceptional benefits at the expense of all refiners.

Mobil has submitted information which indicates that as much as 520,000 barrels per day of crude oil sold by producers at lower-tier prices and 426,000 barrels per day of crude oil sold at upper-tier day may have escaped entitlement purchase obligations during the month of December 1980. The *daily* entitlement purchase obligation on that volume of crude oil is $22.2 million; the total value of the "lost" entitlements for the month approaches $868 million, or approximately $1.50 per barrel of crude oil run to stills. To the extent that these data are correct, they may indicate that the ERA interpretations of its rules for calculating old oil receipts under the Entitlements Program led to such manifestly arbitrary results during December 1980 as to make reinterpretation or revision of the Program mandatory.

Mobil's data may not be fully accurate. Mobil compiled its data by comparing, category by category, the volumes of crude oil produced and sold to first purchasers, as

reported on Form ERA–182 ("Domestic Crude Oil First Purchase Report") with the volumes of crude oil received into refinery inventories, as reported on Form ERA–49 ("Domestic Crude Oil Entitlements Program Refiners' Monthly Report"). The data do not reveal the extent of adjustments or corrections to prior months' reports, nor do they indicate the manner in which discrepancies between the two reports arise. Mobil cannot with precision estimate the impact on itself, or on the Entitlements Program as a whole, of the ERA interpretations which, in effect, release from entitlement purchase obligations the crude oil held outside refinery inventory or on time exchange on January 29, 1981. Nor can Mobil separate the effects of those practices from outright fraudulent practices which may be corrected through the enforcement process.

We find Mobil's arguments to be plausible, but the record is incomplete as to the magnitude of the alleged practices which have occurred within the scope of the ERA's regulations and interpretations, as compared to the magnitude of outright violations of the regulations. It appears that neither Mobil nor the ERA has adequate information on this problem. We must obtain an estimate of how much price-controlled crude oil disappeared from the Entitlements Program within the scope of the ERA's interpretations before we can determine whether the ERA abused its discretion by issuing the December 1980 Entitlements Notice. No regulatory program can be expected to work perfectly; the mere existence of particular problems in the administration of a program does not necessarily require correction. However, if the circumstances surrounding a program change significantly, amendment or reinterpretation of the program is generally appropriate. *See Alaska North Slope Entitlements*, 6 DOE ¶ 80,126A (1980). Further, if the environment in which a regulatory program is functioning changes so radically that the original purposes of the program are no longer served, then the agency may be compelled to act. As noted by the Court in *Geller v. FCC*, 610 F.2d 973 (D.C. Cir. 1979) (per curiam):

> Undeniably, an agency normally possesses a generous measure of discretion respecting the launching of rulemaking proceedings. But though the discretion typically is broad, its exercise is reviewable if plainly misguided. . . . And it goes without saying that the agency cannot sidestep a reexamination of particular regulations when abnormal circumstances make that course imperative.

Id. at 979 (footnotes omitted).

Administrative rules and regulations are intended for continuing application. Circumstances may modify the environment within which those administrative regulations are applied. As a result, a consistent application of existing regulations may have an effect neither contemplated nor intended at the time the rule was promulgated. Mobil argues that just such compelling circumstances exist with regard to the ERA's interpretation of crude oil receipts. However, the record in this case does not clearly establish the effect on the DOSR of the ERA's practices and interpretations regarding crude oil receipts.

The procedures which govern the DOE's consideration of Appeals are set forth in 10 CFR Part 205, Subpart H. Section 205.106 contemplates two alternative approaches when the record lacks sufficient information upon which to base a decision. Section 205.106(a)(1) specifies that the DOE "may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation." Section 205.106(a)(2) specifies that the DOE may request additional information from the appellant. In the present case, Mobil has presented significant but not wholly conclusive evidence in support of its Appeal. Mobil apparently lacks access to the type of information required to complete the factual record. Consequently, it would be pointless to request Mobil to supplement its submissions in this proceeding. Instead, we will exercise our discretion to initiate an investigation pursuant to Section 205.106(a)(1). We believe that the following information must be obtained:

(1) The volume of price-controlled crude oil to which refiners and their affiliates held title on January 28, 1981 but which was not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(2) The volume of price-controlled crude oil exchanged away and not repayed prior to January 28, 1981.

(3) The volume of price-controlled crude oil sold pursuant to matching purchase-and-sale agreements in which the selling refiner had not yet purchased the matching volume by January 28, 1981 and which was not reported as "crude oil receipts" for periods prior to January 28, 1981.

(4) The accounting system used by each refiner to report crude oil receipts, including:

(i) when the firm historically and consistently books crude oil into inventory for tax (IRS) purposes;

(ii) when the firm historically and consistently books crude oil into refinery inventory for entitlements purposes;

(iii) when and how the firm historically and consistently reports for entitlements purposes volumes of crude oil exchanged in time exchanges and in back-to-back (matching purchase-and-sale) agreements.

(5) The names and addresses of any producers or resellers to which refiners owed crude oil on exchange transactions on January 28, 1981 and the volumes of crude oil owed.

Since this information is generally proprietary commercial information, we have determined that the most appropriate method of gathering this information is to order the Economic Regulatory Administration to request this information from all refiners. The proposed text of the questions is set forth in the Appendix to this Decision. Upon receipt of the data, the ERA will be required to compile aggregate results which will be submitted for the record in this proceeding and will be made public for Mobil and interested parties to utilize in their own filings.

Accordingly: The Office of Hearings and Appeals invites written comments by June 23, 1981 on whether the following Order should be issued:

(1) The Assistant Administrator for Petroleum Operations of the Economic Regulatory Administration shall send to each refiner that participates in the Entitlements Program a questionnaire which contains the questions set forth in the Appendix to this Order. The questionnaire shall be sent by telegram and by certified mail within one week of the issuance of this Order.

(2) Each refiner that participates in the Entitlements Program shall be required to complete the questionnaire referred to in Paragraph (2) above and file its reply with the ERA no later than two weeks following its receipt of the quesitionnaire. The reply shall be filed via certified mail. A refiner may request confidential treatment of its reply pursuant to 10 CFR 205.9(f).

(3) The ERA shall aggregate the data received pursuant to the procedures specified in Paragraphs (2) and (3) above and file a preliminary report with the Office of Hearings and Appeals no later than two weeks after its receipt of completed questionnaires from at least seventy (70) percent of the refiners that received the questionnaires. Within two weeks after filing the preliminary report, the ERA shall file a Final Report. The ERA shall publish the Final Report or a summary of the Final Report in the **Federal Register.**

(4) The Office of Hearings and Appeals will convene a public hearing in this proceeding as soon as possible after the filing of the Final Report.

Dated: June 4, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix

The ERA will be required to send the following questionnaire to each refiner that participates in the Entitlements Program.

Please answer the following questions with respect to crude oil held by your firm, including all affiliated and related firms or other entities (whether incorporated or unincorporated, partnership, sole proprietorship, or joint venture). If any crude oil referred to in your answer is jointly held with another domestic refiner, report your ownership of that crude oil in a manner consistent with your historical and consistent reporting practice for Form ERA–49.

(1) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier Alaskan North Slope (ANS) crude oil, to which your firm held title at 12:01 A.M. on January 28, 1981 but which was not reported as "crude oil receipts" for periods prior to January 28, 1981 on any Form ERA–49 or correction or amendment to Form ERA–49 filed by your firm.

(2) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil, which your firm had *exchanged* with *other refiners* prior to January 28, 1981, (i) which had not been repayed to your firm prior to January 28, 1981, and (ii) which your firm had not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(3) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil, which your firm had *exchanged* with *producers* or *resellers* prior to January 28, 1981, but which (i) had not

been repaid to your firm prior to January 28, 1981, and (ii) your firm had not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(4) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil sold to *other refiners* prior to January 28, 1981 pursuant to a *matching* purchase-and-sale agreement in which your firm had not yet purchased the matching volume prior to January 28, 1981 and had not reported the original crude oil as "crude oil receipts" on Form ERA–49 for a period prior to January 28, 1981 or had reported the original crude oil as "crude oil receipts" but had subsequently deducted from "crude oil receipts" upon sale to the other firm.

(5) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil sold to *producers* and *resellers* prior to January 28, 1981 pursuant to a *matching* purchase-and-sale agreement in which your firm had not yet purchased the matching volume prior to January 28, 1981 and had not reported the original crude oil as "crude oil receipts" on Form ERA–49 for a period prior to January 28, 1981 or had reported the original crude oil as "crude oil receipts" but had subsequently deducted from "crude oil receipts" upon sale to the other firm.

(6) Please explain the manner in which your firm has determined crude oil receipts into inventory:

(i) for tax (IRS) purposes;

(ii) for entitlements purposes. If different from (i), please explain the reasons for such difference.

(7) State when and how your firm historically and consistently reports as "crude oil receipts" into refinery inventory volumes of crude oil (a) exchanged in time exchanges and (b) sold in matching purchase-and-sale agreements.

(8) State the names and addresses of any producers or resellers that your firm owed crude oil on exchange or in a matching purchase-and-sale agreement at 12:01 A.M. January 28, 1981 and indicate the volume owed to each.

[FR Doc. 81–18587 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of May 18 Through May 22, 1981

During the week of May 18 through May 22, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Collier, Shannon, Rill & Scott, 5/20/81, BFA–0597

Collier, Shannon, Rill & Scott filed an Appeal from a partial denial by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 4 should be released to the public. Important issues that were considered in the Decision and Order were (i) the Application of Exemption 4 to information generated by the DOE and related to underlying information obtained from a person outside the Government, (ii) the extent to which information obtained by the DOE from a person other than the person to whom it relates may be deemed confidential and (iii) the application of privilege to documents as an independent ground for withholding material under Exemption 4.

Remedial Orders

Corpus Christi Management Company, J. W. McKellip, 5/19/81, DRO–0123

On October 4, 1978, Corpus Christi Management Company and J. W. McKellip filed a Statement of Objections to a Proposed Remedial Order which was issued by the Office of Enforcement of the Economic Regulatory Administration (ERA). In the Proposed Remedial Order, the ERA determined that the petitioners had charged a price for the first sales of crude oil from three properties which exceeded the maximum lawful selling price for such sales. The PRO was issued to Corpus Christi Management Company and McKellip, because the Office of Enforcement had information that led it to believe that Corpus Christi Management Company and McKellip were the operator and working interest owner, respectively, of the properties. After examining the Statement of Objections and related filings, the Office of Hearings and Appeals determined that McKellip had never been a working interest owner of the properties, and dismissed him from the PRO. The Office of Hearings and Appeals also found that the working interest owners of the property have been, at various times, Petrotex Holding Company and Texcellere Corporation, and joined these firms to the PRO. Finally, the Office of Hearings and Appeals determined that Corpus Christi Management Company had sold lower tier crude oil at upper tier and market prices, and issued the PRO in a final form to Corpus Christi Management Company, Texcellere Corporation and Petrotex Holding Company.

RPL Oil Company, Inc., 5/21/81, DRO–0218

RPL Oil Company, Inc., filed a Statement of Objections to a Proposed Remedial Order (PRO) issued to the firm on May 4, 1979 by the Southwest District of the Economic Regulatory Administration (ERA). In the PRO, the ERA determined that RPL had sold crude oil at prices that exceeded the maximum lawful levels permitted under DOE regulations. In the present proceeding, the DOE concluded that RPL's Statement of Objections be denied. The important issues discussed in the Decision and Order include (i) the exclusion of injection wells from the calculation of a crude oil producing property's average daily production; (ii) whether Ruling 1974–29 is being unlawfully applied retroactively in this case; and (iii) whether these proceedings should be stayed pending a final resolution of judicial proceedings involving the validity of Ruling 1974–29.

Remedial Orders

In the following cases involving Proposed Remedial Orders and/or Interim Remedial Orders for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the orders in final form.

Company Name and Case No.

Nello Sbrega, d.b.a. Elmwood Service Station, BRW–0091

Roger's Standard (Strasheim), BRW–0095

Petition for Special Redress

Isthmus Trading Corporation, 5/22/81, BEG–0055, BES–0152, BET–0152

Isthmus Trading Corporation filed a Petition for Special Redress and Applications for Stay and Temporary Stay with the Office of Hearings and Appeals of the Department of Energy. In its Petition for Special Redress, Isthmus requested that the Office of Hearings and Appeals quash a subpoena duces tecum issued to the firm by the Audit Director, Houston Crude Reseller Division, Office of Enforcement, Department of Energy. Isthmus requested a review of the subpoena pursuant to 10 CFR 205.8(b)(4). However, without reaching the merits of Isthmus' Petition, the Office of Hearings and Appeals determined that the allegations raised by the firm did not constitute the type of extraordinary circumstances under which the Office should exercise its review authority. Consequently, the firm's Petition for Special Redress was denied, and its Applications for Stay and Temporary Stay were dismissed.

Requests for Exception

Beacon Oil Company, 5/20/81, BEE–1382

Beacon Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from the Entitlements Program for the period January 1980 through December 1980. The DOE found that the firm failed to qualify for prospective exception relief for the August 1980 through December 1980 period under the agency's *Delta* standards and that the firm failed to demonstrate that it warranted retroactive exception relief for the January 1980 through July 1980 period. Accordingly, exception relief was denied.

Road Oil Sales, Inc., 5/21/81, BEE–1550

Road Oil Sales, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that the DOE grant it a period of twelve months to locate the broker who possibly misrepresented the classification of oil for which Road Oil incurred an entitlement purchase obligation of $1,344,326. In the alternative, Road Oil requested an extension of time in which to meet its entitlement purchase obligation. In considering the request, the DOE determined that Road Oil's difficulties in meeting the entitlement purchase obligation appeared to be due to financial obligations imposed upon the firm by its parent corporation. Since Road Oil

failed to provide any financial data concerning the parent company, the DOE could not conclude that the applicant lacked sufficient resources to meet its obligation. In addition, the DOE noted that the firm provided no evidence that the present classification of the product in question is incorrect. Accordingly, Road Oil's Application for Exception was denied.

Tosco Corporation, 5/20/81, BEE-1621

Tosco Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought the issuance of additional entitlements to the firm for crude oil which it purchased as inventory for its newly acquired refinery. In considering the request, the DOE determined that Tosco had failed to show that the Entitlements Program resulted in a gross inequity or serious hardship with respect to the firm's inventory receipts. Accordingly, Tosco's Application for Exception was denied.

Motion for Evidentiary Hearing

Office of Special Counsel, 5/18/81, BEH-0021, BED-0020

In a Decision issued on May 18, 1981, the Office of Hearings and Appeals considered a Motion for Evidentiary Hearing and Motion for Discovery submitted by the Office of Special Counsel in connection with an exception proceeding involving the calculation of inter-affiliate transfer prices for foreign crude oil by the Standard Oil Company (Indiana) (Case No. DEE-8244). In denying the Motion for Evidentiary Hearing, the OHA determined that the Office of Special Counsel had failed to make any of the showings set forth in 10 CFR 205.64 (setting forth contents of Motion for Evidentiary Proceeding). In considering the Motion for Discovery, the Office of Hearings and Appeals made determinations of materiality and relevance with respect to each interrogatory posed in the Motion. On the basis of this analysis, discovery was approved, and Standard Oil Company (Indiana) was required to answer a number of questions and to supply underlying documentation within 30 days of service of the Order.

Interlocutory Order

Office of Special Counsel for Compliance, 5/18/81, BRZ-0098

The Office of Special Counsel of the Department of Energy (OSC) filed a request to limit participation in an enforcement matter involving a Proposed Remedial Order which the OSC issued to Exxon Company, U.S.A. on May 9, 1980 (Case No. BRO-1271). The OSC motion sought to strike from the record the Notices and Statements of Objections which were filed in the enforcement proceeding by American Petrofina, Inc. (Fina), Gulf Oil Corporation, and Chevron U.S.A., Inc. Additionally, OSC moved to deny any participation in the Exxon enforcement proceeding by Fina, Gulf or Chevron. In the present Decision, the DOE concluded that Fina, Gulf and Chevron failed to demonstrate that they have any interest in the Exxon enforcement proceeding, and that they therefore should not be allowed to participate in that proceeding. The DOE also found that OSC would be prejudiced if it had to respond to three additional Statements of Objections, but would not be prejudiced by the mere retention of that material in the record. Accordingly, the Notices and Statements of Objections were stricken from the record as Notices and Statements of Objections, but were retained in the record as comments.

Supplemental Orders

Beacon Oil Company, 5/22/81, BEX-0207

On its own motion, the DOE issued a Supplemental Decision and Order to Beacon Oil Company which required the firm to purchase $672,464 of entitlements for the excessive entitlements exception relief received by the firm during its 1978 fiscal year. This Supplemental Order amended the previous Supplemental Order issued to the firm in which the DOE found that the firm had received excess exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program) for its 1978 fiscal year. *See Beacon Oil Co.*, 8 DOE ¶ ——, No. DEX-0153 (April 22, 1981).

Chevron U.S.A., Inc., 5/21/81, BEX-0185

Chevron U.S.A., Inc., filed a request for a Supplemental Order to correct an Appeal determination in which Chevron was granted an excessive level of entitlements relief. In addition, Chevron requested that it be granted additional entitlements to provide the firm with interest on the value of the entitlements it was granted in the Appeal determination. Chevron's request was granted in part. The Decision and Order increased Chevron's entitlement obligation for the next Entitlement Notice published, to adjust for the excessive level of relief; however, Chevron's request for an interest adjustment was denied as not constituting "significantly changed circumstances" warranting relief.

Cranston Oil Service Co., 5/19/81, BEX-0209

On May 19, 1981, the DOE issued a Supplemental Decision and Order to Cranston Oil Service Co. (Cranston). The Decision and Order specified the method by which funds held in a previously established escrow account were to be disbursed in order to satisfy a portion of Cranston's prior overcharges for #2 heating oil. In addition, the Order specified that Cranston and the DOE Region I Office of Enforcement should agree on a compliance plan to make certain that Cranston completes the remainder of its refunds no later than September 30, 1981.

Lunday-Thagard Oil Company, 5/20/81, BYX-0201

On May 20, 1981, the DOE issued a Decision and Order to Lunday-Thagard Oil Company that reviewed the firm's 1980 fiscal year exception relief from purchasing entitlements as required by 10 CFR 211.67. The Decision and Order determined that Lunday-Thagard received excess relief during its 1980 fiscal year and therefore required the firm to purchase entitlements to refund the excess amount.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firm. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Name and Case No.

Little America Refining Co., Inc., Chevron U.S.A. Inc., BEJ-0198
Little America Ref., Co., Inc., Cities Service Co., BEJ-0199
Little America Ref. Co., Wyoming Refining Co., BEJ-0200

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

A. O. Smith Corp., BEE-1661, BEL-1661
Dave Bresley d/b/a Bloomingdale Service, BRR-0118
Charter Oil Co., BER-0140, BES-0161, BET-0161
Giant Industries, Inc., BEE-0272, BEL-0272
Goldsby's Exxon, BRO-0097
Mobil Oil Corporation, BEA-0294
Pacific Refining Co., BEE-1267
Piedmont Natural Gas Co., DEE-2.37
Texaco, Inc., DEA-0350
U.S. Oil and Refining Company, BEL-1418

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 18, 1981.

[FR Doc. 81-18670 Filed 6-23-81; 8:45 am]

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Issuance of Decisions and Orders; Week of May 25 Through May 29, 1981

During the week of May 25 through May 29, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120,

2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 18, 1981.

Appeals

Boston Technologies, Inc., 5/27/81, BFA-0664

Boston Technologies, Inc. (BTI) filed an Appeal from a denial by the Region I Deputy Representative of a request for information which the firm had submitted under the Freedom of Information Act. BTI subsequently narrowed its Appeal to contest only the withholding of a particular piece of information pursuant to Exemption 4. In considering the Appeal, the DOE contacted the submitter, who informed the DOE that it had no objection to the release of the particular piece of information. Accordingly, the DOE released the information.

Capell, Howard, Knabe & Cobbs, 5/26/81, BFA-0607

Capell, Howard, Knabe & Cobbs filed an Appeal from a denial by the Manager of the Idaho Operations Office of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the determination failed to describe adequately the documents withheld. Further, the DOE found that the Authorizing Official failed to justify the application of a mandatory disclosure exemption to particular documents responsive to the appellant's request. Finally, it was determined that, contrary to the statement of the Authorizing Official, certain of the documents withheld contained segregable factual information that must be released to the appellant. The Appeal was therefore granted in part.

First Valley Petroleum Co., 5/28/81, BFA-0663

First Valley Petroleum Co. filed an Appeal from a denial by the Manager of the Rocky Mountain District of the Office of Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that specific determinations and a detailed index should be provided for certain of the internal DOE documents which were initially withheld under Exemption 7(A). The Appeal was therefore granted.

GKCO Consultants, 5/27/81, BFA-0656

GKCO Consultants filed an Appeal from a denial by the Office of Business Liaison for Procurement and Assistance Management of the Department of Energy of a Request for Information that the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a portion of the information that GKCO had requested did not exist and that the firm had been supplied with the remainder of the information through private channels. Accordingly, the Appeal was denied.

Marathon Oil Company, 5/28/81, BEA-0126, BEA-0127

Marathon Oil Company filed two Appeals of Orders for the Redirection of Product which were issued to the firm by the Region IV Office of Petroleum Operations pursuant to 10 CFR 211.107(c). In considering the Appeals, the DOE determined that the orders did not include adequate factual findings to support the conclusions contained in the orders. In view of these deficiencies, the DOE concluded that the orders should be rescinded. The DOE also concluded that equitable considerations militated against ordering the firms supplied by Marathon to make restitution.

Request for Exception

Buck's Butane & Propane Service, Inc., 5/26/81, DEE-5546

Buck's Butane & Propane Service, Inc. filed an Application for Exception which, if granted, would permit the firm to establish a price on a prospective basis for the rental of propane storage tanks which exceeded the maximum permissible price. The firm also requested retroactive relief which would relieve the firm of its obligation to refund monies pursuant to a Remedial Order issued to the firm on April 21, 1977. In considering the exception request, the DOE determined that the request for prospective relief was moot, since the President exempted propane from the DOE price regulations on January 28, 1981. However, the DOE approved the relief which permitted the firm to offset monies that it had voluntarily refunded to its customers on the advice of government auditors with the firm's obligations under the April 21, 1977, Remedial Order. *See Buck's Butane and Propane Service Inc.*, 2 DOE ¶ 80,102 (1978).

Motions for Discovery

DeMartin Truck Lines, Inc., 5/28/81, BED-0121

DeMartin Truck Lines, Inc. filed a Motion for Discovery in connection with its Application for Exception from the provisions of 10 CFR 212.93. In its Motion, the firm sought affidavits and written documents from the DOE pertaining to the agency's policy on netting overcharges with undercharges. In considering the request, the DOE found that the Motion was not material or relevant to the pending exception proceeding. In addition, the Motion was filed in an untimely manner. Accordingly, DeMartin's Motion for Discovery was denied.

Marathon Oil Company, Murphy Oil Corp., Office of Special Counsel, 5/27/81, BRD-0983, BRD-0984, BRD-0064, BRD-0067

Marathon Oil Company and Murphy Oil Corporation each filed Motions for Discovery in connection with the firms' Statements of Objections to Proposed Orders of Disallowance issued to the firms by the Office of Special Counsel. In addition, the Office of Special Counsel filed Motions for Discovery directed toward Marathon and Murphy. In considering those Motions, the DOE concluded that each should be granted in part.

Supplemental Orders

The 341 Tract Unit of the Citronelle Field, 5/26/81, BEX-0212

The DOE reviewed a request by the Citronelle Unit to authorize disbursements from an escrow account set up pursuant to the provisions of an Interim Order that was designed to provide funds necessary to implement a tertiary recovery project on the Citronelle Field. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980). After a review of the submission, the DOE determined that the Citronelle Unit should be permitted access to a portion of the funds in the escrow account to reimburse the ownership interest for the expenditures incurred to date in implementing the tertiary recovery project on the Citronelle Field.

Warrior Asphalt Company of Alabama, Inc., 5/27/81, BYX-0211

The Department of Energy on its own motion reconsidered the exception relief which was granted to Warrior Asphalt Company of Alabama, Inc. (Warrior) pursuant to a Decision and Order issued to the firm on April 20, 1981 (Case No. DEX-0211). The DOE found that the April 20 Decision did not include two adjustments customarily utilized in the evaluation of the level of exception relief granted to Warrior. Accordingly, the DOE determined that the April 20 Decision and Order should be modified to reflect these adjustments.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued the Order in final form.

Company Name and Case No.

Theodore Maurer, d.b.a. Newburgh Transportation, BRW-0093

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed.

Company Name and Case No.

Chevy Chase Exxon, BEE-0346

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Bassman, Mitchell & Levy, BFA-0666
Dames & Moore, BFA-0668
Interstate Nuclear Service, BFA-0665

[FR Doc. 81-18669 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-5905A; TSH-FRL-1861-2]

Substituted Thiol Salt; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 29, 1981, EPA received an application to manufacture a new chemical substance for test marketing purposes. The submitter claimed the manufacturer identity, chemical identity, and process information confidential. The Test Marketing Exemption (TME) number assigned to the substance is TM-81-11 and is generically identified as substituted thiol salt. A **Federal Register** notice published on May 18, 1981 (46 FR 27179) announced the receipt of the exemption application. EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing activity described in the application.

EFFECTIVE DATE: This exemption is effective on June 17, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances 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 requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of 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 April 29, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. A **Federal Register** notice published on May 18, 1981 (46 FR 27179) announced receipt of the exemption application (TM-81-11) and requested comment on the appropriateness of granting the exemption. The Agency received no comment concerning the application. The substance for which the exemption application was submitted is identified generically as substituted thiol salt.

In the application, the submitter stated its intention to test market for a three-month period no more than 210 kg of this substance. The application also states that the substance produced under the exemption application would be used only by the submitter to manufacture a final chemical which will contain essentially none of the new site-limited intermediate as an impurity. The submitter expects that its own manufacturing process and appropriate handling of the material will minimize any opportunity for worker exposure. Some worker exposure data were submitted in the test marketing application. These data indicate that no more than four employees may be exposed to the new chemical for periods of less than one and one-half hours when handling the limited production volume. Vented hoods are used in production and all personnel involved use protective gloves, goggles, and garments. Storage of the substance will be in containers indentified by a unique batch number and appropriate label. The Agency has determined that potential humane exposure during the production and use of this substance for test marketing will be minimal when the procedures described in the application are used.

Toxicological data submitted by the manufacturer with the application indicate that the substance has a moderate degree of acute toxicity. The oral LD_{50} (rats) was 1,300-1,900 mg/kg, and a dermal LD_{50} was greater than 1,000 mg/kg. The data also indicate that the chemical is a strong irritant to the skin. Local exhaust, gloves, safety glasses, and protective clothing will be used to minimize exposure. The submitter provided no data with regard to potential chronic effects such as carcinogenicity or teratogenicity. Data generated by the Agency indicated that the new substance may have a potential for oncogenic activity. With regard to ecological effects, the Agency has no reason to anticipate hazards to aquatic or terrestrial species since no significant environmental release is likely.

Because of the moderate level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purposes of test marketing the substituted thiol salt in the manner described in the exemption application and in a letter sent by the manufacturer.

This test market 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 production and the quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 210 kg described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of three months commencing on the date of signature of this notice by the Administrator.

5. 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 that specified. Worker protection measures specified (use of protective garments, goggles, gloves, vented hoods, etc.) must be observed.

6. 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 activity will not present an unreasonable risk of injury to human health or the environment.

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-18634 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-31-M

[A-1-FRL-1861-3]

Natick Paperboard Co.; Prevention of Significant Deterioration

Notice is hereby given that on April 30, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Natick Paperboard Company for a replacement boiler in their Natick, Massachusetts mill. This permit has been issued under EPA's Prevention of Significant Deterioration of Air Quality regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. The replacement boiler shall not burn fuel oils with a sulfer content greater than 2.2%.

2. The combined maximum heat input of all three boilers at the plant shall not exceed 60m Btu/hr.

The PSD permit approval is reviewable under Section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before August 24, 1981 (60 days from publication in the Federal Register.

Copies of the PSD permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Department of Environmental Quality Engineering, 209 New Boston Road, Woburn, Massachusetts 01801.

Morse Institute Library (Natick), 14 E. Central Street, Natick, Massachusetts 01760.

Dated: June 9, 1981.

Leslie A. Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-18633 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-35-M

[W-2-FRL-1860-7]

National Pollutant Discharge Elimination System (NPDES); Preparation of Draft General Permit

AGENCY: Environmental Protection Agency.

ACTION: Preparation of Draft General Permit, PR 0023582.

SUMMARY: This notice announces that the EPA Region II Office nas prepared a draft general permit in accordance with requirements governing the NPDES program under the Clean Water Act (CWA) for the discharge of military explosion by-products and related pollutants into the offshore waters of the island of Vieques, Puerto Rico. The draft general permit was prepared under EPA's Consolidated Permit Regulations, 40 CFR Parts 122 and 124 (45 FR 33418 *et seq.*). At this time, public comment is invited on whether a final permit should be issued and, if so, whether any provisions of the draft permit should be changed in the final permit.

DATES: Comments, including any request for a public hearing, must be submitted by the close of the public comment period, July 24, 1981. (See Supplemental Information.)

ADDRESSES: Written comments, including any request for a public hearing must be submitted to the Chief, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, Room 432. Copies of the draft general permit and the administrative record supporting this draft permit are available for public inspection at the above address from 8:30 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. This information is also available for public inspection at Region II's San Juan Field Office, Public Health Service Compound, Avenida Fernandez Juncos, Stop 8½, Puerta de Tierra, San Juan, Puerto Rico, 809-725-7825, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Copies of the administrative record may be obtained at a charge of $.20 per copy sheet. Copies of the draft general permit and fact sheet may also be obtained by writing to either of the above New York or San Juan addresses.

FOR FURTHER INFORMATION CONTACT: Richard Baker, Chief, Permits Administration Branch at the above address or by calling 212-264-9885.

SUPPLEMENTARY INFORMATION: In accordance with a 1979 decision of the United States District Court for the District of Puerto Rico, the U.S. Navy Atlantic Fleet Weapon Training Facility was required to submit an application to the U.S. Environmental Protection Agency for a NPDES permit for its discharge of military explosive by-products and related pollutants into the offshore waters of the island of Vieques, Puerto Rico. The Regional Administrator of Region II has tentatively decided that a general permit covering the above activities rather than an individual permit should be issued, and the regional office has prepared the draft general permit which is the subject of this Notice. The administrative record supporting this draft general permit includes all data submitted by the U.S. Navy Atlantic Fleet Weapons Training Facility, draft and final environmental impact statements, the draft general permit, a fact sheet, and the Federal Court decision; the record describes the reasons for the conditions in the draft general permit. This draft general permit contains discharge and receiving water monitoring, standards, prohibitions and other conditions necessary to carry out the provisions of the CWA.

If, after the conclusion of the proceedings summarized below, the Regional Administrator makes a final decision to issue a permit, the applicant will be required to comply with all the conditions in that permit. All persons who believe that preparation of a draft general permit is inappropriate, or that any of the conditions of the draft general permit are not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period. All supporting material must be submitted in full unless it is already included in the administrative record. If the Regional Administrator finds that comments timely submitted appear to raise substantial new questions, he may reopen the public comment period.

In lieu of, or in addition to, the submission of comments as above provided, any interested person may request a public hearing. Any request for an informal public hearing under 40 CFR 124.11 must be in writing, state the nature of the issues proposed to be raised in the hearing, and be submitted by the close of the public comment period. EPA's decision on the question of whether to hold a public hearing on the draft general NPDES permit, the administration of any hearing, and the rights and obligations of participants are governed by regulations at 40 CFR 124.12. If a public hearing is held, the public comment period in this Notice shall automatically be extended to the close of the public hearing. If no informal public hearing is held or if the public comment period is not reopened, EPA shall consider the issuance of a final permit to the applicant as soon as

possible after the date indicated above for the submission of comments. All comments timely submitted by interested persons in response to this Notice, and statements and other evidence properly submitted at any public hearing held shall be considered by the Regional Administrator in making the final decision with respect to this permit application. All comments shall be answered as provided in 40 CFR 124.17.

The U.S. Navy Atlantic Fleet Weapons Training Facility or any other person who submits timely written comments or requests notice of the final permit decision shall receive notice of the Regional Administrator's final decision.

Dated: June 12, 1981.

Richard T. Dewling,

Acting Regional Administrator.

[FR Doc. 81-18624 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-41]

Atlantis Line, Ltd. v. Farrell Lines, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Atlantis Line, Ltd. against Farrell Lines, Inc. was served June 16, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation greater than those published in respondent's tariff.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18575 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1996]

I.N.A. Freight Forwarding Services (Ernest A. Fransz, DBA); Order of Revocation

On June 15, 1981, I.N.A. Freight Forwarding Service (Ernest A. Fransz, dba), 10427 Freeman Avenue, Inglewood, CA 90304 surrendered his Independent Ocean Freight Forwarder License No. 1996 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. issued to I.N.A. Freight Forwarding Services (Ernest A. Fransz, dba), be revoked effective June 15, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon I.N.A. Freight Forwarding Services (Ernest A. Fransz, dba).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18573 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Dimerco Express (USA) Corp., 5005 West Century Blvd., Suite 105, Inglewood, CA 90304. Officers: Hal De Quardo, President, Johnson Liu, Vice President, Anthony Chien, Secretary/Treasurer.

Phoenix International Freight Services, Ltd., 1812 Elmhurst Rd., Elk Grove Village, IL 60007. Officers: William McInerney, President, Edward Zahorik, Vice President, Maureen McInerney, Secretary/Treasurer.

Richard W. McEllen, Secretary.

Thunderbird Forwarders (Shigehiro Uchida, dba), P.O. Box 6759, Torrance, CA 90504.

By the Federal Maritime Commission.

Dated: June 18, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18574 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1640]

J. B. International Services & Forwarders (Jose Buceta D/B/A); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of J. B. International Services & Forwarders (Jose Buceta, d/b/a), P.O. Box 92, Lawndale, CA 90260 was cancelled effective June 14, 1981.

By letter dated June 1, 1981, J. B. International Services & Forwarders, (Jose Buceta, d/b/a) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1640 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

J. B. International Services & Forwarders (Jose Buceta d/b/a) has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1640 be and is hereby revoked effective June 14, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1640 issued to J. B. International Services & Forwarders (Jose Buceta d/b/a) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon J. B.

International Services & Forwarders (Jose Buceta d/b/a).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18572 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 13, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island (finance, servicing, and insurance activities; Virginia): to engage through its subsidiary, Kensington Mortgage and Finance Corp., in the activities of making, selling, and servicing of loans for the purchase of mobile homes, and acting as agent for the sale of credit life, accident and health insurance. These activities would be conducted from and office in Raleigh, North Carolina, serving the Commonwealth of Virginia.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President), 400 South Akard Street, Dallas, Texas 75222:

American Bancshares, Inc., Monroe, Louisiana (leasing; Louisiana): to engage *de novo* through a wholly-owned subsidiary, American Leasing Company, in leasing heavy equipment. This activity will be conducted from an office located in Monroe, Louisiana, and will serve Ouachita Parish in Louisiana.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18509 Filed 6-23-81; 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 July 13, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Old National Bancorporation, Spokane, Washington, (mortgage banking and insurance agency activities; Washington): Making or acquiring, for its own account or for the account of others, loans or other extensions of credit, secured by real estate mortgages or deeds of trust, and the servicing of such loans, and such other activities as are incidental to the operations of a mortgage company, including, but not limited to, acting as agent or broker for the sale of mortgage redemption life and disability insurance and property and casualty insurance to be issued in connection with the making, acquiring or servicing of such loans.

There activities will be conducted from an office located in Seattle, Washington, serving the State of Washington.

2. Security Pacific Corporation, Los Angeles, California (industrial loan, financing and credit-related insurance activities; Kansas): to engage in industrial loan corporation activities through its subsidiary, Security Pacific Finance Money Center Inc., including making, acquiring and servicing loans and other extensions of credit; accepting time and savings deposits and issuing thrift certificates and thrift passbook certificates; and acting as agent for the sale of credit related life, accident, health and casualty insurance as authorized by Kansas law. These activities would be conducted from offices of Security Pacific Finance Money Center Inc., in the Kansas cities of Dodge City, Garden City, Goodland, Great Bend, Hutchinson, Lawrence, Liberal, Mission, Newton, Overland Park, Salina, Scott City, Topeka, Wichita and Winfield, serving the State of Kansas.

B. *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; Washington): to engage through a proposed *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Federal Way, Washington, in servicing, for any person, loans and other extensions of

credit. The service area of the proposed *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Federal Way, Washington, to include the entire State of Washington. The previously approved activities of that office include the aforementioned activity.

2. Citicorp, New York, New York (consumer finance; Washington): to engage through a proposed *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Lacey, Washington, in servicing, for any person, loans and other extensions of credit. The service area of the proposed *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Lacey, Washington, to included the entire State of Washington. The previously approved activities of that office include the aforementioned activity.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18600 Filed 6-23-81; 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, except as noted, received by the appropriate Federal Reserve Bank not later than July 16, 1981.

A. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Texas Commerce Bancshares, Inc., Houston, Texas (insurance activities; Texas): to engage through its subsidiary, Pyramid Agency, Inc., in acting as a managing general insurance agency with respect to property and casualty insurance for its banking subsidiaries. These activities would be conducted from an office in Houston, Texas, serving all member banks of the holding company at their locations throughout the State of Texas. Comments on this application must be received not later than July 1, 1981.

B. *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; Virginia and Tennessee): to expand the geographic scope of the subject activities of engaging through its indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Mortgage Services Company, Virginia corporations, in the activities of making or acquiring for their own accounts loans and other extensions of credit, and offering credit-related life and credit-related accident and health insurance; credit-related property insurance will not be offered by either corporation in either the State of Virginia or Tennessee. The activities of FinanceAmerica Corporation will include, but not be limited to, making loans and other extensions of credit to consumers as well as small businesses; and purchasing installment sales finance contracts. The activities of FinanceAmerica Mortgage Services Company will include, but not be limited to, making loans and other extensions of credit to small businesses; and making loans secured by real property. Both corporations will offer credit related life and credit related accident and health insurance directly related to extensions of credit made or acquired by both FinanceAmerica Corporation and FinanceAmerica Mortgage Services Company.

These activities will be conducted from existing offices in Bristol, Charlottesville, Falls Church, Fredericksburg, Manassas, and Roanoke, Virginia, serving the entire State of Virginia. In addition, the geographic service area of the Bristol, Virginia office will include the entire State of Tennessee.

2. Wells Fargo & Company, San Francisco, California (finance, leasing, investment advising, bookkeeping, and data processing activities; Eastern United States): to engage, through its subsidiary, Wells Fargo Realty Advisors, in making, acquiring, and servicing real estate-related loans and other extensions of credit for its own account or for the account of others, providing full pay-out leasing of real property or acting as agent, broker or advisor in arranging such leases to the extent permitted by section 225.4(a)(6)(b) of the Board's Regulation Y, acting as an investment advisor to a real estate investment trust affiliate, other affiliates of Wells Fargo & Company, and other investors with respect to real estate investment portfolios, and providing bookkeeping or data processing services related to real estate investments of Wells Fargo & Company and its subsidiaries. These activities would be conducted from an office in the District of Columbia, serving primarily the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18602 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorporation of Ohio; Formation of Bank Holding Company

First Bancorporation of Ohio, Akron, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of The First

National Bank of Akron, Akron, Ohio, and of The Old Phoenix National Bank of Medina, Medina, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 16, 1981. 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.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18601 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Meeting of the Bureau of Indian Affairs Advisory Committee for Exceptional Children; To Investigate the Unmet Needs of Handicapped Indian Children

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91-230 as amended by section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet June 29-30, 1981, at the Holiday Inn Capitol, 500 C Street, S.W., Washington, D.C., from 8:00 A.M. to 4:00 P.M.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children and to discuss miscellaneous related items.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed.

Additional information about the meeting may be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Main Interior, room 4655, phone (202) 343-4071.

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-18627 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alaska Outer Continental Shelf; Availability of Draft Environmental Impact Statement and of Intent To Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 57

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf oil and gas lease sale of 429 tracts of submerged Federal lands in Norton Sound.

Single copies of the draft environmental impact statement can be obtained from the Office of the Manager, Bureau of Land Management, Alaska OCS Office, 620 E. 10th Street, P.O. Box 1159, Anchorage, Alaska 99510 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental impact statement will also be available for review in the following public libraries: Alaska Federation of Natives, 1577 O Street, Suite 304, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Alaska Resources Library, 701 "C" Street, Box 36, Anchorage, AK 99313; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Public hearings will be held in Nome, Bethel, and Anchorage, Alaska, for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the draft environmental impact statement will be accepted until October 16, 1981, and should be sent to the Manager, Alaska OCS Office, at the above listed address.

After the public hearings are held and comments are received and considered, a final environmental impact statement will be prepared.

Arnold E. Petty,

Director, Bureau of Land Management, Acting Associate.

[FR Doc. 81-18504 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

Locations and Dates of Public Hearings Regarding the Draft Supplement to the Final Environmental Impact Statement, Proposed Five-Year OCS Oil and Gas Lease Sale Schedule, January 1982-December 1986, and Extension of the Public Comment Period

On June 10, 1981, a **Federal Register** notice 46 FR 30706 announced the availability of the supplement to the final environmental impact statement on the proposed Five-Year OCS Oil and Gas Lease Schedule indicating that the exact locations and dates of public hearings on the draft supplement would be announced at a later date.

The public hearings are scheduled on the following dates and times, at the following locations:

July 21, 1981

New York, New York
9:00 a.m. to 5:00 p.m.
The Oval Room, 1 World Trade Center,
Contact: Rich Barnett, 264-1061

July 22, 1981

Anchorage, Alaska
8:30 a.m. to 2:00 p.m., for those testifying in Anchorage
2:15 p.m. to 4:00 p.m. and

7:00 p.m. to 9:00 p.m.
Teleconference network for those testifying from Anchorage
International Banquet House, 549 West International Airport Rd., Contact: Nancy Hendrix, 276–2955

July 23, 1981

Anchorage, Alaska
8:30 a.m. to 4:00 p.m., for those testifying in Anchorage
International Banquet House, 549 West International Airport Rd., Contact: Nancy Hendrix, 276–2955

July 23, 1981

Los Angeles, California
9:00 a.m. to 5:00 p.m.
Renaissance Room.
Biltmore Hotel, 515 South Olive, Contact: Arnita Warren, 688–6756

July 24, 1981

Washington, D.C., 18th & C Sts., N.W., Contact: Archie Melancon, 343–6264

July 24, 1981

New Orleans, Louisiana
Hale Boggs Federal Building, 500 Camp Street, Suite 831, Contact: Doug Elvers, 682–6541

Hearings may be held open beyond the listed closing time depending on the numbers of witnesses present.

The hearings will provide the Secretary of the Interior with additional information from governmental agencies and the public and private sectors to help evaluate the potential effects of the proposed schedule.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are requested to contact the person listed in the particular area. Time limitations make it necessary to limit the length of oral presentation to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which should be submitted to a hearing official at the time of oral presentation. Written statements will be considered for inclusion in the hearing record. To the extent that time is available after presentation or oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearings should be addressed to the Manager of the OCS office at the following addresses:

New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278
New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130
Alaska OCS Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510
Chief, Division of Offshore Resources, Bureau of Land Management (540), Main Interior Building, 18th & C Sts., N.W., Washington, D.C. 20240
Pacific OCS Office, Bureau of Land Management, 1340 W. 6th Street, Room 200, Los Angeles, California 90017

The Bureau will now accept written comments on the draft supplement to the final environmental impact statement until August 10, 1981 instead of the previously listed date of July 27, 1981. This will allow time for those unable to testify at the hearing to make their views known and for those presenting oral testimony to submit supplemental materials.

After all testimony and comments have been received and considered, a final environmental impact statement will be prepared.

Ed Hastey,

Associate Director, Bureau of Land Management.

June 19, 1981.

[FR Doc. 81-18563 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Multiple Use Advisory Council: Meeting

The Las Vegas (NV) District Multiple Use Advisory Council will meet on July 16, 1981 in the District Office Conference Room, 4765 W. Vegas Drive, beginning at 8 a.m. as previously announced in the **Federal Register** (p 22270, Vol. 26, No. 73). The agenda will be as follows: Information Items: Judy Davenport's "Boomtown" Video Tapes; MX Update; Clark County Planning/EIS; Clark County ORV designation, and Action Items: Las Vegas Valley Land Sale-Procedures for Parcel Selection; Dedication of Red Rock Visitor Center; Wild Horse Removal from Bombing Range; Caliente Planning Unit ORV Designation.

Kemp Conn,

District Manager.

[FR Doc. 81-18642 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

Results of Applying Coal Unsuitability Criteria and Notification of Public Meetings for the Draft North Fork Coal Amendment/EA

Two areas in the North Fork Valley, Delta County, Colorado, are under consideration for possible future coal leasing. These areas are described as follows:

Area 1 (approximately six miles west of Cedaredge)

T.13S., R.95W., 6th P.M.
Sec. 8: Lots 1–9, 11–17
Sec. 17: Lots 3–16, 18–21
Sec. 18: Lots 5–16, 21, 23, 25, 27
Sec. 20: Lots 1, 4, 14, 15

Area 2 (approximately 2.5 miles north of Paonia)

T.13S., R.91W., 6th P.M.
Sec. 5, 6, and 8: All
Sec. 7: Lots 1, 2, E½, E½ NW¼
Sec. 17: E½, N½ NW¼
Sec. 18: N½ NE¼, SW¼ NE¼, NW¼ SE¼, S½ SE¼
Sec. 19: Lots 1, 2, 3, NE¼, SE¼ NW¼
Sec. 20: Lots 1, 2, 3
T.13S., R.92W., 6th P.M.
Sec. 1, 2, 3, 10, 11, 14, 15: All
Sec. 12: Lots 1–8, 10–14, SE¼ SW¼
Sec. 13: Lots 2, 7–10, NW¼
Sec. 22: N½, N½ S½, SW¼ SW¼
Sec. 23: N½, N½ S½, S½ SE¼

Coal unsuitability criteria have been applied to both areas (as per 43 CFR 3460). No portions of either area were found unsuitable for further consideration; however, exceptions or mitigating measures for criteria numbers 2, 3, 7, 11, 14 and 19 have been applied.

Maps of the areas to which the coal unsuitability criteria have been applied, including the one-mile buffer zone, are available for public review at the Uncompahgre Basin Resource Area Office, located at 336 South 10th, Montrose, Colorado 81401; (303) 249–2244.

Two public meetings to review the Draft North Fork Coal Planning Amendment/EA (which includes the report on the application of coal unsuitability criteria) will be held on July 14, 1981, at the Paonia High School Cafeteria, 7:30 p.m., and July 16, 1981 at the Cedaredge Grade School Cafeteria, 7:30 p.m. The 30-day public comment period will end on July 31, 1981. Copies of the draft may be reviewed at the Uncompahgre Basin Resource Area Office.

No significant impacts which would preclude further consideration for coal leasing were found in either area. Two public meetings were conducted to review issues and planning criteria. Although several issues were raised relating to transportation, the need for comprehensive social and economic data and the sizes of the areas under consideration, none were serious enough to preclude further consideration of these areas at this time. During tract delineation, these concerns will need further evaluation.

If the final Amendment/EA is approved by the BLM State Director, these areas will be further studied in 1982 during coal activity planning and

included for study in the Uinta-Southwest Utah Regional EIS.

For further information, contact Don Lotvedt, Uncompahgre Basin Resource Area Manager, P.O. Box 1269, Montrose, CO 81402; (303) 249–2244.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-18644 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

[W-889]

Wyoming; Proposed Continuation of Withdrawal

June 12, 1981.

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawal of the following public lands made by Public Land Order of October 9, 1967, for a 20 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 25 N., R. 118 W.,
Sec. 35, E½SW¼.

The area described contains 80 acres in Lincoln County, Wyoming.

The purpose of the withdrawal is for the Pine Creek Public Recreation site. The withdrawal closed the described lands to all forms of appropriation under the Public Land Laws, including the Mining Laws, but not to leasing under the Mineral Leasing Laws. No change in the segregative effect or use of the land is purposed by the continuation.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 26, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the undersigned officer, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Eddie D. Kassahn,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18643 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 P.M., Tuesday, July 14, 1981, at the Federal Building, 727 E. Durango, Rm. A206, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

Park Operational Status Report.

Excavations at Mission Concepcion.

Cost and funding for maintenance, preservation, and research for all Missions.

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229–6009.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: June 15, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-18681 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-45 (Sub-1)]

Interpretation of Commodity Classification: Wood Chips

Decided: June 17, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Interpretation of "wood chips" exemption.

SUMMARY: The Commission is adopting guidelines to interpret the scope of the "wood chips" exemption of 49 U.S.C. 10526(a)(13). The statutory term "wood chips" found to include wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel.

EFFECTIVE DATE: The interpretation becomes effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Judy Ann Barnes, (202) 275–7962 or Karlheinz Morell, (202) 275–7953.

SUPPLEMENTARY INFORMATION: Section 7(c) of the Motor Carrier Act of 1980 (Pub. L. 96–296), enacted July 1, 1980, added a new paragraph (13)[1] to 49 U.S.C. 10526(a) which exempts from regulation by this Commission the motor carrier transportation of wood chips. We instituted this proceeding by issuing a notice of proposed commodity interpretation (45 FR 73185, November 4, 1980) to clarify the scope of the exemption. In that notice, we announced that we were considering interpreting the statutory term "wood chips" as including wood residue, waste, slabs, trimmings, shavings, and edgings.

We invited the public to comment and 19 statements were received. Seventeen

[1] Although the "wood chips" exemption was initially designated as paragraph (12) to 49 U.S.C. 10526(a), it was subsequently redesignated as paragraph (13) by the Household Goods Transportation Act of 1980 (Public Law 96–454).

parties generally support the proposed interpretation, although several of these have suggested alternative definitions or additional items that should be included within the exemption, one seeks a somewhat narrower interpretation, and only one is totally opposed to the broad interpretation.

The issue to be resolved in this proceeding is the interpretation properly to be accorded the "wood chips" exemption embodied in section 10526(a). The term "wood chips" is not defined in the Act, and there is nothing specific in the legislative history of the bills that directly resulted in enactment of the Motor Carrier Act of 1980 which sheds any light on the limits or extent of the exemption. In the absence of any such specific declaration by Congress, it is necessary to consider other factors, such as the overall purpose of the Act, industry or trade uses and practices, common understandings within the transportation industry, and the practical and economic consequences of the alternative interpretations advanced by the parties.

The overall purpose of the Motor Carrier Act of 1980 is to reduce unnecessary regulation by the Federal Government. See section 2 of the Act. The new law was designed generally to promote competition and allow the most productive use of equipment and energy resources. In section 7 of the Act, Congress expanded the areas of transportation exempt from Commission regulation. The purpose of this section is to help independent owner-operators and enable all types of carriers to reduce empty mileage, enhance operating efficiency, and make the most productive use of equipment. Also, Congress expected the new exemptions to result in cost savings to the consumer through increased service and price competition and improved energy efficiency. See 126 CONG. REC. H 5343–44 (daily ed. June 19, 1980).

Moreover, the various provisions of the Act are to be administered and enforced with a view to carrying out the goals of the national transportation policy. This policy sets the tone for the regulatory structure and is the basis for determining the meaning of statutory provisions. H. Rept. 96–1069, 96th Cong., 2d sess., 11–12 (1980). The national transportation policy, as amended by section 4 of the Act [49 U.S.C. 10101(a)(7)], directs the Commission, with respect to motor carriers of property, to promote competitive and efficient transportation services to meet the needs of shippers, receivers, and consumers, to encourage price and service options, to achieve energy and economic efficiency, to provide opportunities for adequate profits and fair wages, to provide and maintain service to small communities and small shippers, to improve and maintain a sound, safe, and competitive motor carrier system, to promote participation by minorities, and to promote intermodal transportation.

A number of the parties supporting our proposed [broad] interpretation of the term "wood chips" have pointed out that the conditions surrounding the manufacture, transportation, and ultimate useage of all the wood residuals under consideration are virtually the same. Although wood chips are sometimes a primary manufactured product, they are also a residual or by-product from the manufacturing of lumber and lumber products as are all of the other involved items. All of the various items under consideration are commercially regarded as residuals or by-products which have a more limited value than the primary products. One party explains that it is generally accepted custom in the forest products industry that the term "wood chips" encompasses the various other wood residuals.

Also, the various commodities have similar uses. While wood chips are the basic raw material used in the manufacture of wood pulp, various other residuals, such as sawdust, wood waste, slabs, trimmings, shavings and edgings, are also used, albeit to a lesser degree. Similarly, particleboard is manufactured from varying sized particles of wood, including chips, sawdust, flakes, shavings, slivers, and trimmings. There has also been a rapid growth in the use of the various wood residues to produce a mixture which serves as an alternate fuel source.

Moreover, wood chips are transported in the same specialized equipment required to haul the other related wood residues or by-products. The trailers needed to handle these commodities are among the largest in cubic capacity in the industry and have high sides, sloping step bottom floors, open tops, and full rear doors for fast free-flow unloading. The unique design of these trailer limits their practical uses to the transportation of bulk wood residuals. Therefore, motor carriers handling wood chips generally also handle the other items under consideration in order to maximize the use of their specialized equipment. Also, the involved wood residuals are usually transported short distances from remote, rural areas. Consequently, individuals or small local trucking operators are more likely to be interested in handling these commodities and can do so more efficiently than the larger regulated carriers.

Considering the overall purpose of the Act and, more specifically, the section expanding the areas of exempt transportation, we are of the opinion that Congress used the term "wood chips" generically with the intention of exempting all the various related wood residuals. We believe that such an interpretation is consistent with generally accepted industry or trade uses and practices, common understandings within the transportation industry, and the aims of the national transportation policy. The inclusion of these similar, lower grade fiber materials in the "wood chips" exemption will enable the carriers of these commodities to make the most efficient, productive, and cost-effective use of their specialized equipment. This efficient use of equipment will reduce empty mileage and fuel consumption which, in turn, will result in cost savings that will benefit carriers, shippers, and consumers.

If we were to narowly construe the "wood chips" exemption, shippers would have to make separate arrangements with regulated carriers for the transportation of the other wood residues. Since all of the various wood residues require the same specialized equipment, are generally handled by the same carriers, and are usually moved short distances from remote, rural areas, no public purpose would be served by requiring these shipments to be handled separately. Also, it must be assumed that Congress was familiar with the practices in the industry; and, given the underlying purpose of the exemption section in general (namely, to enablek carriers to make the most efficient and productive use of their equipment), it is difficult to conclude that Congress intended that the various related wood residues be treated differently.

Accordingly, we conclude that the statutory term "wood chips" includes wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel. Although in the notice in this proceeding we proposed to include certain specified items within the scope of the "wood chips" exemption, we do not believe that it is feasaible here to compile an inclusive list or adopt a detailed interpretation. It was pointed out in the comments that an attempt to identify all similar and interchangeable commodities to be included within the exemption would result in a growing list, since the terminology for essentially the same commodity often differs in various

regions of the country. Also, our experience with the so-called agricultural exemption shows that attempts to compile exhaustive lists are counterproductive and, in the end, tend to lead to expensive litigation. We believe that our description is sufficiently broad to embrace all substantially identical lower grade fiber materials, and the reference in the description to specific wood residues will serve as a guide for determining whether other commodities not specifically considered here would fall within the exemption.

In addition to the items we proposed to include within the definition of wood chips in the notice, we have also decided specifically to include sawdust and hogged fuel. Several of the parties pointed out that sawdust, by its very nature, is a wood waste or residue, and that in certain manufacturing processes it is an interchangeable source of wood fiber with wood chips, shavings, and edgings. It was also pointed out that the forest products industry is making increasing use of wood residues as an alternate fuel source. Although the material used as a fuel source may be described in numerous ways, it is generally known in the industry as hogged fuel. Hogged fuel is a waste wood that is coarsely chipped and generally consists of various mixtures of wood residues such as chips, sawdust, and shavings.[2]

In opposing our proposed interpretation, the Family Lines System of Railroads (FLS) contends that the commodity classification of wood chips relates to a specific item which is separate and distinct from the other named wood related commodities. FLS has no objection to the inclusion within the wood chips exemption of any commodity which moves in wood chip equipment to paper mills for conversion into wood pulp. It does oppose, however, the inclusion of the various wood residues to the extent they are used in the manufacture of particleboard or as fuel. Similarly, the Southern Pacific Transportation Company opposes our proposed inclusion of slabs unless limited to slabs having no further value except for processing as wood chips. It argues, in this regard, that, in some instances, slabs are cut into smaller pieces of rough lumber. We believe that the requested limitations would prevent the transporters of the involved commodities from making complete, efficient, and economical use of their equipment, contrary to the aims of the national transportation policy. Also, such limitations would create impractical distinctions between, for example, a particular wood residue such as sawdust that is ultimately used to make wood pulp and sawdust that is ultimately used for fuel or to make particleboard. Moreover, we do not believe that the "wood chips" exemption can logically be interpreted as being inapplicable when the embraced commodities are transported to a particular industry or put to a particular use. In our view, such a limitation would serve no useful purpose.

FLS also contends that our proposed action would drastically reduce an already insufficient rail car supply, since it would result in the assessment of wood chip rate levels (which are substantially lower than FLS's rates on the commodities used for fuel) on the other commodities under consideration. Our purpose here is not to interpret a commodity classification, but rather to determine and define the scope of a statutory exemption. Finally, FLS's request that, in the interest of fundamental fairness, and for parity of treatment, we grant an exemption for the rail transportation of wood chips is clearly beyond the scope of this proceeding.

We find:

Wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel, are within the "wood chips" exemption of 49 U.S.C. 10526(a)(13). This action does not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

The interpretation of the "wood chips" exemption described in this decision is adopted and becomes effective upon publication in the **Federal Register.**

This proceeding is discontinued.

This action is taken under the authority of 49 U.S.C. 10101, 10321, and 10526(a)(13) and 5 U.S.C. 554.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18606 Filed 6-23-81; 8:45 am]

BILLING CODE FR-7035-01-M

[2] A few parties also suggested that we include various forest residues within the definition of wood chips. We do not believe, however, that it is necessary here to determine whether these other commodities may be properly classified as wood chips, since most, if not all, of the forest residues identified by the parties are already exempt under the so-called agricultural commodity exemption in 49 U.S.C. 10526(a)(6). For example, bark, twigs, brush, and leaves have been statutorily determined to be exempt. See 49 CFR 1047.25.

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

June 18, 1981

This application for long- and short-haul relief has been filed with the I.C.C.

No. 43917, Consolidated Rail Corporation, (No. CR-G210-1-81), new reduced rates on back-haul shipments of Scrap Iron or Steel and related articles, originating at ConRail stations in the states of Illinois, Indiana, Kentucky, and Ohio located on and west of a line of ConRail extending from Toledo, OH to Cincinnati, OH destined to various named stations on ConRail in the states of Pennsylvania, Ohio, and West Virginia. Rates are published in ConRail tariff ICC CR 4299, effective June 20, 1981. Grounds for relief—Improved car utilization. This application was received by the Commission's Suspension Board on June 10, 1981. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of June 17, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and O'Malley, concluded to grant the requested relief in Long-AND-Short-Haul Order No. 20685, subject to the proviso that the authority will expire 45 days' from June 17, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18607 Filed 6-23-81; 8:45 am]

BILLING CODE FR-7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

[Volume No. OP4 Vol. 68]

Decided: June 16, 1981.

The following applications, filed on or

after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. 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 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. 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 its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where 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 interest 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.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 153286 (Sub-1), filed February 4, 1981, previously noticed in the **Federal Register** issues of February 26, 1981, and March 31, 1981, and republished this issue. Applicant: RICHARD G. CONAWAY, R.D. 1 Box 106, Frenchville, PA 16836. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *commodities in bulk, machinery, and parts,* between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in NY.

Note.—This is a republication pursuant to a decision of the Commission dated May 29, 1981, to correctly reflect the commodity description.

[FR Doc. 81-18606 Filed 6-23-81; 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 251 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, primarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. 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.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

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".

Volume No. OP1-178

Decided: June 17, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 148280 (Sub-3), filed May 29, 1981. Applicant: INTERNATIONAL

TRUCKERS, INC., P.O. Box 306 (Laurel St.), Anguilla, MS 38721. Representative: Robert Bryant (same address as applicant), (601) 873–4788. Transporting *general commodities* between Primrose and Luthersville, GA, Cardwell, Arbyrd, Hornersville, Edina, Lewistown, Hurdland and Ewing, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Raymond, Oakley, Adama and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokesdale, NC, Radcliffe, Aurora, Ellsworth and Lawn Hill, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva, and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, OH, Paris Crossing and Paris, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 156400, filed June 5, 1981. Applicant: KYLE S. RANSOM, d.b.a. H & R TRUCKING, 62N. 2nd W., HYde Park, UT 84318. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111 (801)–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limetone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156430, filed June 5, 1981. Applicant: HARRY L. HOLMAN, Hurdland, MO 63547. Representative: Harry L. Holman (same address as applicant), (816) 423–5415. Transporting *food and other edible products and byproducts intended for human consumption* except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156431, filed June 8, 1981. Applicant: RAY VAN OHLEN, d.b.a. JR TRUCK LINE, #2 Sherwood, Russellville, AR 72801. Representative: Ray Van Ohlen (same address as applicant), (501) 968–2510. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–207

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 156436, filed June 9, 1981. Applicant: FRANKELL I. BARAMDYKA d.b.a. I.W. TRANSPORT INC., 353 So. Santa Fe Ave., Los Angeles, CA 90013. Representative: Frankell I. Baramdyka (same address as applicant), (213) 617–0423. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–204

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 156356, filed June 5, 1981. Applicant: MAGNUM MOTOR EXPRESS, INC., 11134 South 84th Ave., Palos Hills, IL 60463. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603 (312–263–2397). Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government between points in the U.S.; and (2) *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.

MC 156377, filed June 8, 1981. Applicant: ELBERT Z. ALLARD, INC., 5672 Martin Rd., Newark, NY 14513. Representative: Clayton E. Sperry, 30 Newton St., Manchester, NY 14504, (716) 289–6016. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156396, filed June 4, 1981. Applicant: JOHN A. EUTSLER, Box 72, Nixa, MO 65714. Representative: John A. Eutsler (same address as applicant), (417) 725–3549. Transporting, *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156416, filed June 8, 1981. Applicant: B & C TRUCKING, INC., 2425 Durby, Memphis, TN 38114. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18610 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where 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".

Volume No. OP1–179

Decided: June 17, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 3281 (Sub-18), filed June 8, 1981. Applicant: POWELL TRUCK LINE, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. *Over regular routes,* transporting *general commodities* (except classes A and B explosives) between Memphis, TN, and Blytheville, AR, (a) over U.S. Hwy 61, and (b) over Interstate Hwy 55, serving all intermediate points.

MC 59531 (Sub-119), filed June 8, 1981. Applicant: AUTO CONVOY CO., 12200 Park Central Drive, P.O. Box 400300, Dallas, TX 75240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *transportation equipment,* (1) between those points in the U.S. in and west of MI, IN, KY, TN and MS, and (2) between points in TX, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN and MS.

MC 67450 (Sub-118), filed June 8, 1981. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *metal products,* between points in Cook County, IL, on the one hand, and, on the other, poins in IN, IA, KY, MI, MO, OH, TN, and WI.

MC 94430 (Sub-54) (Republication), filed May 22, 1981, previously noticed in the **Federal Register** issue of June 9, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *petroleum, natural gas, and their products,* between points in Marshall County, WV, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to indicate Marshall County, WV, as the correct base territorial description.

MC 94430 (Sub-55), filed June 1, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *metal products,* between points in OH, on the one hand, and, on the other, points in MI.

MC 115931 (Sub-194), filed June 8, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting (1) *metal products and food and related products,* (a) between points in CO, ID, MT, ND, OR, SD, UT, WA, and WY, and (b) between points in CO, ID, MT, ND, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in the U.S., and (2) *waste or scrap materials not identified by industry producing,* between points in the U.S.

MC 119631 (Sub-45), filed May 29, 1981. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004, (202) 628–4600. Transporting *lumber and wood products* between points in the U.S.

MC 126421 (Sub-13), filed June 8, 1981. Applicant: GYPSUM TRANSPORT, INC., East Hwy 80, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *lumber and wood products,* between points in NM and TX.

MC 129951 (Sub-11), filed June 5, 1981. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Dr., Boulder, CO 80301. Representative: Harley I. Keeter, Jr., (same address as applicant), (303) 442–2131. Transporting *lumber and wood products,* and *mining equipment and supplies* between points in CO, on the one hand, and, on the other, points in AZ, CA, UT, OR, OK, NV, NM, ID, MT, SD, ND, TX, WA, and WY.

MC 133920 (Sub-30), filed June 8, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting (1) *food and related products,* between points in Washington and Glascock Counties, GA, on the one hand, and, on the other, points in AL, FL, NC, VA, and TN, and (2) *metal products,* between points in Frederick County, VA, Spartanburg County, SC, Wicomico County, MD, and Hillsborough and Orange Counties, FL, on the one hand, and, on the other, points in Washington and Glascock Counties, GA.

MC 135410 (Sub-126), filed June 1, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200A, Park Ridge, IL 60068, (312) 698–2235. Transporting *machinery and transportation equipment* between Moline, IL, on the one hand, and, on the other, points in the U.S.

MC 135410 (Sub-127), filed June 8, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *ores and minerals and metal products,* between Gary, IN, and points in Lenawaee County, MI, and Butler County, PA, on the one hand, and, on the other, points in IL, and Lee, Des Moines, Scott, and Black Hawk Counties, IA.

MC 142361 (Sub-4), filed June 8, 1981. Applicant: RISBERG TRUCK SERVICE, INC., 2339 S.E. Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mervyn's of Hayward, CA.

MC 143280 (Sub-29), filed June 8, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a Corporation, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *printed matter, pulp, paper, and related products, and rubber and plastic products,* between points in the U.S.

MC 143881 (Sub-1), filed June 8, 1981. Applicant: HOTARD COACHES, INC.,

716 Deckbar Ave., New Orleans, LA 70121. Representative: Leo C. Franey, 918–16th St., N.W., Washington, DC 20006, (202) 785–3700. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in LA and extending to points in the U.S.

MC 145701 (Sub-19), filed June 8, 1981. Applicant: D.C. TRANSPORT, INC., 916 South Riverside, St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant), (313) 329–2211. Transporting *textile mill products, ores and minerals, clay, concrete, glass or stone products, pulp, paper and related products, lumber and wood products, chemicals, and related products, and rubber and plastic products,* between points in Wayne, Macomb, and Kalkaska Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 146761 (Sub-4), filed June 1, 1981. Applicant: P.J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Dorex Chemical of Frankfort, IL, Hysan Corporation, of Chicago, IL, International Games, of Joliet, IL, R and M Kaufmann & Co., of Aurora, IL, Bell Chemical Company, of Chicago, IL, Claire Manufacturing, of Addison, IL, and Harper-Wyman, of Hinsdale, IL.

MC 148000 (Sub-8), filed June 8, 1981. Applicant: C. H. DREDGE & CO., INC., 918 S. 2000 W., Syracuse, UT 84041. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Evans Meat Co. of Texas, of San Angelo, TX.

MC 150281 (Sub-4), filed June 8, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Dickerson Boatbuilders, Inc., of Trappe, MD.

MC 151040 (Sub-3), filed June 8, 1981. Applicant: RTL HOLDiNGS, INC., 2050 Kings Rd., Jacksonville, FL 32209. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *metal products,* between points in the U.S., under continuing contract(s) with U.S. Pipe and Foundry Company, a division of Jim Walter Corporation, of Birmingham, AL.

MC 152521 (Sub-2), filed June 8, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *lumber and wood products* and *building materials,* between points in CA, OR, WA, ID, and AZ, on the one hand, and, on the other, points in CA, AZ, OR, WA, ID, NV, FL, MO, UT, CO, NM, TX, OK, KS, NE, AR, TN, IL, IN, MI, OH, AL, and LA.

MC 153021 (Sub-1) (republication), filed April 28, 1981, published in the previous **Federal Register** issue of June 3, 1981. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin St., West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related products,* between Denver, CO, Atlanta, GA, Boston, MA, Detroit, MI, Minneapolis, MN, Kansas City, MO, Secaucus, NJ, Cincinnati and Cleveland, OH, Portland, OR, Philadelphia, PA, Memphis, TN, and points in Fresno and Merced Counties, CA, Dade County, FL, Morgan County, IL, Wayne County, MI, Hudson County, NJ, Erie County, NY, Mecklenburg County, NC, Hamilton and Cuyahoga Counties, OH, Shelby and Gibson Counties, TN, Grayson County, TX, and Green, Waupaca, and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of the republication is to indicate the correct territorial description.

MC 153051, filed June 2, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *chemicals and related products, petroleum, natural gas and their products, and coal and coal products,* between points in Lorain County, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 153980, filed May 21, 1981. Applicant: JASTE ENTERPRISES, INC., 7679 Sweet Potato Ridge Rd., Brookville, OH 45309. Representative: James J. Tobin, Jr. (same address as applicant), (513) 884–5386. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 154121 (Sub-10), filed May 28, 1981. Applicant: TRAILINER CORP., P.O. Box 357, (Old Chester Rd.), Gladstone, NJ 07934. Representative: George A. Olsen, (same address as applicant), (201) 435–7140. Transporting *food and related products,* between the facilities used by Sierra Wine Corp., its subsidiaries, divisions, vendors, and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154300, filed June 2, 1981. Applicant: DALE NEWKIRK, d.b.a. GRAINLAND EXPRESS TRUCKING, Route No. 3, Box 191, Butler, MO 64730. Representative: Letha S. Newkirk (same address as applicant), (816) 679–3776. Transporting *fertilizers, chemicals and related products, farm products, and food and related products,* between points in AR, CO, IL, IA, KS, KY, MN, MO, NE, NM, OK, SD, TX, and WI.

MC 154351, filed June 9, 1981. Applicant: DAVID BAIN, d.b.a. GOLDEN WEDGE TRUCKING, P.O. Box 55, Placerville, CO 81430. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Grand Junction, CO and Rico, CO, from Grand Junction, CO, over U.S. Hwy 50 to Montrose, CO, then over U.S. Hwy 550 to junction CO Hwy 62, then over CO Hwy 62 to junction CO Hwy 145 at or near Placerville, CO, then over CO Hwy 145 to Rico, CO, and return over the same route, serving all intermediate points.

MC 156160, filed May 27, 1981. Applicant: LAVELLE POWDER CO., INC., P.O. Box 3648, Butte, MT 59701. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *ores and minerals,* between points in MT, ID, WA and Tooele County, UT, on the one hand, and, on the other, San Bernardino, CA, and points in San Diego County, CA, White Pine County, NV, and MT, ID, and WA.

MC 156191, filed June 8, 1981. Applicant: RAYMOND COSSETTE TRUCKING, a Corporation, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *pulp, paper and related products and rubber and plastic products,* between points in the U.S., under continuing contract(s) with Leslie Paper Co., of Minneapolis, MN.

MC 156361, filed June 8, 1981. Applicant: BIGBEE TRANSPORTATION COMPANY, a Corporation, American Lane, Greenwich, CT 06830. Representative: Stuart Geschwind (same address as applicant), (203) 552–3242. Transporting *general commodities* (except classes A and B explosives),

between points in the U.S., under continuing contract(s) with American Can Company, of Greenwich, CT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156401, filed June 8, 1981. Applicant: TITAN TRUCKING COMPANY, 19 Ellen Drive, McKees Rocks, PA 15136. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 156411, filed June 8, 1981. Applicant: PETER JEFFREY d.b.a. GENCOM SERVICES, 681 Buffalo Grove Rd., Whelling, IL 60090. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IN, MI, and WI.

MC 156420, filed June 9, 1981. Applicant: MICHAEL J. BOYER d.b.a. M. J. BOYER TRUCKING, 10016 W. 70th Terr., Merriam, KS 66203. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting (1) *Pulp, paper, and related products*, (2) *printed matter*, and (3) *waste and scrap materials not identified by industry producing*, between points in MO, KS, NE, IA, OK, AR and TX.

Volume No. OPY–4–203

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 141136 (Sub-6), filed May 4, 1981, and previously noticed in the **Federal Register** issue of May 20, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC Canada V5C 4H6. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between points in CA, ID, MT, OR, UT and WA. Note: The purpose of this republication is to correctly reflect the territorial description.

MC 150256, filed June 8, 1981. Applicant: CAL COAST TRUCKING, INC., 4520 Everett St., Vernon, CA 90058. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *magazines and printed matter*, between points in CA, AZ, and NV.

MC 153606 (Sub-2), filed June 8, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Frances P. Dilworth (same address as applicant), (803) 235–3636. Transporting *fluorescent lighting fixtures and parts*, between points in the U.S., under continuing contract(s) with Keystone Lighting Corporation, of Bristol, PA.

Volume No. OPY–4–205

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 123476 (Sub-69), filed June 8, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant), (314) 464–1300. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146876 (Sub-5), filed June 5, 1981. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, Box 309, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *machinery*, between points in Hamilton County, IA, on the one hand, and, on the other, points in WI, IL, and IN.

MC 147536 (Sub-35), filed June 5, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *pet foods and animal feed*, between points in AR, CO, IL, IN, KS, KY, MI, MN, MO, NE, NY, ND, OH, OK, and WI, on the one hand, and, on the other, points to the U.S.

MC 150086 (Sub-1), filed June 9, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and related products*, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 151586 (Sub-2), filed June 4, 1981. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 2639 S. Soto, Vernon, CA 90058. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509, (402) 476–8062. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in AL, AZ, AR, CO, CT, FL, GA, ID, IN, IA, KS, LA, MD, MA, MN, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SD, TX, UT, WA, WI, and WY.

Volume No. OPY–4–206

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 1756 (Sub-34), filed June 8, 1981. Applicant: PEOPLE EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *containers*, between points in the U.S.

MC 96476 (Sub-2), filed June 5, 1981. Applicant: MASCOIT CARTAGE CO., 15080 Commerce Dr. N., Dearborn, MI 48120. Representative: Allen J. Counard, 4000 Town Center, Ste. 1470, Southfield, MI 48075, (313) 356–6050. Transporting *such commodities* as are dealt in by grocery stores and drug stores, between points in MI, OH, IN, WI, and IL.

MC 111496 (Sub-42), filed June 8, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Port of Seattle of Seattle, WA.

MC 154626, filed June 9, 1981. Applicant: AMERICAN CARGO EXPRESS, LTD., P.O. Box 39056, Denver, CO 80203, (303) 839–5856. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203. (303) 839–5856. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Boulder, CO and Galveston, TX: (1) from Boulder, CO, over U.S. Hwy 36 to Denver, then over Interstate Hwy 25 to Raton, MN, then over U.S. Hwy 87 to Amarillo, TX, then over U.S. Hwy 287 to junction Interstate Hwy 45, then over Interstate Hwy 45 to Galveston, and return over the same route, (2) from Boulder, CO, over U.S. Hwy 36, to junction U.S. Hwy 287, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 87 to Lubbock, TX, then over U.S. Hwy 84 to junction U.S. Hwy 183, then over U.S. Hwy 183, to Austin, TX, then

over U.S. Hwy 290 to Houston, TX, then over Interstate Hwy 45 to Galveston, and return over the same route, (3) from Boulder, CO, over U.S. Hwy 36, to junction U.S. Hwy 287, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 87 to Lubbock, TX, then over U.S. Hwy 284 to Abilene, TX, then over TX Hwy 36 to Houston, TX, then over Interstate 45 to Galveston, TX, and return over the same route, and (4) from Boulder, CO, over U.S. Hwy 36 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Salina, KS, then over Interstate Hwy 135 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Denton, TX, then over Interstate Hwy 35F to Dallas, TX, then over Interstate Hwy 45 to Galveston, and return over the same route, routes (1) through (4) serving points in Harris, Galveston, Brazoria, and Ft. Bend Counties, TX, and Denver, Adams, Arapahoe, Jefferson and Boulder Counties, CO as intermediate and off-route points.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18611 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(b).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed on or before August 10, 1981 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 9, 1981.

By the Commission, Review Board Number 3, Members Krock Joyce, and Dowell.

MC-F-14637, filed May 22, 1981. KENAN TRANSPORT COMPANY, INCORPORATED (Kenan) (P.O. Box 2729, Chapel Hill, NC 27514)—Merger—LANEY TANK LINES, INC. (Laney) (same address as Kenan). Representative: Francis W. McInerny, 1000 Sixteenth Street NW., Suite 502, Solar Bldg., Washington, DC 20036. Kenan seeks authority to merge the interstate operating rights and property of Laney, its wholly-owned subsidiary, into Kenan for ownership, management, and operation. Frank H. Kenan, the majority stockholder of Kenan, also seeks authority to control the merged rights through the merger. The operating rights to be merged are contained in Certificate No. MC-25708 and subs-numbers thereunder, authorizing the transportation of petroleum products, filling station equipment, fertilizers, and other limited specified commodities to, from, or between specified points or territories in the States of AL, FL, GA, KY, MS, NC, SC, TN, and VA, as well as general commodities, with certain exceptions, between points in Kershaw County, SC, on the one hand, and, on the other, points in NC and GA. All operating authority of Laney is to be merged. This does not purport to be a complete description of said operating rights. Kenan is authorized pursuant to Certificate No. MC-124306 and sub-numbers thereunder, to transport chemicals, petroleum products, and other limited specified commodities, to, from, or between points in the United States in and east of TX, OK, KS, SD, ND, and MI. Kenan was authorized to control Laney in MC-F-10738.

Note.—In its application, Kenan expresses the interest to operate the controlled certificates with gateways eliminated. However, no directly related application has been filed. We remind applicant that any gateways created by the merger contemplated herein may only be eliminated by approval of this Commission and are not automatically eliminated. An appropriate application under 49 U.S.C. 10922(b)(1) must be filed. Because the language of the Motor Carrier Act of 1980, Pub. L. 96-296, July 1, 1980, section 6 may have been misleading, we will waive our rules requiring concurrent filing of the directly related application. If carrier intends to eliminate gateways created by this transaction, it is directed to file a directly related extension application expressly describing the through authority sought within 30 days of the publication date of this notice.

MC-F-14638, filed May 27, 1981. CATES TRUCKING, INC. (Cates) (P.O. Box 518, Swayzee,, IN 46986)—Purchase—KREVDA BROS. EXPRESS, INC. (Krevda) (P.O. Drawer J, Knox, PA). Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Cates seeks authority to purchase the interstate operating rights of Krevda. Kenneth J. Cates, the sole stockholder of Cates, seeks authority to acquire control of said rights through the transaction. Cates is purchasing the interstate operating rights issued to Krevda in

MC–127705 and sub-numbers thereunder, which authorize the transportation of, as summarized: (1) *such commodities* as are dealt in or used by container manufacturers and distributors, between specified points in the United States and east of MN, IA, MO, AR, and TX; (2) *mineral wool insulation*, between points in IN, on the one hand, and, on the other, points in IL, MI, OH, PA, NY, KY, TN, MN, WI, MO, IA, WV, and MD; (3) *petroleum products*, between specified points in WV, PA, NY, OH, MI, IN, KY, IL, WI, and MO; (4) *paper and paper products*, between specified points in NY, OH, MI, IN, IL, WV, and PA; (5) *general commodities* (with usual exceptions), between points in the United States, restricted to traffic originating at or destined to the facilities of Union Camp Corporation; (6) *sweet cider*, between specified points in IN, IL, MI, and OH; (7) *wooden storage cabinets*, between specified points in IN, KY, OH, NE, MI, NY, PA, NJ, CT, MA, RI, DE, VA, MD, WV, and DC; and (8) *foodstuffs*, between specified points in OH, NY, PA, KY, WV, MI, VA, IL, MD, MI, WI, and DC. This does not purport to be a complete description of the authority involved. Cates holds authority to operate as a motor common carrier pursuant to certificates issued in MC–143584 and as a motor contract carrier pursuant to permits issued in MC–138562.

Note.—Application for TA has been filed.

MC–F–14125F, filed August 9, 1979. HERMANS BROS., INC. (Herman) (2565 St. Marys Avenue, Box 189, Omaha, NE 68101)—Control— LAHOMA TRANSPORT, INC. (Lahoma) (1001 West 10th Street, Ada, OK 78420). Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Herman seeks authority to acquire control of the interstate operating rights and property of Lahoma through Leasco, Inc. a non-carrier subsidiary of Herman. Leasco, Inc. will purchase all of the issued and outstanding capital stock of Lahoma. Richard L. Herman, Dale G. Herman, and Earl D. Wood, who control Herman Bros., Inc., seek to acquire control of Lahoma through the transaction. Lahoma is authorized to operate as a motor common carrier pursuant to certificates issued in MC–144984 and sub-numbers thereunder, which authorize the transportation of *cement* between points in AR, KS, LA, MO, OK, and TX. Herman is authorized to operate as a motor common and contract carrier pursuant to certificates issued in MC–61396 and sub-numbers thereunder, and permits issued in MC–144203 and sub-numbers thereunder.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18609 Filed 6–23–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 410]

Loading and Unloading Study

AGENCY: Interstate Commerce Commission.

ACTION: T1Correction of comment dates for notice of request for comments.

SUMMARY: Pursuant to Section 15(e) of the Motor Carrier Act of 1980, Pub. L. 96–296, the Commission is studying loading and unloading in the property motor carrier industry. In a notice published in the **Federal Register** on June 11, 1981, (46 FR 30905), a notice of intention to participate had to be received 30 days from **Federal Register** publication, while comments were due on July 1, 1981, and replies were due on August 1, 1981. The Commission is correcting these dates to July 13, August 12, and September 11, 1981, respectively.

DATES: Notice of intention to participate must be received on or before July 13, 1981. Comments must be received on or before August 12, 1981. Reply statements must be received on or before September 11, 1981.

ADDRESS: An original and 15 copies should be sent to: Ex Parte No. 410, Room 7417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Lewis R. Teeple, (202) 275–7612; John W. Fristoe, (202) 275–6493 or 7868; James W. Boyd, (202) 275–7818.

Dated at Washington, D.C. this 17th day of June, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18612 Filed 6–23–81; 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–131

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 154614 (Sub-II–2TA), filed June 15, 1981. Applicant: HORST MILK TRANSFER, INC., 1050 Florida Ave., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Food products*, between York and Lancaster, PA on the one hand, and on the other, points in PA, VA, DE, NY, NJ CT, MA, MD and FL, restricted to traffic originating at or destined to facilities of Penn Dairies, Inc., for 270 days. Supporting shipper: Penn Dairies, Inc., 1801 Hempstead Road, Lancaster, PA 17604.

MC 154381 (Sub-II–2), filed June 15, 1981. Applicant: PRETLOW BROS. TRUCKING CO., INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same as applicant). Contract, irregular: *Bakery goods, NOI (other than frozen), materials, equipment and supplies used in manufacturing thereof (except commodities in bulk)*, between Richmond, VA, Battlecreek, MI, North Sioux City, SD, Tocoma, WA and their commercial zones in the one hand, and,

on the other, all pts. in the U.S. (except AK & HI), for 270 days. Supporting shipper: Interbake Foods, Inc., P.O. Box 27487, 900 Terminal Place, Richmond, VA 23261.

MC 156016 (Sub-II–1TA), filed June 15, 1981. Applicant: E & M TRUCKING CO., P.O. Box 194, Tarris, PA 15688. Representative: Earl Taxacher (same as applicant). *Drafting, engineering, and graphic art supplies,* from Bloomfield and Windsor, CT to Dallas and Fort Worth, TX for 270 days. An underlying ETA seeks 120 days suthority. Supporting shipper: Alvin & Co., Inc., 1335 Bluehill Ave. Ext., Bloomfield, CT 06002.

MC 110761 (Sub-II–1TA), filed June 15, 1981. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Iron and steel articles and equipment, materials and supplies used in the manufacture, sale and distribution of iron and steel articles,* between New Castle, IN, on the one hand, and, on the other, points in Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties, PA, and points in OH for 270 days. Supporting shipper: Ingersoll-Johnson Steel Co., P.O. Box 370, New Castle, IN 47362.

MC 107012 (Sub-II–173TA), filed June 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *contract; irregular: Household goods* between points in the U.S. under continuing contract(s) with Motorola, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Motorola, Inc., 1,303 E. Algonquin Rd., Schaumburg, IL 60196.

Note.—Common control may be involved.

MC 140889 (Sub-II–16–TA), filed June 15, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Clevelend, OH 44114. *Contract, irregular:* textile mill products from points in GA to shipper's facilities located in Cuyahoga County, OH under continuing contract(s) with B. & V. distributing, Inc. of Valley View, OH for 270 days. an underlying ETA seeks 120 days authority. Shipper: B. & V. distributing, Inc., 7420 Exchange St., Valley View, OH 44125.

MC 109448 (Sub-II–9TA), filed June 15, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Metal products and transportation equipment and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between Elyria, OH; Frankfort, KY; Charolette, NC; Salisbury, NC; Huntington, IN; Oklahoma City, OK; and Reno, NV, including pts in their respoective Commercial Zones, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: Bendix Heavy Vehicle Systems Group, 901 Cleveland ST., Elyria, OH 44036.

MC 13134 (Sub-II–20TA), filed June 15, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus,OH 43215. *Metal products,* between Detroit, MI, on the one hand, and, on the other, points in OH, for 270 days. Supporting shipper: The Budd Company, State Route 550 West, Frankfort, OH 45628.

MC 124111 (Sub-II–14TA), filed June 15, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Food and related products* from the facilities of Heinz U.S.A., Division of H.J. Heinz Company at Pittsburgh, PA to points in TX, SC, and FL for 270 days. Supporting shipper: Heinz U.S.A., Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 135237 (Sub-II–1TA), filed June 11, 1981. Applicant: EAST PENN TRUCKING COMPANY, RD 1, Lehighton, PA 18235. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Ores and minerals* between Morris County, NJ, on the one hand, and, on the other, Chester County, PA. An underlying ETA seeks 120-days authority. Supporting shipper(s): Foote Minerals Company, Rt. 100, Exton, PA 19341.

MC 138643 (Sub-II–1TA), filed June 11, 1981. Applicant: MAKOVSKY BROTHERS, INC., 5202 Spring Mill Road, Whitehall, PA 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. (1) *Sand and gravel,* in bulk, in dump vehicles, from the facilities of Alpha Portland Industries, Inc. at Martins Creek and Mt. Bethel, PA to points in NJ and, (2) *Roofing slag,* in bulk, in dump vehicles, from the facilities of Bethlehem Steel Company at Bethlehem, PA to points in NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Alpha Portland Industries, Inc., Martins Creek, PA 18063; Mueller Roofing Services, Inc., P.O. Box 823, Alpha, NJ 08865.

MC 149417 (Sub-II–1TA), filed June 11, 1981. Applicant: SPARK, INC., 10 East Oregon Ave., Phila., PA 19148. Representative: Richard Rueda, 135 N. Fourth St., Phila., PA 19106. *Such commodities as are dealt in or used by retail department stores,* between points in the New York, NY and Philadelphia, PA commercial zones, on the one hand, and, on the other, points in PA, MD, NJ, DE and the DC commercial zone. An underlying ETA seeks 120 days authority. Supporting shipper(s): Strawbridge & Clothier, 4800 S. Island Rd., Philadelphia., PA; Gimbel Bros., 937 Market St., Phila., PA; F. W. Woolworth, 162 W. Chelten Ave., Phila., PA.

MC 135046 (Sub-II–2TA), filed June 11, 1981. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract: Irregular: General commodities (except classes A and B explosives),* between the facilities of Dayco Corporation at Compton, CA; Herrin and Rock Island, IL; Eldora, IA; Springfield, MO; Alliance and McCook, NE; Dover and Wharton, NJ; Haywood Co, Mebane and Welcome, NC; Fairless Hills, Hazelton and Newtown, PA; Kingstree, Walterboro and Williston, SC; Oleny, TX; Richmond, VA; Marion Co, FL; on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Dayco Corp., Dayton, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Dayco Corp., P.O. Box 1004, Dayton, OH 45401.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 145664 (Sub-4–26TA), filed June 9, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. West, Duluth, MN 54880. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Roofing, building, equipment and supplies used in the installation thereof* between all points in the U.S. Supporting shipper: Reserve Building Supply, 5110 Main Street N.E., Fridley, MN 55440.

MC 129573 (Sub-4–1TA), filed June 8, 1981. Applicant: THIBODEAU-FINCH EXPRESS LIMITED, P.O. Box 2430, 3049 Devon Dr., Windsor, Ontario, Canada N8Y 4S4. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods, as defined by the

Commission, commodities in bulk, and commodities requiring special equipment) between ports of entry between the US and CN on the St. Clair River, on the one hand, and, on the other, points in the Port Huron, MI commercial zone, restricted to shipments in foreign commerce. Applicant seeks corresponding ETA for 120 days. Supporting shippers: There are approximately 10 supporting shipper certificates.

MC 103993 (Sub-4–29TA), filed June 9, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Metal products* from the facilities of Amerwire, Inc. at or near Joliet, IL, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Amerwire, Inc., 51 East Columbia Street, Joliet, IL 60432.

MC 48501 (Sub-4–1TA), filed June 8, 1981. Applicant: INDIANA MOTOR BUS COMPANY, 715 S. Michigan, South Bend, IN 46624. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract:* irregular: *Passengers, in charter operations,* between points in the Counties of Allegan, Barry, Branch, Calhoun, Clinton, Eaton, Ingham, Ionia, Jackson, Kent, Muskegon, Ottawa, and Washtenaw, within the State of Michigan, points in IL, IN, OH, and WI, on the one hand, and, on the other, points in the U.S., under a continuing contract with Ja Mar Tours, Inc. Supporting shipper: Ja Mar Tours, Inc., 825 Leonard NW, Grand Rapids, MI 49504.

MC 156424 (Sub-4–1TA), filed June 8, 1981. Applicant: T. M. B. TRUCKING COMPANY, 525 Park Ridge Drive, Eau Claire, WI 54701. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting: (1) *Malt beverages* (a) from Chicago, IL, Detroit, MI, St. Paul, MN, St. Louis, MO, and Memphis, TN to Eau Claire, WI and (b) from St. Paul, MN and La Crosse, WI to St. Charles, MO; (2) *rejected shipments and used empty malt beverages containers* in the reverse direction; and (3) *recyclable metal products* from Eau Claire County, WI to St. Louis, MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Griesedieck Beverage Co., Inc., 3003 Highway 94 North, St. Charles, MO 63301; Gusto Distributing, Inc., 525 Park Ridge Drive, Eau Claire, WI 54701; and West Wisconsin Dist. Co., Inc., 525 Park Ridge Drive, Eau Claire, WI 54701.

MC 146861 (Sub-4–1TA), filed June 9, 1981. Applicant: EDGAR A. SPIEGEL, Route 1, Neillsville, WI 54456. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *Exhaust mufflers, spark arrestors, intake silencers and air cleaners and* (2) *parts and equipment for the commodities described in* (1) *above,* from Neillsville, Black River Falls, Mineral Point, Muscoda, Viroqua, Arcadia, Bloomer, Wautoma, and Stoughton, WI to points in IN, MI, OH and KY, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Nelson Industries, Inc., P.O. Box Box 428, Stoughton, WI 53589.

MC 155942 (Sub-4–1TA), filed June 8, 1981. Applicant: WILLIAM M. LAWSON, d.b.a. OVERLAND CONSTRUCTION SERVICES, 28634 Hampden, Madison Heights, MI 48071. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract* irregular: (1) *such commodities as are dealt in and used by manufacturer of sheet metal duct work* from Detroit, MI and the commercial zone thereof to the facilities of the General Motors Corporation at or near Wentzville, MO; (2) *materials, equipment and supplies used in the manufacture of sheet metal duct work* from points in MO and IL to Detroit, MI and the commercial zone thereof under a continuing contract or contracts with J. Brodie & Son, Inc. Supporting shipper: J. Brodie & Son, Inc. 10311 Capitol, Oak Park, MI 48237.

MC 156426 (Sub-4–1TA), filed June 9, 1981. Applicant: WESTERN SUBURBAN TRANSPORTATION CO. d.b.a. GOODTIMES CHARTER SERVICE, 606 East Main Street, Urbana, 61801. Representative: F. E. McMullin, 352 West Higgins Road, Suite 5, Schaumburg, IL 60195. *Contract*-irregular; *Passengers and their baggage, in special and charter operations,* between points within a 5 mile radius of Champaign, IL, and The University of Illinois campuses within the State of IL and points in the continental US. Supporting shippers: University of Illinois, 223 Administrative Bldg., Urbana, 61801; Urbana High School, 1002 Race Street, Urbana, IL 61801; Faucett World Travel, 505 South Mattis, Champaign, IL 61820.

MC 156160 (Sub-4–1TA), filed June 8, 1981. Applicant: BILL ROSS AND SON TRUCKING INC., Route 6, Box 328, Dowagiac, MI 49047. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394–4222. Contract: *pulp, paper and related products* between points in the US (states of IL, IN, IA, MO, OH, WI, MN, & MI) under continuing contracts with Foremart Containers, Inc. of Cedarburg, Wisconsin. Supporting shipper: Format Containers, Inc., Cedarburg, WI. 53012.

MC 156427 (Sub-4–1TA), filed June 9, 1981. Applicant: OMTVEDT OIL COMPANY, 1807 6th Ave., Two Harbors, MN 55616. Representative: Andrew R. Clark, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402. *Beverages* between Milwaukee, WI on the one hand and Lake County, MN on the other. Supporting shipper: Svee Distributing Company, Inc., Box 129 Industrial Park, Two Harbors, MN 55616.

MC 139785 (Sub-4–1TA), filed June 10, 1981. Applicant: LIETZ TRANSPORTATION, INC., Route 1, Coloma, WI 54930. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract irregular Fabricated steel* from LaCrosse, WI to Colstrip, MT and *iron and steel and iron and steel articles* from points in OH, PA, IN and IL to LaCrosse, WI under continuing contract with Ted Mannstedt & Son, Inc. Supporting shipper: Ted Manstedt & Son, Inc., 1722 Miller St., LaCrosse, WI 54601.

MC 147343 (Sub-4–9TA), filed June 8, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Thomas O. Cartmel, President (same as applicant). *Contract: irregular: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between all points in the U.S. (except AK and HI), under a continuing contract with Rochester-Midland Corp., Rochester, NY. Underlying ETA authority has been filed. Supporting shipper's name and address: Rochester-Midland Corp., 333 Hollenbeck St., Rochester, NY 14621.

MC 129573 (Sub-4–2TA), filed June 8, 1981. Applicant: THIBODEAU-FINCH EXPRESS LIMITED, P.O. Box 2430, 3049 Devon Dr., Windsor, Ontario, Canada, N8Y 4S4. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between ports of entry between the U.S. and Canada on the Niagara River, on the one hand, and, on the other, points in the Buffalo, NY commercial zone, restricted to shipments in foreign commerce.

Applicant seeks corresponding ETA for 120 days. Supporting shippers: There are approximately 60 supporting shipper certificates.

MC 153883 (Sub-4-7TA), filed June 8, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Food and Related Products* Between points in the U.S. under continuing contract(s) with Golden Dipt Company Division of DCA Food Industries, Inc., 100 E. Washington, Millstadt, IL 62260. Supporting shipper: Golden Dipt Company of DCA Food Industries, Inc., 100 E. Washington, Millstadt, IL 62260.

MC 107605 (Sub-4-4TA), filed June 8, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common regular. General commodities* (except Classes A and B explosives), between Minneapolis, MN and Lincoln, NE, serving the intermediate point of Omaha, NE, and serving the commercial zones of Minneapolis, Omaha and Lincoln, from Minneapolis over Interstate Hwy 35 to junction with Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; also from Minneapolis over Interstate Hwy 35 to junction MN Hwy 13, then over MN Hwy 13 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction MN Hwy 60, then over MN Hwy 60 to junction IA Hwy 60, then over IA Hwy 60 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction IA Hwy 29, then over IA Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route. Authority to tack with MC-107605 and to interline at Minneapolis, Omaha and Lincoln. There are 9 supporting shippers. Corrsponding 30 day ETA application filed.

MC 147771 (Sub-4-2TA), filed June 8, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Ralph J. Marquardt (same as applicant). *Metal articles*, from the facilities of Nucor Steel Division, Nucor Corporation, at Madison County, NE to points in and west of ND, SD, NE, CO, and AZ. Supporting shipper: Nucor Corporation, Nucor Steel Division, P.O. Box 59, Norfolk, NE 68701.

MC 6992 (Sub-4-2TA), filed June 8, 1981. Applicant: AMERICAN RED BALL TRANSIT, CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant). *Furniture and fixtures* between points in Los Angeles County, CA on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: Silva Restaurant Equipment Company, 16205 Distribution Way, Ceritos, CA 90704.

MC 141889 (Sub-4-5TA), filed June 10, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Metal products, clay, concrete, glass, and stone products, and materials, equipment, and supplies* used in the manufacture and distribution of such commodities between points in Riverside County, CA and Portage and Wood Counties, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Preway, Inc., 1430 2d Street No., Wisconsin Rapids, WI 54494.

MC 109154 (Sub-4-3TA), filed June 8, 1981. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: ROBERT W. LOSER II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. *Contract irregular. Insulation and materials and supplies used in the manufacture of insulation*, between the facilities of Knauf Fiber Glass, GmbH, located at or near Shelbyville, IN, on the one hand, and, on the other, points in CA, OR, WA, NE and AZ, under continuing contract(s) with Knauf Fiber Glass, Gmbh, Shelbyville, IN. Supporting shipper: Knauf Fiber Glass, Box 440, Shelbyville, IN 46176.

MC 124170 (Sub-4-7TA), filed June 8, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract*, irregular: *General commodities* (except Classes A and B explosives) between points in the U.S. under continuing contract(s) with General Foods Corporation of White Plains, NY. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 155779 (Sub-4-1TA), filed June 8, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., P.O. Box 462, Decatur, IN 46733. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities* (except Classes A and B explosives), between points in the U.S. (including AK but excluding HI). Restricted to a contract or continuing contracts with Ft. Wayne Pools, Inc. Supporting shipper: Ft. Wayne Pools, Inc., 510 Sumpter Drive, Ft. Wayne, IN 46804.

MC 155362 (Sub-4-3TA), filed June 12, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract*, irregular: *such commodities as are dealt in or used by manufacturers and distributors of home entertainment products*, between points in IN and TX under continuing contract(s) with RCA Corporation. Supporting shipper: RCA Corporation, RCA Corporate Traffic, Bldg. 204-2, Rm. 38, Cherry Hill, NJ 08358.

MC 153077 (Sub-4-3TA), filed June 12, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE., Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Food and related products*, between Seward County, KS, and Kansas City, KS-MO, on the one hand, and, on the other, points in CA, IL, IA, MI, MN, ND, OH, TX and WI, for 270 days. Supporting shipper: National Beef Packers, Inc., Liberal, KS 67901.

MC 152246 (Sub-4-5TA), filed June 10, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 5445. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. 1. *Metal products and machinery*, between (A) the facilities of Whirl Air-Flow Corporation at Minneapolis, MN and (B) the facilities of Mid-State Contracting, Inc. at Marathon and Wood Counties, WI on the one hand, and, on the other, points in the U.S. and; 2. *Steel* between the facilities of Wausau Steel Corporation at Marathon County, WI on the one hand, and, on the other, Chicago, IL. Supporting shippers: 1A. Whirl Air-Flow Corporation, 1515 Central Ave., NE, Minneapolis, MN 55413; 1B. Mid-State Contracting, Inc., 2001 County Hwy. U, Wausau, WI 54401; and 2. Wausau Steel Corporation, 2900 W. Sherman Street, Wausau, WI 54401.

MC 152353 (Sub-4-3TA), filed June 12, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Steel tubing, pipe, bars, and cold rolled stock* from the Chicago, IL, commercial Zone to Winnebago County, WI, and the Upper Peninsula of MI. An underlying ETA seeks 120 days authority. Supporting shipper: Lapham-Hickey

Steel Corporation, 944 Apple Blossom Drive, Neenah, WI 54956.

MC 149151 (Sub-4–2TA), filed June 11, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Petroleum products,* in bulk, in tank vehicles, between Two Rivers, WI, on the one hand, and on the other hand, points in the Upper Peninsula of MI. Restriction: restricted to transportation to be performed under a continuing contract(s) with Petroleum Conservation, Inc. an underlying EPT seeks 120 days authority. Supporting shipper: Petroleum Conservation, Inc., Box 3594, Green Bay, WI 54304.

MC 153829 (Sub-4–23TA), filed June 11, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Rd., St. Paul, MN 55102. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Foodstuffs,* from the facilities of the Creamette Company at or near Minneapolis-St. Paul, MN to points in GA, FL, MS, TN, NC, SC and AL. Supporting shipper: the Creamette Company, 428 North first Street, Minneapolis, MN 55401.

MC 127351 (Sub-4–1TA), filed June 11, 1981. Applicant: CHANGE FREIGHT LINES, INC., 202 West Main, Gardner, IL 60420. Representative: Douglas G. Brown, P. C., 913 South Sixth St., Springfield, IL 62703. *Liquified Petroleum gas,* in bulk, from Coal City, IL. to Indiannapolis, IN. Supporting shipper: De Mert & Dougherty, Inc., 1300 North St., Coal City, IL 60416.

MC 156461 (sub-4–1TA), filed June 10, 1981. Applicant: BURWICK'S INC., Route No. 3, box 159X, Dickinson, ND 58601. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Salt,* from Weber, Salt Lake and Dvais Counties, UT to Williams and Dunn Counties, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Brine Water Express, Box 1366, Havre, MT 59501.

MC 156462 (Sub-4–1TA), filed June 10, 1981. Applicant: R. J. MEYER, an individual, 3403 Brookmeade Dr., Rolling Meadows, IL 60008. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. *Contract, Irregular printed matter and materials, equipment and supplies used in the manufacture and distribution of printed matter,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX under continuing contract(s) with Bantam Books, Inc., of Des Plaines, IL. Supporting shipper: Bantam Books, Inc., 414 East Golf Road, Des Plaines, IL 60016.

MC 59967 (Sub-4–1TA), filed June 10, 1981. Applicant: LASHAM CARTAGE COMPANY, 2331 South Wood St., Chicago, IL 60608. Representative: Bernard C. Pestcoe, Baskin and Sears, 700 Brickell Ave., 401 Security Trust Building, Miami, FL 33131. *General Commodities* (except classes A and B explosives), as defined by the Commission, between all points in the State of FL, restricted to the transportation of shipments having a prior or subsequent movement in interstate or foreign commerce. There are (8) eight supporting shippers.

MC 146985 (Sub-4–7TA), filed June 11, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Esq., Grotrian & Boxberger, Attorneys at Law, Suite 200, Metro Building, Fort Wayne, IN 46802. *Contract* irregular: *General commodities (except Classes A and B explosives),* between the ports of New York, NY; Philadelphia, PA; Baltimore, MD; Boston, MA; Portsmouth, VA; Norfolk, VA; Port Newark, NJ; Port Elizabeth, NJ; Charleston, SC, on the one hand, and on the other, points in IN, OH, MI, IL, IA, and KY. Restricted to service to be performed under continuing contracts with Atlantic Container Lines of New York, NY. Supporting Shipper: Atlantic Container Lines of New York, NY.

MC 152080 (Sub-4–1TA), filed June 11, 1981. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings Street, Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Petroleum and Products thereof; Chemicals and Related Products;* between points in IL and IN on the one hand, and, on the other, points in the U.S. An underlying ETA seeks a 120 days. Supporting shipper: Sovereign Oil Company, 6801 West 66th Pl., Chicago, IL 60638.

MC 156143(Sub-4–1TA), filed June 11, 1981. Applicant: RAINBOW COACH LINES, a div. of CARE CABS, INC., 5538 West National Ave., West Allis, WI 53214. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. *Passengers and their baggage, wheel chairs, litters and medical support systems and attendants in charter and special operations,* between Milwaukee County, Waukeshha County and Ozaukee County, WI on the one hand, and, on the other, points in the U.S. Supporting shipper(s): There are 16 supporting shippers.

MC 135185 (Sub-4–7TA), filed June 11, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. *Contract,* irregular, *General commodities (except Classes A and B explosives and hazardous waste),* from the facilities of Leggett & Platt, Inc., at or near Mason, OH and Simpsonville, Nicholasville and Winchester, KY, to points in TX and those points in the U.S. east of the Mississippi River under continuing contract(s) with Leggett & Platt, Inc. for 270 days. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, 18th Road, Carthage, MO 64836.

MC 155714 (Sub-4–2TA), filed June 10, 1981. Applicant: EKRE TRUCKING, Shevlin, MN 56676. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. *General commodities, except: (1) used household goods, and (2) Classes A and B explosives* Between Fargo and Grand Forks, ND on the one hand, and on the other, the counties of Polk, Clearwater, Beltrami, Hubbard and Cass in MN. There are 11 supporting shippers.

MC 155364 (Sub-4–3TA), filed June 11, 1981. Applicant: SINCLAIR CARTAGE, INC., 9700 South Madison Street, Hinsdale, IL 60521. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. *Petroleum, petroleum products, chemicals, petrochemicals,* in bulk from IL to points in IA, IL, KY, MI, OH, IN, and WI. Supporting shippers: Union Chemicals Division, 1701 Golf Road, Suite 506, Rolling Meadows, IL 60008; Chempet Corporation, 1750 Armitage Court, Addison, IL 60101; Seneca Petroleum Company, Inc., 3258 South Canal Street, Chicago, Illinois 60616.

MC 152935 (Sub-4–6TA), filed June 12, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). Contract: irregular *Bathroom fixtures and furnishings* from Torrance, CA to points in Atlanta, GA; Bridgeton, MO; Detroit, MI; Houston, TX; Kent, OH; and Milwaukee, WI under continuing contract(s) with Perma-Bilt Industries. Supporting shipper: Perma-Bilt Industries, Inc., 19306 S. Normandie Ave., Torrance, CA 90502.

MC 152935 (Sub-4–5TA), filed June 10, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). *Contract: irregular Wooden hospital and school cabinets* from Tacoma, WA to points in

Bloomington, Evansville, Gary, Indianapolis, Kokomo, Lafayette, New Albany, Richmond, South Bend and Terre Haute, IN; Champaign, Chicago, Decatur, Marion, Moline, Peoria, Rockford and Springfield, IL; Cedar Rapids, Des Moines, Mason City and Rock Island, IA; Bowling Green, Paducah, Lexington and Louisville, KY; Minneapolis and St. Paul, MN; Cincinnati, Chillicothe, Columbus and Dayton, OH; and LaCrosse, Madison and Milwaukee, WI under continuing contract(s) with Monitor, a division of Comerco, Inc., 3000 South Alaska, Tacoma, WA 98409. An underlying ETA seeks 90 days authority.

MC 87966 (Sub-4-5TA), filed June 15, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Such commodities as are dealt in or used by manufacturers of furniture* from AL, AR, GA, MS, NC, SC and TN to Atlanta, GA; Jacksonville, FL; Elizabeth, NJ; Columbus, OH; Kansas City, KS; Dallas, TX; Janesville, WI and Los Angeles and San Leandro, CA. Supporting shipper: Simmons USA, 6 Executive Park Dr. N.E., Atlanta, GA 30329.

MC 111310 (Sub-4-12TA), filed June 12, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Containers and container closures* from Oak Creek, WI and Streator, IL to Memphis, TN. An underlying ETA seeks 120 days authority. Supporting shipper: Jos. Schlitz Brewing Company, 235 Galena Street, Milwaukee, WI 53212.

MC 123980 (Sub-4-1TA), filed June 11, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lane Blvd., N.W., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Commodities dealt in by automotive glass business,* from Detroit and Wixom, MI, Ottawa, IL, Toledo, OH and Greensburg, PA and points in their commercial zones, to the facilities of The Glass Depot, Inc. at Minneapolis, MN; and from the facilities of The Glass Depot, Inc. at Minneapolis, MN to points in ND, SD, NE, IA and WI. Supporting shippers: The Glass Depot, Inc., 2450 Minnehaha, Minneapolis, MN 55404; Harmon Glass, Inc., 1 Groveland Terrance, Minneapolis, MN 55403.

MC 124159 (Sub-4-3TA), filed June 15, 1981. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract; Irregular, General commodities, (except Class A and B explosives),* between points in the U.S., under a continuing contract(s) with Dacotah Paper Co., Fargo, ND. Supporting shipper: Dacotah Paper Co., P.O. Box 2727, Fargo, ND 58108.

MC 133189 (Sub-4-13TA), filed June 15, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. *Metal and metal articles,* between Moline and East Moline, IL, on the one hand, and, on the other, points in WI, MN and IA. Supporting shipper: D-L Steel Company, 4433 W. Touhy Avenue, Chicago, IL 60646.

MC 135410 (Sub-4-26TA), filed June 11, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Building materials, furniture and fixtures* between Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: E. F. Hauserman Company, 6551 Grant, Cleveland, OH 44105.

MC 142096 (Sub-4-3TA), filed June 15, 1981. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, WI 53215. Representative: James A. Spiegel, 6333 Odana Road, Madison, WI 53719. *Empty plastic containers* from Ligonier, IN, to the facilities of W. B. Bottle Supply Co., Inc. at Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: W. B. Bottle Supply Co., Inc., 816 East Bay Street, Milwaukee, WI 53207.

MC 144452 (Sub-4-5), filed June 12, 1981. Applicant: ARLEN E. LINDQUIST TRUCKING, 9172 Davenport St. NE., Minneapolis, MN 55434. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Tires* from Columbus and Warren, OH, Mayfield, KY, Oklahoma City, OK, Versailles, MO, and Kansas City, MO commercial zone to points in CO, IA, KA, MN, NE, ND, SD, WI, and WY. Supporting shipper: Fleetwood Tires, Box 1012, Burnsville, MN 55337.

MC 150746 (Sub-4-17TA), filed June 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Copper Tubing* from Dowagiac, MI to points in TX. Supporting shipper: Sundstrand Corporation, 4751 Harrison Avenue, Rockford, IL 61101.

MC 152207 (Sub-4-3TA), filed June 15, 1981. Applicant: C. W. C. CO., 4700 Quebec Avenue North, New Hope, MN 55428. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Floor tile and materials, equipment and supplies used in the installation thereof,* from Houston, TX to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: White's, Inc., 4700 Quebec Avenue North, New Hope, MN 55428.

MC 152935 (Sub-4-7TA), filed June 15, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). *Bedroom furniture* from Phoenix, AZ to points in Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH; South Bend and Terre Haute, IN; Louisville, KY; Rockford and Springfield, IL; Madison and Milwaukee, WI; Memphis and Nashville, TN and Cedar Rapids and Grand Mound, IA under continuing contract(s) with Woodstuff Manufacturing, Inc. Supporting shipper: Woodstuff Manufacturing, Inc., 1635 South 43rd Avenue, Phoenix, AZ 35009.

MC 154867 (Sub-4-3TA), filed June 16, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Waupun, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Food and related products* from the facilities of American Farms Cooperative, Inc. in WI to AL, FL, GA, IA, IL, IN, KY, MI, MO, MN, NC, OH, PA, SC and TN. Underlying ETA seeks 120 days authority. Supporting shipper: American Farms Cooperative, Inc., 111 East Main St., Waupun, WI 53963.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 61231 (Sub-5-9TA), filed June 10, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *(1) Cleaning machines and cleaning compounds, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Britt Tech Corporation at Britt, IA, and Kansas City, MO, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE, SD and WI. Supporting shippers: Britt Tech Corporation, Britt, IA 50423.

MC 124813 (Sub-5–29TA), filed June 10, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lumber, wood products and construction materials,* from pts in the U.S. (except AK and HI) to Ft. Dodge, IA. Supporting shipper: Mid Continent Lumber Dealers Supply, Inc., 701 S. 22nd St., P.O. Box 1154, Ft. Dodge, IA 50501.

MC 148833 (Sub-5–12TA), filed June 10, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* from IA and Chicago, IL commercial zone to pts in AZ, CA, CO, ID, MT, NM, NV, OR, WA, and TX. Supporting shipper, Oscar Mayer & Co., Inc., Box 7188, Madison, WI 53707.

MC 150645 (Sub-5–7TA), filed June 10, 1981. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Steel strapping and related products and accessories;* from Riverdale, IL to Dallas, TX. Supporting shipper(s): Total Packaging Systems & Supplies, Inc., 8605 Sovereign Row, Dallas, TX 75247.

MC 152136 (Sub-5–2TA), filed June 10, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract, Irregular, *Plastic or Rubber Articles,* between Waco, TX, on the one hand, and on the other, points in the U.S., except (AK and HI). Supporting shipper: Certainteed Corporation, P.O. Box 1100, Bluebell, PA 19422.

MC 152649 (Sub-5–6TA), filed June 9, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, P.O. Drawer BC, Reserve, Louisiana 70084. Representative: Harry M. England, West 10th Street, P.O. Drawer E, Reserve, Louisiana 70084. Contract; Irregular *glass and plastic containers, closures, plastic and paper products, container components, packagings products and material, equipment and supplies used in the manufacture, sale and distribution of the foregoing,* between points in AL, AR, FL, GA, KY, LA, MS, MI, NC, SC, TN, and TX. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666

MC 152674 (Sub-5–5TA), filed June 10, 1981. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Plaster molds, clay bodies, liquid clays and blends, kilns, mixers, casting machines, wheels, glazes, stains, and other supplies used in the manufacture of ceramics,* between the States of CA, NV, and OR, on the one hand, and on the other points in the States of CO, FL, KS, MO, NJ, OH, OK, TX, and WA. Supporting shipper: The Good Earth, 70 Admiral Callaghan Lane, Vallejo, CA 94590.

MC 154266 (Sub-5–1TA), filed June 10, 1981. Applicant: MICHAEL G. HANUS, d.b.a. A TRUCKING COMPANY, P.O. Box 721, Valley, NE 68064. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular. *Food and related items,* from Omaha, NE to Modesto and Sacramento, CA; from Modesto, CA; Clearfield and Richmond, UT; Heyburn, Burley, and Caldwell, ID; Connell, Wenatchee, Bellingham, and Walla Walla, WA to Omaha, NE; and from Modesto and Sacramento, CA to pts in ID, MT, NV, OR, UT, and WA. Supporting shipper: Campbell Soup Company, 1201 Douglas Street, Omaha, NE.

MC 155514 (Sub-5–1TA), filed June 10, 1981. Applicant: WAYNE CAUDELL, 305 14th St., Woodward, OK 73801. Representative: Michael H. Lennox, 531 North Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Mercer commodities,* between points in OK, LA, TX, CO, and WY. Supporting shippers: Homeco International, Inc., P.O. Box 934, Woodward, OK 73801; Whiting Oilfield Rentals, Inc., P.O. Box 84, Woodward, OK 73801; NL Acme Tool, P.O. Box 986, Elk City, OK 73648; Drilling Tools, Inc., 1703 S. Main, Elk City, OK 73648.

MC 156074 (Sub-5–1TA), filed June 9, 1981. Applicant: R. L. JONES, d.b.a. SHILOH TRANSPORTATION COMPANY, P.O. Box 4398, Ft. Worth, TX 76106. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *(1) Electrical equipment and (2) materials, equipment and supplies used in the manufacture of (1);* between Dallas, TX on the one hand, and, on the other, Atlanta, GA; Baltimore, MD; Kearney, NJ; Chicago, IL; Evansville, IN; Los Angeles, CA; El Paso and Brownsville, TX. Supporting shipper(s): Morse Electro Products Corp., 3433 Morse Drive, Dallas, TX 75211.

MC 156138 (Sub-5–1TA), filed June 9, 1981. Applicant: STONEWALL TRANSPORT, INC., 666 Travis, Suite 200, Shreveport, LA 71101. Representative: Thomas P. Brown (same as above). *Petroleum, petroleum products, and chemicals in bulk in tank vehicles,* (1) between LA, AR, and TX on the one hand, and, on the other, AL, GA, MS, TN, AR, OK, TX, LA, FL, KS, CO, NC, SC, IL, IN, OH, PA, NJ, and MO. (2) From Greenville, MS to AL, LS, AR. Supporting shippers: 7.

MC 156421 (Sub-5–1TA), filed June 9, 1981. Applicant: RONALD D. RAMTHUN, Box 152, Manson, IA 50563. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irregular: *General commodities, except explosives and commodities in bulk,* between pts in the U.S. under contract with Butler Manufacturing Company, Box 191, Rockwell City, IA 50579, Harms Hardware Company, Lytton, IA 50612, Manson Implement Company, 215 8th Street, Manson, IA 50563.

MC 156440 (Sub-5–1TA), filed June 10, 1981. Applicant: PETRA TRANSPORTATION CORPORATION, 4608 South Garnett, Suite 400, Tulsa, OK 74145. Representative: Jack R. Anderson, Rahal & Anderson, 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts,* between all points in OK and TX. Supporting shippers: 6 supporting shippers.

MC 38403 (Sub-5–2TA), filed June 12, 1981. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court, Industrial Drive, Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 S. LaSalle Street, Chicago, IL 60603. (1) *Candy and confectionary products, chocolate, cocoa compounds, chocolate syrup and oleomargarine and (2) dessert preparations and materials and supplies used in the manufacture of dessert preparation,* between points in St. Louis, MO and points in its commercial zone, points in Washington, Marion and Crawford Counties, IL on the one hand, and on the other, points in MO, IA, IN, WI, KS, and OH. Supporting shipper: Hollywood Brands, Inc., 836 S. Chestnut Street, Centralia, IL, 62801.

MC 60066 (Sub-5–10TA), filed June 12, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Foods, and such commodities as are dealt in by manufacturers of paper and plastic articles,* from Chicageo, IL to points in IA. Supporting shipper: Sweetheart Cup Corporation, 7575 South Kostner Avenue, Chicago, IL 60652.

MC 111401 (Sub-5-44TA), filed June 12, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Anhydrous hydrofluoric acid, in bulk, in tank vehicles,* from Tulsa, OK to points in CO, KS, LA, MT, OK, ND, TX and WY. Shipper: Pennwalt Corp., Three Parkway, Philadelphia, PA 19102.

MC 114045 (Sub-5-9TA), filed June 12, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Such merchandise as is dealt in by food business houses,* between ME, NH and VT on the one hand, and on the other, points in MA, CT, RI, NY, NJ, and PA. Restricted to traffic originating at or destined to the facilities of or utilized by Hannaford Brothers Company. Supporting shipper: Hannaford Brothers Company, 54 Hannaford Road So., Portland, ME 04106.

MC 117119 (Sub-5-58TA), filed June 12, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Resin compounds, liquid: liquid plastic, liquid paint (except commodities in bulk)* from the facilities of Foam Systems Co. at Riverside, CA to points in GA, KS, MO, NC, NY, OK, OR, PA, TN, WA and WI. Supporting shipper(s): Foam Systems Company, P.O. Box 5347, Riverside, CA 92517.

MC 124174 (Sub-5-48TA), filed June 11, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Parts, equipment and materials used in the manufacture, assembly and repair of automotive buses (except commodities in bulk),* between IL, IN, IA, KY, MI, MO, NY, OH, PA, TX, UT, and WI, on the one hand, and Roswell, NM, on the other hand. Supporting shipper(s): Transportation Manufacturing Corporation, P.O. Box 5670, (R.I.A.C.), Roswell, NM 88201.

MC 124511 (Sub-5-6TA), filed June 12, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Lumber and wood products,* (A) between points in CA, OR, WA, ID, MT, AZ, NM, and WY; and (B) between points in CA, OR, MO, WA, ID, MT, AZ, NM, WY, AR, OK, TX, LA, MS, and AL on the one hand, and, on the other, points in AR, IL, IA, KS, MO, OK, and TX. Supporting shipper: Broadview Lumber Company, Inc., P.O. Box 816, Carthage, MO 64836.

MC 126045 (Sub-5-8TA), filed June 12, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Metal products,* between Clinton County, IA, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MT, NE, NM, ND, OH, OK, SD, TX, WI and WY. Supporting shipper: Central Steel Tube Co., Box 551, Clinton, IA 52732.

MC 126822 (Sub-5-60TA), filed June 11, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Building materials* between pts in the U.S., restricted to shipments from, to, or between the facilities of Triangle Pacific Corporation. Supporting shipper: Triangle Pacific Corporation, P.O. Box 220100, Dallas, TX 75222.

MC 126822 (Sub-5-61TA), filed June 11, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *(1) Salt, salt products, and (2) materials, equipment and supplies used in the manufacture of (1) above, between* Salt Lake County, UT; Van Zandt County, TX; and Iberia Parish, LA, on the one hand and pts in AL, MS, LA, AR, MO, TX, OK, KS, NE, SD, ND, MT, ID, WY, CO, NM, AZ, UT, NV, CA, OR, and WA on the other. Supporting shipper: Morton Salt Division, Morton Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606.

MC 128273 (Sub-5-40TA), filed June 11, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities (except Class A & B explosives, household goods, as defined by the Commission, and commodities which because of size or weight require the use of special equipment),* from points in Johnson, Leavenworth & Wyandotte Counties, KS, and Clay County, MO, to points in the United States (except AK & HI). Supporting shipper: Linwood-Welch Marketing Company, Inc., 910 Pennsylvania-Suite 1103, Kansas City, MO 64105.

MC 138522 (Sub-5-1TA), filed June 12, 1981. Applicant: R. G. STANKO EXPRESS, INC., P.O. Box 127, Gering, NE 69341. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Contract, Irregular. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packinghouses in the conduct of their business,* between the facilities of Cattle King Beef Company, Inc. at or near Denver, CO, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Cattle King Beef Company, Inc. of Gering, NE. Supporting shipper: Cattle King Beef Company, Inc., Gering, NE 69341.

MC 141747 (Sub-5-1TA), filed June 12, 1981. Applicant: ENGLE BROTHERS TRUCKING, INC., Rural Route No. 1, Rector, AR 72461. Representative: Don Garrison, Esq.; Post Office Box 1065, Fayetteville, AR 72701. *Fertilizer and Fertilizer Materials,* between points in AL, AR, FL, GA, IA, IL, KS, KY, LA, MO, MS, NC, NE, OK, SC, TN and TX. Supporting shippers: Agrico Chemical Company, Post Office Box 3166, Tulsa, OK 74101. USS Agri-Chemicals Division, United States Steel Corporation, Post Office Box 1685, Atlanta, GA 30301.

MC 144667 (Sub-5-6TA), filed June 12, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packinghouses in the conduct of their business,* between the facilities of Cattle King Beef Company, Inc., at or near Denver, CO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cattle King Beef Company, Inc., Gering, NE 69341.

MC 152386 (Sub-5-2TA), filed June 11, 1981. Applicant: LACINDA LYNN, INC., d.b.a. LADD TRUCKING CO., P.O. Box 1101, Canadian, TX 79014. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. *Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products,* between points in Hemphill, Wheeler, Lipscomb, Ochiltree, Collingsworth, Gray, Roberts, Hansford Counties, TX, on the one hand, and, on the other, points in OK, KS, and NM. Supporting shipper(s): 4.

MC 152649 (Sub-5-7TA), filed June 11, 1981. Applicant: Riverland Trucking Co., Inc., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England (same as above). Contract; Irregular.

Containers and container ends, closures accessories, paper and paper products, packaging and packaging products and equipment, materials and supplies used in the manufacturing, sale and distribution thereof between points in LA, TX, FL, MS, AL and GA. Supporting shipper: the Continental Group, Inc., 4 Landmark Square, Suite 130, Stamford, Ct 06901.

MC 154387 (Sub-5–1TA), filed June 11, 1981. Applicant: GUARANTEED DELIVERY SERVICE, a partnership of Steve Green, and C. Michael Meyer, 1745 Hayden Drive, Carrollton, TX 75006. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. Contract Irregular: *Air filters and insulation and accessories and supplies used in connection with the installation and maintenance thereof;* from Dallas County, TX; Jefferson Parish, LA; Orleans Parish, LA; and Pinellas County, FL to points in AL, AZ, AR, CA, CO, FL, GA, KS, KY, LA, MS, MO, NV, NM, NC, OK, SC, TN, TX, and UT. Supporting shipper: Precisionaire, Inc., 2441 W. Commerce, Dallas, TX.

MC 154646 (Sub-5–6TA), filed June 11, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between pts in Box Elder County, UT, on the one hand, and, on the other, pts in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY. Supporting shipper: Curtis H. Blackwell, Manager of Distribution Services, Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 155090 (Sub-5–2TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, attorney at law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Chemicals and allied products, except hazardous waste* from Kansas City, to points in CA, CO, NJ, NY, and WA Supporting shipper: Thompson Hayward Chemical Company, 5200 Speaker Road, Kansas City, KS 66106.

MC 155090 (Sub-5–3TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Batteries, wet or dry,* from Kansas City, KS to all points in the U.S. Supporting Shipper: Chloride Industrial Battery Co., 3250 Brinkerhoff Road, Kansas City, KS 66115.

MC 155090 (Sub-5–4TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular, *Rubber and plastics products* from Independence, MO, to points in AZ, IN, LA, MI, OH, SC, and TX. Supporting Shipper: Plastic Enterprises Co., Inc., 407 South Liberty, Independence, MO 64051.

MC 155941 (Sub-5–1TA), filed June 12, 1981. Applicant: DROKE BROTHERS TRUCKING, INC., Route No. 1, Hornersville, MO 63885. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118. *(1) Bananas and (2) Bananas and plantains in mixed truckloads* between Galveston, TX and points in TX, OK, KS, NE, SD, ND, CO, MN, IA, MO, AR , TN, KY, IL, IN, WI, and OH. Supporting Shipper: Castle & Cooke Foods, 2900 Veterans Boulevard, Metairie, LA 70011.

MC 156328 (Sub-5–1TA), filed June 12, 1981. Applicant: U.S. TRANSPORTATION LTD., 334 N.W. Greenwood, Ankeny, IA 50021. Representative: James R. Snyder (same as above). Contract; Irregular. (1) *Fabricated Metal Home and Office Furniture.* Between Des Moines, Iowa, on the one hand, and on the other, points in the United States (except AK and HI) under Continuing Contract or Contracts with W. P. Johnson Co., Des Moines, Iowa.

MC 156491 (Sub-5–1TA), filed June 12, 1981. Applicant: TRANSPORTES DEL VALLE S.A. DE C.V., Prol. Madero 4217 Ote., Monterrey, N.L. Mexico 00000. Representative: James W. Hightower, Hightower, Alexander, Cook and Birnbaum, P.C., First Continental Bank Building, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Polypropylene chips,* From Houston, TX to ports of entry on the International Boundary Line between TX and the Republic of Mexico. Supporting Shipper: Celulosa Y Derivados, S.A., Ave. Celulosa Y Rio Nueces, Apdo. 1124, Monterrey, N.L.

MC 156494 (Sub-5–1TA), filed June 12, 1981. Applicant: KEVIN S. KRUMWIEDE, d.b.a. KRUMWIEDE TRUCKING, 410 S. Walnut, Box 324, Bancroft, IA 50517. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Forest products,* between ID, MT, OR, SD, and WA, on the one hand, and, on the other, points in IA and MN. Supporting shipper: Dick Dodds Lumber Co., Storm Lake, IA.

MC 52460 (Sub-5–36TA), filed June 15, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Food and Related Products,* from Riverside County, CA, to points in AL, AZ, AR, CO, FL, GA, IL, IA, IN, KS, MS, MO, NE, NC, OK, SC, TN, and TX. Supporting shipper: Butcher Boy Foods, 12155 Magnolia, Riverside, CA 92571.

MC 61231 (Sub-5–10TA), filed June 15, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Earth drilling mud and industrial minerals,* from Custer County, SD, to pts in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, ND, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY. Supporting shipper: Pacer Corporation, P.O. Box 912, Custer, SD 57730.

MC 124174 (Sub-5–49TA), filed June 15, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *(1) Boots and shoes; (2) (a) Electric and gasoline motors, oil burners, water pumps, and (b) steam and high pressure cleaners and space heaters; (3) (a) Glass, and (b) other related articles used in the manufacture and distribution of (a).* (1) from Rockford, MI to Montclair, CA; (2)(a) from pts in PA and MI to Union County, SD, and (b) from Union County, SD to all pts in the USA; (3) Between pts in the USA. Supporting shipper(s): Wolverine World Wide, Inc., 9341 Courtland Drive, Rockford, MI 49341; Alkota Manufacturing Co., Inc., Box 3678, Alcester, SD 57001; Safelite, a Lear Siegler Division, 801 S. Wichita, Wichita, KS 67201.

MC 128007 (Sub-5–8TA), filed June 15, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Contract; Irregular; *scrap aluminum and scrap metal.* Between points in the United States under a continuing contract with Metal Treating Services of Colorado. Supporting shipper: Metal Treating Services of Colorado, P.O. Box 850, Evergreen, CO 80439.

MC 129908 (Sub-5–54TA), filed June 15, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Lumber and Wood products* betwen AZ, CA, ID, MT, OR and WA on the one

hand and on the other AR, CO, KS, MO, OK and TX. Supporting shippers: Power Lumber Sales Inc., Oklahoma City, OK; American Timber Products Inc., Oklahoma City, OK.

MC 144449 (Sub-5–2TA), filed June 15, 1981. Applicant: A & A MOVING & STORAGE, d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, Irregular. *Custom made wood frames, fixtures and upholstered furniture, uncrated, in padded vans,* from Cleburne, TX to points in the U.S., under continuing contract(s) with Style-Rite Manufacturing Company, Cleburne, TX.

MC 144603 (Sub-5–44TA), filed June 15, 1981. Applicant: F.M.S. Transportation, Inc., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *(1) Rubber and plastic products; metal products and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1)* between points in Marion and Jefferson Counties, IL, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: Midwest Stoves, Inc., 1 Old Timer Dr., P.O. Box 1704, RR 5, Mt. Vernon, IL 62864; Plastiflex Company, 823 North Brooks Dr., P.O. Box 1040, Centralia, IL 62801.

MC 145317 (Sub-5–6TA), filed June 15, 1981. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. *Cement, in bulk,* from Houston, TX, to points in LA. Supporting shipper: Lone Star Industries, Inc., 3336 Richmond Avenue, Houston, TX 77098.

MC 146078 (Sub-5–25TA), filed June 15, 1981. Applicant: CAL–ARK, INC., P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Rolled roofing and insulation and materials, equipment, and supplies utilized in the installation of rolled roofing and insulation and materials, equipment, and supplies utilized in the manufacture of rolled roofing and insulation* (1) from Ennis, TX, to Clark County, AR, and (2) from Clark County, AR, to all points and places in the United States. Supporting shipper: Siplast, Inc., Hwy. 67 South, Arkadelphia, AR 71923.

MC 146616 (Sub-5–12TA), filed June 15, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles, vapor recovery units, combustion units and conversion units,* and (2) *materials and supplies used in the production and distribution of the commodities named in (1) above,* between points in the U.S., under continuing contract(s) with McGill Incorporated of Tulsa, OK. Supporting shipper: McGill Incorporated, P.O. Box 9667, 5800 W. 68th Street, Tulsa, OK 74107.

MC 149152 (Sub-5–2TA), filed June 15, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st Street, Oklahoma City, OK 73126. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Common, Regular: *General commodities (except classes A and B explosives)* from Muskogee, OK over U.S. Highway 62 to Tahlequah, OK and return over the same route serving all intermediate points. Applicant intends to tack and interline. Supporting shipper(s): There are 8 supporting shippers.

MC 149235 (Sub-5–8TA), filed June 15, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Contract,* irregular: *Aluminum granules,* between Henrietta, MO and points in the U.S. Supporting shipper: Aluminum Metallurgical Granules, 1900 W. 47th Place, Shawnee Mission, KS.

MC 149568 (Sub-5–4TA), filed June 15, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. Contract; Irregular. (1) *drugs, cleaning compounds, iron and steel rust preventing or removing compounds, plastic articles (except expanded plastic articles), and bathroom and lavatory fixtures,* from Rensselaer, NY, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA; (2) *drugs and toilet preparations,* from Monticello, IL, to Menlo Park and Vernon, CA, and Seattle, WA; (3) *drugs, cleansing towels, plastic articles (except expanded plastic articles), rubber articles (except expanded rubber articles), chemicals, and cleaning compounds, (except commodities in bulk),* from Myerstown, PA, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, and (4) *lanolin cloths and towels,* from Trenton, NJ to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, restricted in (1), (2), (3), and (4) above against the transportation of commodities in bulk, under continuing contract(s) in (1), (2), (3), and (4) above, with Sterling Drug Inc. of New York, NY. Supporting Shipper: Sterling Drug Inc., 90 Park Avenue, New York, NY 10016.

MC 150954 (Sub-5–32TA), filed June 15, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Rudy Opperman (same as above). Contract, Irregular; *General Commodities* (except Class A & B explosives, commodities in bulk, household goods as defined by the Commission, hazardous wastes), between Little Rock, AR, Skokie, IL, West Leechburg, PA, Hammondsport, NY, Wayne, NY, Wabash, IN, and Elk Grove Village, IL, on the one hand and on the other, points in AR, IL, SC, WA, OR, AZ, NC, GA, UT, CO, MI, NY, WV, VA, PA, CA, IN, under continuing contract(s) with Teletype Corporation, 8000 Interstate 30, Little Rock, AR.

MC 151158 (Sub-5–8TA), filed June 15, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores* between points in Pulaski County, AR on the one hand and on the other, points in the U.S. (except AK and HI). Supporting Shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 151158 (Sub-5–9TA), filed June 15, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products* between the facilities of DPM of Arkansas at Booneville, AR on the one hand and on the other, points in the U.S. (except AK and HI). Supporting Shipper: DPM of Arkansas, Inc., P.O. Box 200, 400 Baldwin Road, Booneville, AR 72927.

MC 151383 (Sub-5–8TA), filed June 15, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles, vapor recovery units, combustion units and conversion units,* and (2) *materials and supplies used in the production and distribution of the commodities named in (1) above,* between points in the U.S. under continuing contract(s) with McGill Incorporated of Tulsa, OK. Supportng shipper: McGill Incorporated, P.O. Box

9667, 5800 W. 68th Street, Tulsa, OK 74107.

MC 151819 (Sub-5-12TA), filed June 15, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages;* from (1) Longview, TX to points in MS, LA, MO, AR, TN, OK, & NE, (2) from Memphis, TN to points in AR, OK, MS, AL, GA, KY, ND, SD, IL, IA, IN, NE, OH, MI & MN. Supporting shipper(s): Jos. Schlitz Brewing Company, 235 W. Galena, Milwaukee, WI 53212.

MC 152480 (Sub-5-2TA), filed June 15, 1981. Applicant: J. JACK WILMOTH, d.b.a. WILMOTH TRUCKING, 1518 N.W. 1st Street, Oklahoma City, OK 73106. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Iron or Steel Articles,* between OK on the one hand, and on the other, KS. Supporting shipper: Robberson Steel Co., P.O. Box 25888, Oklahoma City, OK 73125.

MC 154158 (Sub-2TA), filed June 15, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Avenue, Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *Agricultural machinery, agricultural implements, and agricultural machinery and implement parts,* from Perry, IA to Patterson, CA. Supporting shipper: Osmundson Mfg. Co., Box 158, Highway 141 West, Perry, IA 50220.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18613 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

A.I.D. Research Advisory Committee; Meeting

Pursuant to Executive Order 11769 and the Provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on July 21-22, 1981 at the Pan American Health Organization Building, Conference Room C to review, appraise and make recommendation to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. research funding in the areas of science and technology.

The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Miloslav Rechcigl, Chief of Research and Methodology Division, Bureau for Development Support, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Rechcigl, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235-9011.

Dated: June 18, 1981.

Miloslav Rechcigl,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 81-18626 Filed 6-23-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-75]

Certain Large Video Matrix Display Systems and Components Thereof; Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On June 19, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. The Commission ordered that large video matrix display systems and components thereof, including spare parts, that infringe claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; or 4,009,335, and are manufactured by SSIH Equipment S.A., of Bienne, Switzerland, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, be excluded from entry into the United States for the remaining terms of said patents, except under license.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in connection with the importation into the United States and the sale therein of certain large video matrix display systems and components thereof. Notice was published in the **Federal Register,** 44 FR 75242 (Dec. 19, 1979).

At a public meeting on June 1, 1981, the Commission determined unanimously that there is a violation of section 337 in the unauthorized importation and sale of certain large video matrix display systems and components thereof that infringe the claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; and 4,009,335. The Commission determined unanimously that public interest considerations do not preclude the granting of relief in this case and determined by a vote of three to one (Commissioner Stern dissenting) that the appropriate remedy is an order directing that the infringing articles manufactured by SSIH Equipment S.A. of Bienne, Switzerland, be excluded from entry into the United States for the remaining terms of the patents, except under license granted by the patent owner.

Copies of the Commission's Action and Order, Opinion, and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: June 19, 1981.

[FR Doc. 81-18696 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on July 27, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., 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: June 17, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-18702 Filed 6-23-81; 8:45 am]

BILLING CODE 1020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Commission Request for Comments Regarding Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Request for public comment on proposed settlement agreements.

SUMMARY: The settlement agreements would result in the termination of the investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company. This notice requests comments from the public on the proposed settlement agreements on or before July 24, 1981.

DATES: Comments will be considered if received on or before July 24, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company and respondents Bob's Machinery Sales and Cassiere Machinery Company have moved jointly for termination of this investigation as to those respondents on the basis of settlement agreements. On May 21, 1981, the presiding officer recommended that the joint motions be granted.

Notice of the institution of the investigation was published in the Federal Register of January 22, 1981 (46 FR 7107).

Settlement Agreements

The two settlement agreements, which are identical except for the name of the respondent, provide in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, Respondent shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) Are reproductions, copies, colorable imitations or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and 1236, or

(b) Are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying, selling or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisments and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold or distributed by Respondent.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to Respondent's purchase and sale of surface grinding machines made or sold by Lian Feng Machinery Co., including (a) the total number purchased; (b) the dates of purchase; (c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981 all copies of catalogs, manuals and advertisements in its possession that were prepared by or for Lian Feng Machinery Co. that contain reference to surface grinding machines that are reproductions, copies, colorable imitations or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and/or 1236.

B & S and the Respondent agree to file a joint motion before the U.S. International Trade Commission to terminate the Investigation with respect to Respondent without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the Respondent from claims of copyright and trademark infringement and unfair competition arising from those issues raised in the B & S complaint filed in the Investigation.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company on the basis of the settlement agreements on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. The Commission investigative attorney is specifically requested to make comments. All written comments must be filed with the Secretary to the Commission no later than July 24, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed no later than July 24, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0148.

By order of the Commission.

Issued: June 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18699 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Cancellation of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing scheduled for June 29, 1981 (46 FR 28770, May 28, 1981) are cancelled.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: June 16, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-18703 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-42 (Preliminary)]

Motorcycle Batteries From Taiwan

Determination

On the basis of the record [1] developed in investigation No. 731-TA-42 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is threatened with material injury [2] by reason of imports from Taiwan of 6- and 12-volt lead-acid storage batteries rated at 2-28 ampere hours, principally for use in motorcycles, provided for in item 683.10 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On May 1, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Yuasa-General Battery Corp., Reading, Penn., alleging that motorcycle batteries from Taiwan are being, or are likely to be sold, in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation 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 the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by June 15, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly 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 13, 1981 (46 FR 26589). The public conference was held in Washington, D.C., on May 27, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Determination

On the basis of the record in investigation No. 731-TA-42 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is threatened with material injury [3] by reason of imports from Taiwan of motorcycle batteries [4] allegedly sold in the United States at less than fair value (LTFV).

Discussion

The domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[5] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[6]

The imported products are motorcycle batteries, defined for purposes of this investigation as lead-acid storage batteries having a nominal output of either 6 or 12 volts and rated from 2 to 28 ampere-hours at a 10 hour discharge rate.[7] These batteries are used primarily in motorcycles to provide electrical power to the ignition and running lights, but are also used to a lesser extent in other items, including self-starting lawn mowers and garden tractors.[8] These batteries are unlike batteries used in automobiles, because their ampere-hour ratings are well below those of automobile batteries. The ignition and electrical system of an automobile usually require a battery rated at a minimum of 35 ampere-hours.[9] Nearly all motorcycle batteries imported into the United States are manufactured in either Taiwan or Japan. Imports from Taiwan include both the 6-volt and 12-volt varieties.

Aside from the difference in voltage, 6-volt and 12-volt batteries are distinguished chiefly by usage. Six-volt batteries have thier primary application in motorcycles with engines smaller than 150 cc. and in older model motorcycles lacking an electrical ignition system. Twelve-volt batteries are used in large motorcycles having an elcetrical ignition.

U.S. production is almost entirely of 12-volt batteries, although two domestic manufacturers reported production of relatively small quantities of certain types of 6-volt batteries.[10] The 6- and 12-volt batteries produced in the United States appear to be used for the same purposes for which the imports are used. The characteristics of U.S.-produced 12-volt batteries are not discernibly different from those of the imports.

However, the best information presently available does not enable us to determine satisfactorily whether the 6-volt batteries produced in the United States are like the imported 6-volt batteries from Taiwan or whether they compete with those imports.[11] Moreover, the extent of the competition between different models of similar voltage batteries has not been fully developed. In addition, we are unable to distinguish adequately between the production of 6- and 12-volt batteries in terms of profit and loss and employment data. Since

[1] The record is defined in § 207.2(j) of the Commission's Rules of Pracice and Procedure (19 CFR 207.2(j)).

[2] Vice Chairman Calhoun determines that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Taiwan of 6- and 12-volt lead-acid storage batteries rated at 2-28 ampere hours, principally for use in motorcycles, provided for in item 683.10 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value.

[3] Vice Chairman Calhoun determines that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports from Taiwan of motorcycle batteries allegedly sold in the United States at less than fair value.

[4] The product is provided for in item 683.10 of the Tariff Schedules of the United States.

[5] Section 711(4)(A) of the Tariff Act of 1930.

[6] Section 771(10) of the Tariff Act of 1930.

[7] Storage batteries are devices used for converting chemical energy into electrical energy through a chemical reaction. They differ from primary batteries in that they are capable of being recharged by passing an electrical current in the direction opposite to that by which current is discharged. Staff report at A-1 to A-2.

[8] Staff report at A-1.

[9] *See* Staff report at A-1 to A-5 for a full discussion concerning these batteries.

[10] Staff report at A-4, A-5.

[11] Domestically manufactured 6-volt batteries are used chiefly in older model Harley-Davidson motorcycles, and these batteries may not be of a type similar to the "Japanese style" batteries imported from Taiwan. *See* brief of Exide Corp. at 3, 9.

the Commission lacks sufficient information at this point to reach a precise conclusion regarding like product, we conclude for purposes of this preliminary investigation that the industry is comprised of producers of either 6- or 12-volt batteries.

The Commission is directed by statute to assess the impact of the alleged LTFV imports by examining the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.[12] Our determination in this preliminary investigation, therefore, is based upon examination of the impact of these imports on all domestic production of motorcycle batteries. If a final determination proceeding is held in this case, the Commission will attempt to gather information that will allow separate consideration of 6- and 12-volt batteries, if appropriate.

The respondent in this investigation has urged that the two principal U.S. producers of motorcycle batteries, Yuasa-General Battery Corp. and Exide Corp., be excluded from the scope of the domestic industry for the purpose of assessing the effect of the alleged LTFV imports. This question involves application of section 771(4)(B):

> Related parties.—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.

Exclusion under this provision is discretionary and is made on a case-by-case basis.

Both Yuasa-General and Exide are importers of motorcycle batteries from Taiwan.[13] In addition, Yuasa-General has a corporate relationship to Yuasa Taiwan Battery Co., a firm alleged in the petition to be an exporter of LTFV motorcycle batteries, through their common parent, Yuasa Battery Co. of Japan.[14] Exclusion of either or both of these two companies from the U.S. producers against which the impact of the imports is to be measured, however, would be inappropriate under the circumstances of this case. Together they account for virtually all of the domestic production of motorcycle batteries, and no persuasive case has been made that exclusion is appropriate now.[15]

No reasonable indication of present material injury

The information developed in the course of this investigation demonstrates no reasonable indication of present material injury,[16] despite a recent decline in some of the indicators of the health of the domestic industry.[17] Production by U.S. manufacturers, which has risen from 1978 to 1979, fell slightly in 1980 and the first quarter of 1981.[18] Employment of production and related workers and the number of man-hours worked also declined somewhat during the same period.[19] Although inventories dropped substantially in January–March 1981 from the bloated levels reached in 1980, they remained very high.[20]

Other key information, though, indicates that the domestic industry is performing well. Shipments of motorcycle batteries by U.S. producers have continued to increase steadily since 1978.[21] Over the same period the domestic industry has experienced significant increases in both sales and profits.[22] These trends, when viewed together with the recent declines in inventories, production and employment, suggest strongy that U.S. producers are choosing to fill their orders from inventory, rather than from production.[23]

Reasonable indication of threat of material injury

We have found a reasonable indication of threat of material injury by reason of the alleged LTFV imports. Our conclusion is based on the high volume of imports from Taiwan, their high level of market penetration, significant underselling, and sales confirmed to have been lost on the basis of price to these imports.[24]

Imports of these motorcycle batteries from Taiwan have increased rapidly from 390,000 units in 1978 to approximately 900,000 units in 1979 and nearly 1,100,000 units in 1980.[25] This

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[12] Section 771(4)(D) of the Tariff Act of 1930.

[13] Staff report at A–4 to A–5.

[14] Yuasa-General Battery Corp. is a joint venture between Yuasa Battery Co. and General Battery Co., a U.S. firm. Staff report at A–4. Yuasa Taiwan Battery Co. is jointly owned by Yuasa Battery Co. and Taiwan interests. Staff report at A–5.

[15] Commissioner Stern notes: Consideration of the "related parties" question under section 771(4)(B) involves a two-step process. The first step is to determine factually whether a domestic producer is an importer of the subject articles or is related to an importer or foreign exporter. In this case Yuasa-General and Exide are both importers of alleged LTFV motorcycle batteries from Taiwan, and Yuasa-General is related to a firm in Taiwan that exports alleged LTFV batteries.

The second step is to determine whether there are "appropriate circumstances" for excluding the domestic producer from the scope of the domestic industry. This determination is a matter of discretion to be decided by the Commission on a case-by-case basis. Reference to prior Commission investigations, however, provides some guidance. Exclusion of a domestic firm may ordinarily be appropriate when its operations are closely integrated with those of a related foreign exporter, as in *Snow-Grooming Vehicles*, Inv. No. 731–TA–36 (Preliminary), USITC Pub. 1117 (1980), in which a domestic producer was the sole importer of the subject articles as well as a wholly-owned subsidiary of the foreign exporter. On the other hand, exclusion may be inappropriate when the effect is to exclude producers accounting for a large proportion of domestic production of the articles and doing so would severely distort the Commission's perception of the industry. *See Unlasted Leather Footwear From India*, Inv. No. 701–TA–1 (Final), USITC Pub. 1045 (1980) ("Views of Chairman Bedell and Commissioners Moore and Stern" at 4–5); *Melamine in Crystal Form from Austria and Italy*, Inv. Nos. 731–TA–13 (Final) and 731–TA–14 (Final), USITC Pub. 1065 (1980) ("Views of Commissioner Stern" at 10–11). Exclusion also may not be advisable when the domestic producers are importing the articles solely to enable them to compete with unfairly priced imports. *See Certain Iron-Metal Castings from India*, Inv. No. 303–TA–13, USITC Pub. 1098 (1980) ("Views of Commissioner Stern" at 19–20). Yet other related party circumstances have appeared in *Television Receiving Sets from Japan*, Inv. No. 751–TA–2, USITC Pub.— (1981). The considerations I have mentioned are merely illustrative, not exhaustive. Obviously, each case has its own details which merit individual consideration.

On the basis of the best information presently available, I conclude that exclusion of Yuasa-General and Exide would not be appropriate. The reasons are similar to those I stated in *Unlasted Leather Footwear, Melamine*, and *Iron-Metal Castings*. There is a reasonable indication at this stage that the two firms import from Taiwan only to allow them to stay in competition with other imports from Taiwan sold in the United States at unfairly low prices. Information on the record shows that one of the two companies imports batteries that compete directly with its own domestically manufactured products. *See* Transcript of Preliminary Conference at 73. Most fundamentally, it is clear at this stage that elimination of the two principal domestic producers of motorcycle batteries would so distort our analysis of the industry as to render it valueless by excluding well over 95 percent of all domestic production. Should this case return, an examination of the strategies of related party domestic producers might well have bearing on their standing with respect to a finding on the appropriate scope of the domestic industry.

[16] Vice Chairman Calhoun does not join in this finding. *See* p. 3 n. 1, *supra*.

[17] Due to the limited number of firms comprising the domestic industry, nearly all the information obtained is regarded as confidential business information; for this reason, the information is discussed only in general terms.

[18] Staff report at A–5.

[19] Staff report at A–14.

[20] Staff report at A–7.

[21] Staff report at A–6 to A–7.

[22] Staff report at A–15 to A–17.

[23] Staff report at A–9.

[24] No information is available to show the capacity in Taiwan to generate exports of motorcycle batteries or the likelihood that any additional exports would be directed to the U.S. market.

[25] The volune of imports of motorcycle batteries from Taiwan may be slightly overstated, since all imports from Taiwan under TSUS item 683.10 (a basket category encompassing all lead-acid type storage batteries and parts thereof) have been considered to be motorcycle batteries for the

Continued

represents an increase of 125 percent between 1978 and 1979 and a further 22 percent between 1979 and 1980. Although imports declined in the first quarter of 1981 as compared to the same period in 1980, their level remained high.[26] Imports steadily increased their penetration of the U.S. market between 1978 and 1980, achieving a very substantial share of the market before decreasing in January–March 1981.[27]

Imports of motorcycle batteries from Taiwan have undersold U.S.-produced batteries. Throughout the period from 1979 to January–March 1981, the imported batteries were offered in the U.S. market at prices well below those of comparable domestic models.[28]

Additionally, sales have been lost to the lower-priced imports. One domestic producer submitted 8 claims of sales lost by it to imports from Taiwan. Of the 8 purchasing firms, 5 reported that they have increased their purchases of batteries from Taiwan and correspondingly decreased their purchases of the domestic products. All of the firms indicated that the major reason for their shifts in purchasing was the lower price at which the products from Taiwan were offered for sale.[29]

Conclusion

On the basis of the record before us, we have made a preliminary determination that the case should be continued.

Issued: June 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18705 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-31 (Final)]

Precipitated Barium Carbonate From the Federal Republic of Germany

Determination

On the basis of the record [1] developed in investigation No. 731-TA-31 (Final), the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from the Federal Republic of Germany of precipitated barium carbonate, provided for in item 472.06 of the Tariff Schedules of the United States, which the Department of Commerce has determined to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective February 13, 1981, following a preliminary determination by the Department of Commerce that precipitated barium carbonate from West Germany is being, or is likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly 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 March 11, 1981 (46 FR 16159). The hearing was held in Washington, D.C., on May 18, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record in investigation No. 731-TA-31 (Final), we determine that an industry in the United States is materially injured by reason of imports from the Federal Republic of Germany (West Germany) of precipitated barium carbonate,[2] which the Department of Commerce has determined to be sold at less than fair value (LTFV).

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[4]

The imported product under investigation is precipitated barium carbonate from West Germany, a powdered or granular chemical which is used principally to prevent scumming in the manufacture of bricks and discoloration in the production of ceramics, and to increase the brilliance and the refractive index of glass. It is also used in lesser amounts in the manufacture of permanent-magnet ferrites, photographic paper, and in the manufacture of other chemicals.[5]

There are two forms of precipitated barium carbonate—an uncalcined or powdered form, and a calcined or granular form. The granular form is obtained by drying precipitated barium carbonate at a higher temperature than is used to obtain the powdered form. There is no chemical difference between the uncalcined and the calcined forms.[6]

As subparts of the two forms, there are also different grades or specifications of barium carbonate. These different grades vary for specific end uses according to particle size, specifications for contaminants, and the degree of refinement. There are no published industrywide specifications distinguishing each grade; instead, producers and end users of barium carbonate have their own internal specifications for what each produces or requires. This has led to a general understanding concerning the specifications of various grades, but there are no universally accepted definitions, and an overlap exists.[7]

Kali-Chemie AG (Kali), the only known West German producer to export to the United States in significant quantities, exports both the uncalcined and calcined forms of barium carbonate in a number of different grades. The domestic industry also produces both the uncalcined and the calcined forms of barium carbonate in a number of different grades/specifications.

Although arguments were made before the Commission regarding the significance of the different grades and forms, it is apparent to us that all barium carbonate, both imported and domestically produced, constitutes a single like product within the meaning of the statute. Although specifications may vary because of the different percentage of contaminants in the barium carbonate, all grades and forms have basically the same chemical formula. It is also clear that the end user can modify his production process, and thus, different forms and grades can be substituted for each other, even though the specifications are different. Mr. David Cassidy of FMC Corp. (FMC), a petitioner, noted during the hearing that the different forms and grades of barium carbonate are not the key factor in the market place because end users can modify their production process and compensate for the differences in the barium carbonate if the price is low

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purposes of this investigation. This, however, does not affect the trends stated in the text. Staff report at A-10.

[26] Staff report at A-10, A-18.

[27] Staff report at A-18.

[28] Staff report at A-18, A-20 to A-23.

[29] Staff report at A-23.

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Classifiable under item 472.06 of the Tariff Schedules of the United States (TSUS).

[3] Sec. 771(4)(A) of the Tariff Act of 1930.

[4] Sec. 771(10).

[5] Report at A-3.

[6] *Id.* at A-3—A-5.

[7] *Id.* at A-3.

enough.[8 9] Thus, the different forms and grades do compete against each other.

Accordingly, we determine that the like product is all precipitated barium carbonate, and that the domestic industry is composed of the producers of precipitated barium carbonate. Virtually all (98%) of the barium carbonate produced in the United States is produced by three companies: FMC, Chemical Products Corp. (CPC), and Sherwin-Williams Co.

Material Injury

Section 771(7)(B) directs the Commission in making its material injury determination, 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. All domestic producers manufacture products in addition to barium carbonate, but, since available data permit the assessment of injury on the basis of barium carbonate separately, and because the allocations to barium carbonate production appear to be reasonable and accurate, we have assessed injury in relation to the production of the like product in accordane with section 771(4)(D) of the statute.

Several factors indicate tha material injury is present in this case. The most significant are the declining sales and profitability of the domestic industry. The casual connection between dumped imports and material injury to the domestic industry is demonstrated by the increased market share of LTFV imports together with the substantial margins of underselling.

Volume of Imports

Imports of precipitated barium carbonate from West Germany, by far the major foreign supplier, increased substantially in recent years, from 11.4 million pounds in 1977 to 15.6 million pounds in 1979. Although imports slipped to 9.4 million pounds in 1980 as the recession hit barium carbonate sales, the level of imports of barium carbonate remained substantial. Further, in January-March 1981, imports from West Germany reached 3.4 millions pounds, or 25 percent more than imports during January–March 1980 (2.7 million pounds).[10]

Market penetration increased from 13.6 percent in 1977 to 18.3 percent in 1978. This increase in part resulted from the fact that the shortfall between domestic capacity and commercial demand increased from 8 million pounds in 1977 to 14 million pounds in 1978. However, after the shortfall began to fade, the U.S. industry was not able to recapture its lost market share. In 1979, when the shortfall narrowed to 8 million pounds, the share of the market held by imports did not decline, and, in fact, increased minimally. This was at a time (1979) when the margins of underselling were at the highest levels for the whole period under consideration.[11] Although market penetration dropped from 18.6 percent in 1979 to 15.1 percent in 1980, the latest level is still significant and above the 1977 level.

Effect of LTFV Import on Prices

The imported product consistently undersold the U.S. product by substantial margins when prices were compared either on a U.S. shipping point or on a delivered basis. On an f.o.b. U.S. shipping point basis (ex-dock versus f.o.b. factory), the average margin of underselling during 1977–80 for granular barium carbonate was about 10 percent, and somewhat higher margins were found for powdered barium carbonate. In 14 out of 16 three-month periods between 1977 and 1980, the imported product was the price leader, underselling every domestic producer, usually by substantial margins.

When delivered prices are compared for 1979 and 1980, the margins of underselling are even greater. On a delivered basis, for granular barium carbonate, the average margin of underselling for the imported product is close to 20 percent, and for powdered barium carbonate, the average margin for the imported product is close to 12 percent.[12]

Respondents have argued that the Commission should not compare delivered prices in order to determine the margins of underselling, but, rather, should compare ex-dock versus f.o.b. factory prices. The Commission believes that the better standard of comparison is delivered prices, because the end user compares the total or delivered cost of the product from alternative suppliers in making a decision to purchase.[13]

Impact of Imports on the Domestic Industry

Although the performance of individual producers has varied significantly, the domestic barium carbonate industry as a whole has been experiencing increasing economic difficulties. U.S. production of barium carbonate fell from 70 million pounds in 1978 to 58 million pounds in 1980.[14] Although capacity remained stable from 1977 through 1980, capacity utilization declined from 93 percent in 1978 to 77 percent in 1980.[15] U.S. producers' sales of barium carbonate dropped sharply and steadily at an accelerating rate, from 70 million pounds in 1977 to 49 million in 1980.[16] During this period, yearend inventories increased steadily from 5 million to 15 million pounds. As a share of sales, these inventories climbed from 7 percent in 1977 to 31 percent in 1980.[17] Profitability has been low since the beginning of the period under consideration. Profits did increase, somewhat, from 1977 through 1979, but in 1980 the industry suffered a net loss.[18]

The three U.S. producers alleged a number of lost sales to 14 end users. The Commission's staff contacted 12 of these end users and verified that they had

[8] Testimony of Mr. David Cassidy of FMC. Transcript of the hearing at 16 and 17.

[9] In its posthearing brief, at 2 and 3 (footnote omitted), Kali-Chemie stated that the like product is barium carbonate. The information before the Commission requires the conclusion that there is only one "like product," barium carbonate. The imported material is sold at basically the same price * * * despite product differences and the domestic industry's representative testified that there was not significant price difference between the calcined and uncalcined material * * *.

[10] Report at A–12.

[11] *Id.* at A–36—A–40.

[12] When comparing importers' prices with domestic producers' prices, the Commission may use comparable price data at various levels in the channels of distribution, but generally the price most relevant to the issues of price depression, price suppression, and lost sales is the price at that level of competition where direct price comparisons first take place. In the market for barium carbonate, the end user, who may also be the importer, is the first such level of competition. It is the total—or delivered—cost of purchases from alternative suppliers which is compared in making a decision to purchase. For some products, there is a portion of the delivered cost which is unrelated to the production of that good—such as transportation expenses—and which is relatively small or nearly equal for all suppliers. In those instances, the effects of imports sold at less than fair value are apparent in comparisons of f.o.b. prices as well as delivered prices. However, when transportation accounts for a particularly large part of the total cost to a customer—such as with barium carbonate—the customer must consider those charges, and it is appropriate that the Commission do likewise. These customers wish to obtain a product of acceptable quality at the lowest possible cost to them. Throughout the period examined by the Commission, there is ample evidence of significant underselling by imports on a delivered-price basis. However, we wish to note that there is also ample evidence of significant underselling at any level where comparisons might have been made, including those of f.o.b. producer's plant versus ex-dock port-of-entry, the level of comparison which had been suggested by counsel for the West German producer.

[13] Report at A–14 and A–15.

[14] *Id.* at A–14 and A–15.

[15] *Id.* at A–17 and A–18.

[16] *Id.* at A–19 and A–21.

[17] *Id.* at A–24 and A–25.

indeed purchased barium carbonate from West Germany. Almost all indicated that price was a factor in their decision to purchase the product from West Germany rather than the comparable domestic product, and several indicated that price was the primary reason.[19]

The Congress has indicated that "the law does not * * * contemplate that injury from LTFV imports be weighted against other factors * * *" and advises further that it "does not view overall injury caused by unfair competition, such as dumping, to require as strong a causation link to unfairly competitive imports as would be required for determining the existence of injury under fair trade conditions."[20] Although other factors are considered, the essential point is that the Commission "must satisfy itself that in the light of all the information presented, there is a sufficient causal link between the less-than-fair-value imports and the requisite injury."[21]

In addition to the impact of imports on the barium carbonate industry, there appear to be a number of other factors affecting the industry's performance. These include the general decline in longrun demand for barium carbonate brought about by discontinuance of certain uses and decreased usage in the manufacture of other products, the cyclical drop in consumption occasioned by the domestic decline in manufacturing in 1980, FMC's campaign production process, and the heavy costs borne by various producers related to environmental regulations and transportation costs. However, we are satisfied that a sufficient causal nexus does exist between the material injury of the domestic industry and the LTFV imports. As discussed above, this link is reflected by the pattern of market penetration together with substantial margins of underselling.

Issued: June 12, 1981.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18706 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-44 (Preliminary)]

Sorbitol From France

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-44 (Preliminary) 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 France of sorbitol, provided for in item 493.68 of the Tariff Schedules of the United States, which is allegedly sold or likely to be sold in the United States at less than fair value (LTFV).

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Miriam Bishop, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0291.

SUPPLEMENTARY INFORMATION: On June 15, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by Pfizer Inc. alleging that sorbitol from France is being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731-TA-44 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by July 30, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR Part 207).

Written Submissions: Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before July 16, 1981. 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).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201).

Conference: The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Monday, July 13, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate in the conference should contact the investigator for this investigation, Ms. Miriam Bishop (202-523-0291). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the investigator.

Inspection of the Petition: The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: June 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18701 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-33 (Final)]

Strontium Nitrate From Italy

Determination

On the basis of the record[1] developed in investigation No. 731-TA-33 (Final), the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from Italy of strontium nitrate, provided for in item 421.74 of the Tariff Schedules of the United States,

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[19] *Id.* at A-31—A-33.

[20] H. Rep. No. 96-317, 96th Cong., 1st Sess. 47 (1979).

[21] S. Rep. No. 96-249, 96th Cong., 1st Sess. 75 (1979).

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

which the Department of Commerce has determined to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective February 13, 1981, following a preliminary determination by the Department of Commerce that strontium nitrate from Italy is being, or is likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly 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 March 11, 1981 (46 FR 16159). The hearing was held in Washington, D.C., on May 18, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record in investigation No. 731–TA–33 (Final), we determine that an industry in the United States is materially injured by reason of imports from Italy of strontium nitrate,[2] which the Department of Commerce has determined to be sold at less than fair value (LTFV).

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[4]

The imported article under investigation is strontium nitrate from Italy, a powdered chemical used primarily in the manufacture of pyrotechnic devices, such as flares and fireworks, although small amounts are used in chromate coatings and as a chemical reagent.[5] There are no commercial substitutes for strontium nitrate.

The imported and domestically produced strontium nitrate have essentially the same chemical formula and are completely fungible.[6] They have the same uses and characteristics. We, therefore, conclude that domestically produced strontium nitrate is like the imported product and find the domestic industry is composed of the one producer of strontium nitrate in the United States, FMC Corp. (FMC), the petitioner.

Material Injury

Section 771(7)(B) directs that, in making its material injury determination, the Commission shall 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. FMC produces other products in addition to strontium nitrate. Since available data permit the assessment of injury on the basis of strontium nitrate separately and the allocations to FMC's strontium nitrate production appear to be reasonable and accurate, we have assessed injury in relation to production of the like product in accordance with section 771(4)(D) of the statute.

Volume of Imports

Societa Bario e Derivati S.p.A. (SABED), a wholly owned subsidiary of Kali-Chemie AG in West Germany, is believed to be the only Italian producer that exports significant amounts of strontium nitrate to the United States. The principal importer of strontium nitrate from Italy is Olin Corp. (Olin), which is the largest user of strontium nitrate in the United States. Since 1978, all strontium nitrate used in Olin's Peru, Ind., plant, which accounts for more than 50 percent of the firm's consumption of this chemical, has been imported from Italy.

Imports of strontium nitrate from Italy have increased significantly in both absolute and relative terms since 1977. Imports increased from zero in 1977 to 514,000 pounds in 1978 and jumped five-fold in 1979 to more than 3 million pounds. In 1980, imports fell to 0.8 million pounds. However, during just the first 3 months of 1981, imports increased to 1.1 million pounds, more than the total amount imported in all of 1980.[7]

The market penetration ratio of the imports dramatically increased until 1980, when it dropped.[8] Indications from the first 3 months of 1981 are that the full year 1980 figure may soon be exceeded.

Effect of LTFV Imports on Prices

For the entire period under review the strontium nitrate imported from Italy consistently undersold FMC's strontium nitrate in sales to Olin on a delivered basis, usually by substantial margins.[9] We also note that in 1979, when imports were at their highest level, the margins of underselling were greatest. When the U.S. ex-dock price is compared with the FMC f.o.b. factory price, SABED also undersold FMC by substantial margins in most cases. On this basis, SABED undersold FMC in 1979, but did not do so in 1980. In 1981, however, SABED again undersold FMC on an ex-dock versus f.o.b. factory basis by a substantial margin. The Commission takes the position, however, that delivered prices, not ex-dock versus f.o.b. factory prices, should be compared in order to determine the margins of underselling because these are the prices which are important to the end user.[10]

In 1978, Olin shifted purchases for its Peru, Ind., plant entirely from FMC to SABED. As noted in our preliminary decision, we are conviced that price did and does factor importantly into Olin's decision to supply the Indiana plant from Italy, although Olin's decision may have been motivated in part by an interest in obtaining a second source of supply.[11]

Impact of Imports on the Domestic Industry

Largely as a result of the Olin orders lost to SABED, the condition of the domestic industry has deteriorated since 1978. Domestic sales increased from 1977 to 1978, but then dropped in 1979. In 1980, domestic sales fell to a level substantially below FMC's sales in 1977 through 1979.[12] Profits declined steadily from 1977 to 1980. FMC's 1979 loss on its strontium nitrate operations further deteriorated in 1980.[13] FMC's production and capacity utilization also have dropped since 1978.[14] Inventories more than quintupled from year-end 1977 to 1980.[15] In 1980, the FMC plant was closed and the workforce laid off for a period of time. Man-hours worked have steadily declined since 1978, falling over

[2] Classifiable under item 421.74 of the Tariff Schedules of the United States (TSUS).
[3] Sec. 771(4)(A) of the Tariff Act of 1930.
[4] Sec. 771(10).
[5] Report at A–3 and A–6.
[6] *Id.* at A–3.
[7] *Id.* at A–9.
[8] Market penetration ratios are not cited because of confidentiality. See Report at A–19.
[9] Margins of underselling are not cited because of confidentiality. See Report at A–22—A–24.
[10] See Commission opinion on Precipitated Barium Carbonate from the Federal Republic of Germany, investigation 731–TA–31 (Final), ITC Pub. No. 1154 at 8.
[11] See Olin's pre-hearing brief at 8–10 and the attached statement of Jerry L. Chiolero, a plant manager for Olin.
[12] Report at A–13.
[13] *Id.* at A–16—A–18.
[14] *Id.* at A–11 and A–12.
[15] *Id.* at A–14.

20 percent between 1978 and 1980. Wages have also fallen.[16] These data illustrate the effect of FMC's inability to recapture its major customer.

The most important indications of material injury by reason of LTFV imports are increased import penetration, substantial margins of underselling, the loss of a major customer to LTFV imports, and the declining profitability of the domestic industry. We attribute the material injury evident in this investigation to the shift by Olin to purchases of strontium nitrate from Italy at prices well below those offered by FMC, although we recognize that the recession and high costs have also impacted FMC's strontium nitrate production.

Issued: June 12, 1981.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18698 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-30 (Final)]

Unrefined Montan Wax From East Germany

AGENCY: International Trade Commission.

ACTION: Scheduling of prehearing conference and hearing.

SUMMARY: The United States International Trade Commission hereby gives notice that the prehearing conference and hearing to be held in connection with the subject investigation are scheduled to begin at 9:30 a.m., e.d.t., on July 14 and at 10:00 a.m., e.d.t., on July 20, 1981, respectively, in the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judith Case, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20426; telephone 202-523-0339.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Commission instituted a final antidumping investigation on unrefined montan wax from East Germany and scheduled a prehearing conference and hearing in connection with the investigation for May 21, and June 8, 1981, respectively (46 FR 18633). A staff report containing preliminary findings of fact was made available to all interested parties on May 20, 1981. On April 21, 1981, however, the U.S. Department of Commerce announced an extension of the investigation for up to 60 days (46 FR 22778) and the Commission postponed its scheduled prehearing conference and hearing (46 FR 25376). Commerce will now make its final less-than-fair-value determination not later than July 17, 1981, and the Commission must make its final determination within 45 days after the final Commerce action. Accordingly, the Commission is rescheduling its prehearing conference for July 14, 1981, and its hearing for July 20, 1981.

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., e.d.t.) on July 13, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend the prehearing conference at 9:30 a.m., e.d.t., on July 14, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements should be filed on or before July 15, 1981.

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 non-confidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

Written Submissions: Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before July 15, 1981. All writtern 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 § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

Issued: June 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18700 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-2]

Television Receiving Sets From Japan

Determination

On the basis of the record developed in this investigation, the Commission determined on June 4, 1981, by a vote of three to one, pursuant to section 751 of the Tariff Act of 1930, 19 U.S.C. 1675(b), that an industry in the United States would be threatened with material injury, by reason of imports of television receiving sets from Japan covered by antidumping order T.D. 71-76, 5 Cust. Bull. 151 (1971), if the order were to be modified or revoked.

Background

In response to requests during July and August 1980 of several Japanese importers of television receivers, the U.S. International Trade Commission instituted an investigation under section 751 of the Tariff Act of 1930, 19 U.S.C. 1675(b), and § 207.45 of the Commission's rules, 19 CFR 207.45, on September 16, 1980, for the purpose of reviewing the Commission's determination in *Television Receiving Sets From Japan*, Inv. No. AA1921-66, T.C. Pub. No. 367 (1971).[1] Notice of the

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[16] *Id.* at A-13—A-16.

[1] At the time this investigation was instituted § 207.45 was under revision. The notice of investigation advised that the amended version would govern the conduct of the investigation if it were made final before the date of the determination. The rule change was effective March 23, 1981. 46 FR 8022 (Mar. 23, 1981)[to be codified at 19 CFR 207.45]. As a result, the purpose of the investigation is to determine "whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the * * * antidumping order if the antidumping order were to be modified or revoked." *Id.*, § 207.45(a). For a discussion of the other effects of the revision, see Potassium Chloride From Canada, Inv. No. 751-TA-2, USITC Pub. No. 1137 at 4-5 (1981).

hearing, and an administrative deadline for the investigation of January 13, 1981, was published in the **Federal Register.** 45 FR 6379 (Sept. 25, 1980). A hearing was held in the Commission's hearing room on November 12–13, 1981. All interested persons were afforded an opportunity to be present, to be heard, and to offer evidence. Numerous representatives of both the Japanese and domestic television industries took part. Because of difficulty in obtaining adequate response to its questionnaires by purchasers and importers of television receivers, the Commission published notice in the **Federal Register** that it was waiving its self-imposed time limit and postponing the administrative deadline in the investigation indefinitely. 45 FR 83088 (Dec. 17, 1980). Commissioners and members of the staff visited U.S. Production facilities of Sanyo, Sharp, and Zenith on an investigative field trip on March 11–13, 1981. On April 23, 1981, the Commission announced that the staff had obtained adequate response to its questionnaires and established a new administrative deadline of June 12, 1981. 46 FR 24034 (Apr. 23, 1981). The information contained in the report was obtained responses to the Commission's questionnaires, information presented at the public hearing, submissions by interested parties and other federal agencies, and the Commission's files.

Views of Chairman Alberger, Vice Chairman Calhoun, and Commissioner Bedell

Introduction

On the basis of the record developed in the investigation, the Commission determined on June 4, 1981, by a vote of three to one that an industry in the United States would be threatened with material injury by reason of imports of television receiving sets from Japan covered by antidumping order T.D. 71–76, 5 Cust. Bull. 151 (1971), if the order were to be modified or revoked.

Summary

As the Commission noted just a year ago in another context, the U.S. television industry is substantially tranformed from its position at the time of previous investigations by the Commission. This transformation is primarily the result of "a fundamental relocation of certain production operations resulting in a new international division of labor" and "the adoption of technological improvements * * * reducing total labor content of television receivers." *Color Television Receivers and Subassemblies Thereof,* Inv. No. TA–203–6, USITC Pub. No. 1068 at 5 (1980).[2] We found last year that "imports of Japanese [color] sets no longer pose a serious concern to the domestic industry." *Id.* at 1. There are three reasons why that determination does not dispose of the issues facing the Commission here. First, investigations under section 203 of the Trade Act of 1974, 19 U.S.C. 2253, are fundamentally different from investigations under title VII of the Tariff Act of 1930, 19 U.S.C. 1671–1677g. For example, section 203 investigations involve a more rigorous standard of injury than those under section 751.[3] Second, since that determination, imports from Japan have bottomed out and have apparently started to climb again. Finally, and perhaps most important, that determination assumed the continuation of the antidumping order under review here.

In our opinion, the domestic industry would be threatened with material injury by imported television receivers from Japan [4] if the current antidumping order were revoked. Although the state of the domestic industry is greatly improved since 1971 and demand is near an alltime high, it remains extremely competitive and price sensitive and profitability is low. Furthermore, U.S. demand is expected to continue to rise. We have no basis to believe that absent an antidumping order that Japanese producers will not supplement their domestic (U.S.) production with imports to maintain or increase their share of the market. Uncertainty in other Japanese overseas markets creates a considerable possibility for trade diversions in the future.

Moreover, we believe that section 751 requires us to predict the effect of the revocation of the antidumping order on the competitive strategies of the companies under the order and to predict the effect of these revised strategies on the domestic industry.[5] In this connection, we are simply not convinced by the statements of counsel (we have no testimony from corporate executives) that upon revocation or modification of the order, import prices will not change or that import levels will not continue to rise. We are convinced that such actions would present a threat of material injury from revocation of the order. In the absent of credible submissions concerning the impact of the order on prices of exported merchandise and the intentions of the foreign manufacturers and exporters with regard to prices and export volume in the event the order is removed, the Commission is forced to consider the apparent capabilities of those under the order.

Discussion

Standard for Antidumping Review

Although this determination is the third under section 751(b), it presents a full and especially difficult range of issues.[6] Accordingly, it is appropriate to discuss the statutory framework and the rationale, and the underlying assumptions for antidumping review determinations. The statute provides in relevant part that,

> [w]henever the * * * Commission receives * * * a request for the review of * * * an affirmative determination * * * which shows changed circumstances sufficient to warrant a review of such determination, it shall conduct such a review after publishing notice of the review in the **Federal Register.**

Section 751(b)(1) of the Tariff Act of 1930, 19 U.S.C. 1675(b)(1). The Commission's review authority applies equally to determinations under the Antidumping Act, 1921, 42 Stat. 11 (formerly codified at 19 U.S.C. 160–171), and its successor, section 735(b) of the Tariff Act of 1930, 19 U.S.C. 1673d. Trade Agreements Act of 1979, § 106(a), 92 Stat. 193. The Commission

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[2] Commissioner Bedell did not take part in that investigation.

[3] Import relief investigations involve a determination whether goods are entering the United States "in such increased quantities as to be a substantiel cause of serious injury to the domestic industry." Trade Act of 1974, § 201(b)(1), 19 U.S.C. 2251(b)(1). Last year's investigation resulted in a recommendation to the President "as to the probable economic effect" of extension, reduction, or termination of import relief then in effect with respect to televisions imported from Japan, Taiwan, and Korea. *Id.*, § 203(i)(1)–(3), 19 U.S.C. 2253(i)(1)–(3).

[4] Throughout this opinion, references to Japanese importers and exporters include only those companies subject to the order. Sony, which has a significant share of both U.S. domestic production and the Japanese import penetration, was dropped from the order by the Treasury Department in 1975. Import figures in this opinion are adjusted to exclude Sony's production.

[5] The Commission was recently criticized for basing a dumping determination that a domestic industry was threatened with material injury on "a mere *possibility* that injury might occur at some remote future time." *Alberta Gas Chemicals, Inc.* v. *United States*, No. 81–48, slip op. at 23 (Ct. Int'l Trade May 28, 1981) (emphasis in original) (overruling Methyl Alcohol From Canada, Inv. No. AA1921–202, USITC Pub. No. 986 (1979)). The court pointed out that antidumping threat cases must be decided on a real and imminent likelihood of injury, "not on mere supposition, speculation, or conjecture." *Id.* at 20 (quoting S. Rep. No. 93–1298, 93d Cong., 1st Sess. 180 (1974)). However, a review case has a substantially different conceptual basis.

[6] The other investigations were Electric Golf Cars From Poland, Inv. No. 751–TA–1, USITC Pub. No. 1069 (1980) (formerly numbered AA1921–147A) and Potassium Chloride From Canada, Inv. No. 751–TA–3, USITC Pub. No. 1137 (1981). *See* discussion p. 8 *infra.*

implemented the review provision with a rule that was under revision when this investigation was begun.[7]

The statute provides no standard on its face for conducting a review of an antidumping determination. Neither is there any list of factors to be considered. The legislative history is of little assistance, as it only paraphrases or repeats the statutory language. Any reference to past Commission practice is without indication of approval or disapproval.[8] When faced with such difficulties, we must look to the underlying purpose of the statutory scheme. It is plain that the antidumping provisions of title VII of the Tariff Act of 1930 are intended to protect U.S. industries from injurious unfair trade practices. Thus, our review must also have the same intent, while allowing importers the opportunity to demonstrate that their imports will not materially injure the domestic industry. With these concerns in mind, we have developed rule 207.45(a), 19 CFR 207.45(a). The Commission's Standard, enunciated in the rule, is modeled on section 104 of the Trade Agreements Act of 1979, 19 U.S.C. 1671 note, which provides for the review of certain outstanding countervailing duty orders that have not previously been subject to an injury determination.

Under § 207.45(a), we must, on review, consider the relevant facts and circumstances as they currently exist, assess the intentions of the exporters and importers as to the prospective revocation or modification of the order, and project those factors into the future, to determine whether an industry in the United States would suffer material injury, or the threat thereof, or whether the establishment of an industry would be materially retarded, as a result of the changed behavior of the exporters and importers upon being freed from the pricing constraints of the order. 19 CFR 207.45(a). Moreover, the rule imposes a causation standard. Injury must be "by reason of imports of the merchandise covered" by the order. *Id.*

In applying this review standard, it is necessary to make certain assumptions. Revocation of an outstanding order removes the mechanism that restrains dumping. If it has any impact at all, an antidumping order primarily affects the pricing behavior of importers and exporters subject to it. Assuming rational behavior in the marketplace, those companies with sufficient flexibility in allocating their resources will avoid paying what is essentially a special import tax on merchandise sold at less than fair value by raising the U.S. price of the imports, lowering the home-market or other reference price, or adjusting them toward one another. Alternatively, a company may leave the U.S. import market by shifting its production onshore. All this operates as a constraint on methods of competition—just how much so can be determined only from direct testimony or through surmise based on past patterns of behavior.

If companies are successful at avoiding assessment of the duty by adjusting to the constraints of the order, the Department of Commerce, not the Commission, is the proper forum for a request for review of the order. A company may be removed from coverage of the order if it is found to have no dumping margins for a period of two years. 5 CFR 353.54. We may assume, then, that any request for review by the Commission is sought on the premise that less-than-fair-value (LTFV) selling will resume or continue. That is, revocation of the order merely removes an artificial constraint. The purpose of the investigation is to determine whether the domestic industry would be injured if exporters and importers no longer subject to the constraint resume LTFV sales where advantageous. Accordingly, that companies subject to the dumping order are not pricing at less than fair value does not indicate that sales would be at fair value if the order were revoked. Rather, it indicates the seriousness with which companies view potential liability for antidumping duties. As a result, the presence or absence of a dumping margin, or its magnitude within a limited range, is of no use in predicting how a company will set prices when no longer constrained by the order.

Therefore, an important way in which a review determination differs from a basic antidumping case is that existing trends in the health of the domestic industry are distorted by the existence of the order and the reaction of importers and exporters to it. In sum, we view section 751 as requiring the Commission to assess the inhibiting effect that the order has on the pricing, production, and marketing strategies of the companies subject to it, to predict the effect of revocation on those strategies and on the marketplace, and then to determine whether these effects would result in material injury or threat thereof to the domestic industry.[9]

These issues were not squarely before us in our previous section 751(b) antidumping reviews. In *Electric Golf Cars From Poland*, Inv. No. 751–TA–1, USITC Pub. No. 1069 (1980) formerly numbered AA1921–147A), the exporter was limited in its output capacity and already underselling the more popular, more expensive domestic product. Further dumping would not have increased market share and would have only reduced foreign exchange earnings. In *Potassium Chloride From Canada*, Inv. No. 751–TA–3, USITC Pub. No. 1137 (1981), the only company still under the order had less than 5 percent of Canadian production of that fungible product and a correspondingly tiny share of the U.S. import penetration. Supplies had been short for many years, and no domestic producer opposed revoking the order. No amount of price discrimination by that firm after revocation could have affected the overall market price.

The Domestic Industry

For this review, we adopt the same domestic industry we found in the original investigation, even though the original case predates the Trade Agreements Act of 1979. The article under investigation continues to be television receivers. There continues to be domestic production of television receivers that are like those under the existing antidumping order.

As we have already noted, the U.S. television industry has changed dramatically over the past ten years. There are now fifteen producers of televisions in the United States. U.S. production of monochrome receivers has declined drastically, most producers having moved production offshore to lower cost facilities. As for color sets, the two largest producers are U.S.-owned, Zenith and RCA. Their collective share of the market declined, however, from over half in 1976–1977 to somewhat less than that in 1980.

Ten foreign producers have either purchased or built color television plants in the United States. The scale of their manufacturing operations in the United States varies from company to

[7] For a discussion of the effects of the change, *see* our determination, p. 1 note 1 *supra*, and Potassium Chloride From Canada, Inv. No. 751–TA–3, USITC Pub. No. 1137 at 4–5 (1981).

[8] For a discussion, *see* Electric Golf Cars From Poland, Inv. No. 751–TA–1 (formerly No. AA1921–147A), USITC Pub. No. 1069 at 11–15 (1980) (views of Commissioners Alberger and Calhoun).

[9] This task is even more challenging than that facing the Commission in the review of outstanding countervailing duty orders for products being subjected to a material injury test for the first time, under § 104 of the Trade Agreements Act of 1979, 19 U.S.C. 1671 note. Those determinations require prediction of the benefit to a foreign producer of its government's subsidy policy, often based on relatively stable legislation, rather than the reaction of individual companies to the lifting of restraints on their pricing.

company, ranging from bare-bones assembly of parts brought in from Japan and third countries to production of a wide range of sets and many component parts, including picture tubes and cabinets. It should be noted that all domestic manufacturers, both U.S.- and foreign-owned, import a substantial proportion of their components from countries where production costs are lower, principally Taiwan, Korea, Singapore, and Mexico.

Related Parties

In considering the impact of LTFV imports on the domestic industry, the Commission may, in appropriate circumstances, exclude producers related to the exporters or importers of the dumped merchandise from its definition of the industry. Tariff Act of 1930, § 771(4)(B) 19 U.S.C. 1677(4)(B). This provision has been analyzed in previous Commission opinions. It is clear that the Japanese-owned domestic producers are related to the importers or exporters of goods subject to the antidumping order. We believe, however, that it is inappropriate for the purpose of our injury determination to exclude them from the domestic industry. There is no information in the record, other than the arguments of counsel, that Japanese exporters are directing their exports to the United States so as not to compete with their related U.S. producers.[10] In other words, the related domestic producers are not so shielded from competition that they behave differently from other domestic manufacturers that are not related to importers or exporters of sets covered by the order. Perhaps more important, we believe that the Japanese-owned domestic producers are here to stay. We should not discourage their healthy competitive presence by excluding them from the domestic industry for the purpose of this investigation. At any rate, exclusion would not alter our decision.

[10] Vice Chairman Calhoun disagrees with this conclusion. In his view, by comparing confidential Customs Service data on import levels of each Japanese parent producer with the confidential data on production levels and capacity utilization levels of its subsidiary over the past several years, it is possible to conclude that each Japanese parent is directing its exports so as not to cause material injury to its subsidiary in the United States. Indeed, sound business practice suggests that failure to behave in this way with respect to subsidiaries would be most unusual. Nevertheless, Vice Chairman Calhoun agrees that excluding the domestic subsidiaries of Japanese parent companies from the domestic industry would not significantly alter his analysis or conclusions in this investigation.

Competitive Health of the Domestic Industry

As we noted above, demand for color televisions is near an alltime high. Projections are for a record year for sales in the U.S. market, although the most recent forecasts are slightly less optimistic due to increasing dealer inventories and high interest rates. The market is highly competitive, as shown by the number of competing producers and the recent increase in imports. In the last five years, production has risen 80 pecent, capacity, 25 percent, shipments, 70 percent, and capacity utilization has increased to 88 percent. Transcript of staff briefing 2 (June 4, 1981). Employment has fallen 20 percent because of the two major factors cited in last year's section 203 investigation—the shift of labor-intensive operations offshore and the introduction of more advanced production technology. *Color Television Receivers and Subassemblies Thereof,* Inv. No. TA-203-6, USITC Pub. No. 1068 at 5. (1980)

During the same period, imports of sets from Japan declined 91 percent. Imports from Taiwan and Korea rose until 1978 and declined thereafter. Trends in imports from all three countries were, of course, influenced by orderly marketing agreements. Import penetration in 1980 stood at 2 percent for imports from Japan, 3 percent from Taiwan, 3 percent from Korea, with an overall total import penetration of 12 percent. Transcript of staff briefing 2 (June 4, 1981). Clouding this picture are recently received figures for the first quarter of 1981 and for April 1981. At the same time that apparent U.S. consumption rose 10 percent, overall imports increased 95 percent over the first quarter of 1980. Imports from Japan subject to the antidumping order increased 170 percent to reach a market share of 2.8 percent. *Id.* at 3. The market share is still small, but the recent reversal of import trends demonstrates two important factors. First, the Japanese can respond rapidly to shifts in demand with increased imports. The second, more significant factor is the difficulty in using past and present trends to predict future behavior, especially in response to a significant change in conditions, like the revocation of an antidumping order.

Intentions of Importers After Revocation

As we have noted, assessing the current health of the domestic industry is a familiar problem presented in most of the Commission's investigations. The argument of the Japanese companies here, in fact, is that the U.S. industry is so transformed, principally by the Japanese shift to onshore production and the U.S.-owned companies' shift to offshore sources for components, that no material injury could possibly result from revocation of the order. The standard in a review investigation, however, requires that we determine the impact on the domestic industry of future behavior of exporters and importers in response to the lifting of the order, an altogether different kind of question.

The staff report provides data on the performance of the parties while subject to the order. We can forecast from that only if we know how much a factor the order is in current pricing, product mix, and volume decisions. The more of a restraint the order is considered to be now, the more likely pricing and import levels will change significantly after it is lifted. it would also be helpful to know what market share the Japanese companies hope to maintain, to what extent they plan to supplement domestic production with imports, and how the removal of the order would alter their planning. While it is clear to us that the Japanese companies will continue to produce in the United States in the indefinite future, it would be helpful to know whether they plan to meet increased demand with increased U.S. production or with imports, and how the lifting of the order would alter that response.

We believe that this information is an essential part of the case-in-chief of any importer seeking the revocation of an outstanding dumping order, especially an importer with significant U.S. production.[11] This information should not have to be elucidated by persistent questioning at a hearing, nor should it have to be acquired by subpena. Some of these questions were posed at the public hearing. Counsel for the Electronic Importers Association of Japan (EIAJ) was questioned about likely pricing and import levels once the order is lifted. Hearing transcript at 144-47 (Nov. 12, 1980). He answered that the association members saw no reason for increasing exports to the United States in the short term. *Id.* at 145. He also argued that pricing in the U.S. market is limited by competition. *Id.* at 146. But ultimately he acknowledged that he could "offer no direct testimony as to representations made by Japanese

[11] It is here that a review investigation differs significantly from a basic antidumping or countervailing duty investigation. The information necessary to a resolution of this key issue is entirely within the control of the persons petitioning the Commission for a change in the status quo. Virtually every other kind of case before the Commission requires development of facts from both sides.

television manufacturers with respect to their decision to export or not export to this market." *Id.* at 155. His statements as to pricing were also solely the judgment of the EIAJ staff. *Id.* The EIAJ has no control, of course, over the pricing policies and export decisions of its member companies. There was no direct testimony by any counsel on exporters' or importers' intentions after the lifting of the order. No supplementary submissions were supplied on the issue and none was specifically requested by the Commission.

As part of its revocation proceedings, the Department of Commerce requires assurance agreements from exporters seeking to be deleted from an order, representing that they have had no LTFV margins for the prescribed period and that they will not engage in future LTFV sales. If the agreement is breached, the Department could bring a new antidumping proceeding against the offending company. Revocation thus depends upon a credible representation backed by enforcement authority. The Commission neither monitors import trade nor has the authority to initiate enforcement proceedings, but it can require credible representations on the part of importers and exporters as to how they will react to the revocation of the order.

In the absence of direct testimony, factual evidence, or even informed argument on exporters' and importers' intentions,[12] the Commission is forced to reason from the exporters' capabilities. Unfortunately, reliable figures on production capacity and capacity utilization in Japan and the performance of Japanese exports in their other major overseas markets are as difficult to obtain as information on marketing strategy. Indications are, however, that there is adequate flexibility in their production facilities potentially to supply any market on relatively short notice.

The Japanese producers and their domestic subsidiaries are thoroughly integrated enterprises. Once the order is lifted, a degree of pricing flexibility that has been denied the Japanese companies while the order is in place, will be restored to them. Given the strong price competition in the U.S. market, we have no basis to believe that dumping will not resume or that margins will not increase.

There are at least three ways in which continued or resumed dumping upon revocation of the order can materially injure the domestic industry. First, the domestic market is currently highly competitive, and although demand is high, profitability is relatively low. If demand continues to pick up, and some sources are predicting an increase of as much as 50 percent over three to five years, renewed or increased dumping by the importers could keep prices suppressed when they would normally rise. The Japanese producers would thus be able to increase market share for both their imports and domestic production through LTFV sales, found to be injurious in 1971.

Second, business planners will increase capacity only when certain that it will be used. The Japanese can use dumped imports to supplement domestic production when there are short-term, cyclical increased in demand.[13] They can be expected to use imports to secure any increase in market share, and then gradually increase domestic production capacity to consolidate and maintain it. There is some indication that this phenomenon is occurring now with the antidumping order in place. The 13-inch screen size is one of the most dynamic growth areas in the industry; there was an increase in apparent consumption of 44 percent in the first quarter of 1981 over that in the corresponding period of 1980. At the same time, imports of 13-inch sets from Japan increased 400 percent.[14] The Japanese importers say that the increase occurred because of a shortage of domestically sourced picture tubes. In response to inquiries by the staff, however, domestic tube producers contend that except for a temporary shortage in October and November 1980 there was an adequate supply through the first quarter of 1981. Moreover, some production schedules are even being revised downward because of burgeoning inventories. Staff memorandum INV–E–036 (Apr. 9, 1981). In any case, this considerable increase in imports is a demonstration of the supply flexibility available to the Japanese companies, a flexibility that would be enhanced by the removal of restrictions on pricing.

The third area of concern is the problem of production and distribution of the television receiver's largest and most expensive component, the picture tube. There are indications of a softening of demand for Japanese tubes in their other major overseas markets, particularly Asia and Europe.[15] The decrease in demand appears to be due to an increase in local production capacity in those areas. In order to utilize Japanese home production capacity more efficiently, they will need other outlets. The increase in demand in the U.S. makes it a likely target. In fact, import data for January–April 1981 show a sharp increase in tube imports from Japan.

There is an additional factor that, combined with revocation of the order, could make it advantageous to bring in the additional tubes in the form of complete sets. Imported tubes are subject to a duty of 15 percent. They are bulky, fragile, and costly to ship. With the greater flexibility available after the lifting of the order, there may be an incentive to bring in complete sets, or subassemblies, including tubes now covered by the order, at the lower overall duty rate of 5 percent.

Finally, any major import restraint on sets or tubes in the European Community, Asia, or Latin America, or a softening of the Japanese domestic market, will encourage a diversion of trade to the United States, the largest and most open market in the world. It is a relatively simple matter to shift a production line from sets compatible with the European broadcast system to sets compatible with the U.S. system. There will be added incentive to rationalize production and alter pricing

[12] It is appropriate here to add a word about the task of providing information to the Commission. Once the petitioning importers have persuaded the Commission that changed circumstances warrant institution of a review investigation, there is no indication in the statute, the legislative history, or in our regulation of a burden of proof, or even of coming forward, on either proponents or opponents of revocation of the order. The Commission's only guidance is that it must "conduct a review." Tariff Act of 1930, § 751(b)(1), 19 U.S.C. 1675(b)(1). A Commission review determination will be overturned, however, if "unsupported by substantial evidence on the record, or otherwise not in accordance with law." 19 U.S.C. 516(a)(2)(iii)–(b)(1)(B). The Commission has a subpena power, 19 U.S.C. 1333, but it must necessarily rely on evidence voluntarily submitted by, and on the initiative of, the participants. This is doubly true when the information needed to support a determination is completely within the control of the participants who stand to gain from that determination and who seek it by petitioning for review. Let us make clear that there is no legal evidentiary burden on a participant to come forward with evidence or to persuade the Commission, but neither is it reasonable to expect the Commission to make a petitioner's case for it.

[13] Rapidly increasing capacity by adding a second or third shift may be difficult for Japanese producers in the United States, where the principal limitation is finding and training skilled labor. Some of the Japanese plants are located in areas with a relatively small labor pool.

[14] Analysis of confidential information obtained in the preparation of the Commission report, *Color Television Receivers: U.S. Production, Shipments, Inventories, Exports, Employment, Man-hours, and Prices, First Calendar Quarter 1981*, Inv. No. 332–112, USITC Pub. No. 1145 (1981); U.S. Department of Commerce, *Official Import Statistics*, IM–146 (1981).

[15] This discussion is based on analysis of COMPACT and Electronic Industry Association posthearing brief 33–34; hearing transcript 323–28 (Nov. 12, 1981); transcript of staff briefing 5 (June 4, 1981). Europe has absorbed as much as 40% of Japanese tube exports in the past. *European Report* 15 (Mar. 28, 1981).

practices when faced with such problems as excess capacity, export market constraints, and shift in demand in the world market place.

Modification of the Order

After a section 751(b) review, the Department of Commerce "may revoke, in whole or in part, * * * an antidumping duty order." Tariff Act of 1930 § 751(c), 19 U.S.C. 1675(c). The Commission's rules require it to consider the effect on the domestic injury "if the order were modified or revoked." 19 CFR 207.45(a). The Commission's unwritten authority to modify determinations under the Antidumping Act, 1921, as an alternative to revocation was acknowledged by the Congress long before passage of the more explicit review provision in the Trade Agreements Act of 1979. S. Rep. 93-1298, 93d Cong., 2d Sess. 181 (1974).

Any revocation in part by the Department of Commerce, on the Commission's recommendation, would be based on a determination that application of the order to all products or all companies within the scope of the original finding is unnecessary, and that substantial justice requires the lifting of the opprobrium and administrative burden of a dumping finding from a company whose products would neither injure nor threaten to injure the domestic industry if the order were modified. One possible rationale for modifying the order could be a determination that through technological development a particular imported product no longer has a competing counterpart in the domestic market. In this case, it could make sense to drop that product from the finding, assuming complete revocation was not justified, upon a showing that there was indeed no competition between the import and any segment of the domestic industry protected from material injury by the order.

Although the Commission has authority to modify an order upon review, there is no substantial justification for doing so here. Several importers have asked that mini-televisions, sets with screen sizes of 10 inches or smaller, be excluded from the order. In particular, Orion Electric Co. argues that its small color sets have no counterpart in domestic production. Orion brief (May 8, 1981). They have 5- or 9-inch screens, they operate on house current or battery power, and they are completely portable. We find, however, that modification of the order to exclude sets with 10-inch or smaller screens is inappropriate for three reasons: First, sets of that class are produced in the United States.[16] Second, the Commission did not differentiate among screen sizes in determining the effect of imports on the domestic industry. Finally, counsel for the importers made only the most conclusory statements in written submissions and at the hearing about consumer differentiation of products. *E.g., id.* at 7-8; hearing transcript 46-47, 170 (Nov. 12, 1980). The Commission was provided with no market surveys, no cross-elasticity studies, and indeed, no direct evidence of any kind. In short, we are not convinced that mini-televisions are so dissimilar in their characteristics and uses to other televisions that a sale of one does not preclude the sale of the other.

Conclusion

In the absence of any credible showing of the intentions of Japanese importers and exporters of television receivers upon the revocation of the order, we must infer from the capabilities and past record of these integrated global enterprises that if faced with conditions that make it advantageous, they will sell their products at LTFV in the U.S. market to supplement their U.S. domestic production. This poses a threat of a material injury to an industry as price sensitive and competitive as the U.S. television industry.

In order to reach a contrary result on the record in this investigation, we would have to be convinced that the domestic industry is, and will remain, sufficiently healthy that LTFV pricing could not injure it. Accordingly, we determine that an industry in the United States would be threatened with material injury by reason of imports of television receiving sets from Japan covered by the antidumping order if the order were modified or revoked.

Views of Commissioner Paula Stern

Summary

The Commission determined on June 4, 1981, by a vote of three to one that an industry in the United States would be threatened with material injury by reason of imports of television receiver sets from Japan covered by an antidumping order[17] if that order were to be revoked or modified.

In coming to my minority position, I carefully considered the record developed in the case and examined *de novo* the extensive knowledge of the industry acquired by the Commission over the last decade. The position of the U.S. television receiver industry has improved dramatically since the Commission's earlier determination of injury by reason of less-than-fair-value (LTFV) imports of television receivers from Japan.[18] In effect, the industry has been transformed over the years with thirty percent of U.S. production of television receivers now being performed by Japanese-owned firms.[19] Imports from Japan have declined to very low levels. From 1976 to the end of 1980, domestic industry capacity has increased by 25 percent, capacity utilization is up 45 percent, production is up 80 percent, and shipments are up 70 percent. This genuinely noteworthy trend has continued through the first four months of 1981. Inventories have also dropped as a percentage of shipments, and profits for the domestic industry have begun an upward movement. Projecting from the facts on the record and assuming the removal of the dumping order, I have concluded that an industry in the United States would not be materially injured nor threatened with material injury if the antidumping order on television receivers from Japan were revoked or modified.

Despite an overall agreement with the majority on the basic economic factors at work in this industry, I have found myself in the minority, in part due to my analysis of the increase in imports from Japan registered only in the first few months of 1981 and the continuing low profitability of the U.S. industry. The majority seems to imply that competition is a sign of weakness when I regard it as an indicator of health, especially when there are recent entrants to the domestic industry. It cites an expected rise in U.S. demand as an opening for injury rather than, all things being equal, a possibility for further domestic growth.

But more fundamental to my dissenting vote is my belief that the majority has seriously departed from standards rooted in the law and past Commission practice. Though the intentions of foreign producers and hypotheses on how their strategies might change are extremely speculative and unavoidably subject to self-serving, often unprovable allegations from all parties, the majority seems to have made intentions the cornerstone of its analysis. Finally, the majority has placed an unwarranted burden of proof on the petitioners in this case, holding them responsible for weaker areas of

[16] Confidential business information submitted by a U.S. producer.

[17] See T.D. 71-76, 5 Cust. Bull. 151 (1971).

[18] *Television Receiving Sets from Japan*, Inv. No. AA1921-66, T.C. Pub. No. 367 (1971).

[19] *See Color Television Receivers and Subassemblies* Thereof, Inv. No. TA-203-6 (1980).

the record which the Commission itself had not aggressively sought to augment. The majority seems to have drawn a negative inference from the failure of the petitioners to satisfy fully their desires on this subject. I feel it is unfair to proceed in such a manner and feel, in any case, that my vote would not have been altered had the Commission obtained further information on the intentions of Japanese importers.

The Review Investigation

In response to a petition by several importers of Japanese television receivers, on September 16, 1980, the U.S. International Trade Commission instituted the present investigation to determine whether changed circumstances indicate that "an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the U.S. would be materially retarded, by reason of imports of the merchandise covered by the * * * antidumping order if the antidumping order were to be modified or revoked." [20]

Having established an administrative deadline of January 13, 1981, the Commission held a public hearing on November 12–13, 1980, in which representatives of the television industries of both the United States and Japan participated. As a result of difficulty in obtaining an adequate response to its questionnaires by U.S. purchasers and importers of television receivers, the Commission waived its self-imposed time limit. However, on April 23, 1981, the Commission announced that the staff had obtained an adequate response to its questionnaires and established a new administrative deadline.

Data on LTFV Sales

On June 3, 1981, the Commission received the final results of the administrative review of the television dumping order conducted by the Department of Commerce. These results constitute the best available and most up-to-date information concerning LTFV sales of television receiving sets imported from Japan.

Commerce reviewed the shipments of ten Japanese exporters during the period, April 1, 1979, through March 31, 1980, and determined that dumping margins existed on certain entries that were made by five of the ten firms. Entries made by three of these firms, however, had weighted average margins of less than 0.5 percent, which were considered *de minimis* by Commerce. The remaining firms, General Corp., with a margin of 6.20 percent, and Otake Trading Co., Ltd., with a margin of 3.37 percent, are minor participants in the U.S. market. [21]

The Imported Articles and the Domestic Industry

The imported articles that are the subject of this investigation are defined by the coverage of dumping order T.D. 71–76. They include finished television receivers which are fully assembled and ready to function when plugged into a source of power and incomplete receivers that, while not in finished form, are capable of receiving a broadcast television signal and producing a video image, including kits that contain all parts necessary for assembly into complete receivers. There are presently fifteen known producers of television receivers in the United States. All fifteen produce color receivers, and three also produce monochrome receivers. [22] Nine of the domestic producers are owned by Japanese firms, [23] two are owned by a Dutch firm, and the remaining four are U.S.-owned. In 1980, the U.S.- and Dutch-owned firms accounted for approximately 70 percent of total U.S. production of television receivers, and the Japanese-owned firms accounted for the remaining 30 percent.

Standards for Review

Section 751(b) provides no explicit criteria for the analysis of the presence of material injury, or the threat thereof. However, a careful review of the statute, the legislative history, past Commission practice, [24] relevant international agreements, [25] and the underlying purpose of the relevant section of the law suggests an appropriate basis for review. The underlying purpose of section 751 is to remove unnecessary barriers to trade in the form of antidumping duties which are no longer necessary and will not be necessary to protect U.S. industries from the injury of unfair trade practices. [26] The Commission's standard, as enunciated in its rule, was modeled on section 104 of the Trade Agreements Act of 1979 [27] which has a similar purpose, removing countervailing duty orders where no injury to a U.S. industry will result, if the imports are from a country signatory to the Subsidies Countervailing Duty Code and a review is requested.

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[20] 19 CFR 207.45(a). Establishment of an industry in the U.S. was not an issue in this case.

[21] General Corp. markets in the United States through Teknika Electronics Corporation, a company involved in a joint venture with Wells-Gardner, a U.S.-owned domestic producer. Otake Trading Co. is the exclusive exporter of 5- and 9-inch color television receivers produced by Orion Electric Co., Ltd. A substantial share of Otake's exports have the unique feature of being operable on either battery or AC electrical current.

[22] The monochrome portion of the industry was never at issue in this investigation. Each year U.S. producers' shipments of domestically-produced monochrome receivers (the best available proxy for U.S. production) declined for a total decline of 83 percent from 1971 to 1980. This drop occurred despite the fact that during the entire period an outstanding dumping order was in place to preclude the sale of Japanese sets at LTFV. During this period the number of U.S. firms producing monochrome receivers dropped from eleven in 1971 to three in 1980. Only one of the three firms produced significant quantities in 1980, and this firm produced only a limited number of screen sizes. During the same ten-year period imports of monochrome receivers from Japan dropped from 2.5 million units in 1971 to .3 million units in 1980, a decline of 88 percent. As a result of the marked declines in U.S. production and imports from Japan, the share of U.S. consumption of monochrome receivers supplied by third countries increased from 22.3 percent in 1971 to more than 85 percent in 1980. The reasons for these shifts in sourcing of monochrome sets is clear. Foreign producers in Taiwan, Singapore, Korea and Mexico have significantly lower production costs for these mature products. Both U.S. and Japanese-owned producers have capitalized on the economies associated with producing monochrome sets in these countries by establishing production facilities there to supply the U.S. market.

[23] The related parties provision of the Tariff Act of 1930, section 771(4)(b) allows the exclusion of producers from an industry definition when they are related to the exporters or importers or are themselves importers of the allegedly dumped merchandise. Such an exclusion is not mandated by statute but rather "may be applied in appropriate circumstances." There is ample information in the record that Japanese-owned domestic producers are related to or are themselves importers of television receivers imported from Japan. However, there is no evidence that imports are being directed on a geographical or product line basis to avoid competing with Japanese-owned domestic production. On the contrary, there is information that imported and domestically-produced receivers of Japanese-owned firms of the same screen size, brand-name, and general features are available side-by-side for purchase in the same retail outlets. Japanese-owned domestic producers supplied 25 percent of U.S. demand for color receivers in 1980. These firms are a vital and growing part of the highly competitive domestic industry. The exclusion of these firms might well leave the Commission with a distorted view not only of the domestic industry but also of competition in the U.S. market for television receivers.

[24] *See Electric Golf Cars from Poland*, Inv. No. 751–TA–1, at 23–26 (1980) for a thorough analysis of the appropriate basis for review. *Potassium Chloride from Canada*, Inv. No. 751–TA–3 (1981).

[25] The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (The Antidumping Code) and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code) are implemented, in part, by sections of subtitles B and C of Title VII of the Tariff Act of 1980, as amended.

[26] In *Electric Golf Cars from Poland*, *supra* n. 24 at 14–15, Chairman Alberger and Vice Chairman Calhoun state: "The fundamental objective in review under this provision, then, is to satisfy the policy that where there is no material injury, threat thereof, or material retardation of the establishment of an industry, antidumping duties should not be applied."

[27] 19 U.S.C. 1671.

In the first section 751 case to come before the Commission, *Electric Golf Cars*, I stated what I believed to be the standard for review:

> The standard chosen for a determination in a review investigation reflects the fact that an antidumping finding is in force. That finding subjects any sales at less-than-fair-value to special duties. In such circumstances, material injury to a domestic industry cannot be "by reason of" less-than-fair-value sales because the statutory remedy is already in place. Accordingly, a prospective test has been chosen for the Commission's rule—specifically, the threat of material injury test found in Section 735(b) of the Tariff Act, also referred to in Section 207.26(d) of the Commission's rules.[28]

Chairman Alberger and Vice Chairman Calhoun came to a similar conclusion in that case:

> Giving due consideration to the language on the face of section 751, the legislative history, and the international agreements on which this section is based, *it is not difficult to arrive at a reasonable standard for review under section 751.* The fundamental objective in review under this provision, then, is to satisfy the policy that where there is no material injury, threat thereof, or material retardation of the establishment of an industry, antidumping duties should not be applied. Consequently, *the Commission's task under section 751 is to view the relevant facts and circumstances as they currently exist to determine whether an industry in the United States would suffer material injury, or the threat thereof, or whether the establishment of an industry would be materially retarded if the existing antidumping duty order were not in effect.* (Emphasis added.)[29]

When we instituted this 751 review case, conducted our hearing and gathered questionnaire data, the parties in this case had every reason to expect that the Commission would apply the same test for making the prospective judgment that ti has used in similar cases, namely that on the basis of "substantial evidence" the likelihood of future injury is "real and imminent." To depart from this standard for making a prospective determination without prior notice is simply unfair.

Such a departure is also contrary to the responsibility of the Commission. The Trade Agreements Act of 1979 subjects Commission decisions in review cases, as well as new cases, to court review to determine that all findings are based on "substantial evidence." Further, our judgments on the basis of such evidence must not be "flawed with supposition and conjecture," to borrow language used by the judge characterizing the majority view in the recent *Alberta Gas Chemicals* case in which the U.S. Court of International Trade overturned the Commission. He further stated,

> The Congressional standard for determining likelihood of injury was articulated by the Senate Committee on Finance, which explained that future injury must be:
>
> based upon evidence showing that the *likelihood is real and imminent* and not on mere supposition, speculation, or conjecture. [Emphasis added.][30]

While the *Methanol* case reviewed in *Alberta Gas* was not a 751 review case, it is analogous as the decision rested on the determination of the likelihood of future injury. In fact, in this review case before us we have a central organizing element—not present in *Methanol* or any non-review case—that one variable, the antidumping order, is subject to a predictable change—its revocation or modification.

To determine whether there will be material injury if a dumping order is revoked or modified, I believe the Commission must, in keeping with the record in the investigation, make a judgment on the following factors: (1) the likely pricing behavior of the foreign producers or exporters in the absence of a dumping order; (2) the anticipated changes in the volume of imports; and (3) the effect of (1) and (2) on the U.S. industry producing the articles subject to the dumping order. Such an assessment must rise to the standards of substantial evidence and not be flawed with supposition and conjecture.[31]

Material Injury

The following is a statement of my analysis of and projections from the record applying the standards and principles discussed above. In sum, my analysis shows that the effect of Japanese imports on prices would not be significant, the volume of imports would not rise to substantial levels, and the continued improvement of the domestic industry would not be jeopardized by revoking the antidumping order.

Price behavior in the U.S. market.—An examination of the Commission's comprehensive survey of prices [32] reveals several key points concerning competition in the U.S. market: (1) competition is extremely strong among domestic producers; (2) on average the lowest-price television receivers in the U.S. market are imports from Korea and Taiwan; and (3) units imported from Japan were priced above competing domestic sets in about two of every three instances where there was a difference in price between comparable U.S.-made and Japan-made sets. Furthermore, in those instances where sets made in Japan were priced lower than domestically-produced sets, the volume of sales was small.

Competition among domestic producers—who accounted for 88 percent of total U.S. sales in 1980—was intense. Fourteen domestic firms actively participated in this market with two firms, RCA and Zenith, accounting for more than one-third of sales. The intensity of the price competition is evidenced by the fact that in 123 instances where price differences existed between domestically-produced and imported 13-inch and 19-inch color television receivers, prices of domestically-produced models were lower than *all* imported models in 66 instances.

Imports of receivers from Korea and Taiwan on the average, undersold comparable domestically-produced 13-inch and 19-inch color receivers, as well as receivers imported from Japan. Receivers imported from Korea were particularly strong price competitors, underselling comparable U.S.- and Japan-made color sets.

Significant price competition between imported receivers from Japan and domestically-produced receivers is apparent in only one small market segment—13-inch color receiver sales to independent retailers. The majority determination places great emphasis on this market segment. The 13-inch color receiver does represent a growth center in the U.S. market. However, it currently represents a small segment of overall color receiver consumption, and sales to independent retailers are only a portion of the 13-inch segment of the market. In 1980, apparent consumption of all color television receivers in the United States was valued at $3.7 billion. Consumption of 13-inch receivers was valued at $381 million or 10.4 percent of total consumption.

In 1979, sales to independent retailers of price leader models of 13-inch

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[28] *Supra* n. 24 at 25–26.

[29] *Supra* n. 24 at 14–15.

[30] *Alberta Gas Chemicals, Inc. v. United States*, United States Court of International Trade, Slip Op. 81–48 at 20 (May 1981). U.S. International Trade Commission decision, *Methanol from Canada*, Inv. No. AA1921–202 (1979).

[31] The Commission did not originally differentiate among screen sizes in assessing the impact of imports on the domestic industry. I wish to note in passing that were I to have reached the question of modification of the original dumping order, this fact would not have been a constraint against so differentiating in this review case.

[32] The data base for this pricing analysis was compiled from responses to Commission questionnaires by 14 domestic producers and 26 importers of television receivers. Data were received on 1979 sales of about 8.3 million receivers or about 50 percent of total U.S. consumption in that year. Data were collected on the same basis for January–September 1980.

receivers imported from Japan accounted for eleven percent of such sales covered by our pricing study which represented approximately 50 percent of U.S. consumption (approximately one percent of overall color receiver sales), and undersold domestic producers by weighted average margins of 3 to 7 percent. In January–September 1980, sales of these receivers imported from Japan had declined to 5 percent of total 13-inch sales in the study of price leader models to independent retailers (less than one percent of overall color receiver sales, but were at weighted average margins of underselling of about twelve percent. Sales in this study of 13-inch color receivers imported from Korea and Taiwan had margins of underselling ranging from 12 percent in January–June 1979 to 16 percent in July–September 1980. Korean and Taiwnanese imports in this study accounted for approximately 20 percent of total 13-inch sales.

All imports of 13-inch receivers from Japan as reported in the official statistics represented about three percent of the value of U.S. consumption of 13-inch color receivers and less than 0.5 percent of the value of consumption of all color receivers. This market segment was the only one where there was significant price competition between imported receivers from Japan and domestically-produced receivers. The price impact of such imports in the 13-inch market, even at LTFV prices, is minimal. It appears that competition among domestic producers and pressure from low-priced imports from Korea and Taiwan are the significant factors in determining prices in the 13-inch market. Further, it is clear that prices in the overall market for color receivers are determined by competitive forces other than imports from Japan.

The effect of the antidumping order on pricing of imported receivers from Japan is a key consideration. Given the record in this case, it would be too speculative to attempt an analysis of what the pricing situation would have been had the dumping order not been in place. The majority also does not attempt such an analysis. In any event, the hard facts of the changed circumstances in this case make such an analysis unncessary. A discussion of what would have happened during the last five years in the absence of the dumping order would be an academic exercise in the face of establishment of significant Japanese plants in the United States during the period. As for future impact of revoking the order, the possibility of sales at LTFV arriving in volumes [33] which would have a significant depressing effect on domestic prices is countered by the presence of Japanese-owned domestic facilities currently supplying about one-fourth of total U.S. demand. These firms have made a substantial investment in capital equipment and facilities and expect earnings which they would be unlikely to jeopardize by bringing in large volumes of dumped goods. And domestic producers—Japanese-owned and U.S.-owned alike—would feel any price depressing effect that might result from such a practice hypothetically occurring. The economic reality, however, given the presence of Japanese-owned production facilities in the United States is that they are expected to share in benefits from increases in domestic demand for television receivers that is projected for 1981–85. Managers of Japanese-owned firms in the U.S., like any other astute businessmen, will take advantage of a period of strong demand and seek to maximize their profits through price increases rather than risk suppressing or depressing the overall level of prices in the U.S. market by selling at LTFV. Thus, there is no incentive to resume sales at LTFV, and there is an obvious deterrent—the loss of substantial profits by the U.S. affiliates of Japanese producers.

The record demonstrates that any dumping which might occur would only minimally impact overall market prices.

Changes in the volume of imports.—From 1971 to 1974, U.S. imports for consumption of complete color television receivers from Japan averaged approximately one million units a year and were subject to dumping duty assessments in accordance with T.D. 71–76. In February 1975, the dumping finding against Sony Corp. was revoked. Imports from Japan, excluding those of Sony,[34] continued to increase reaching a peak of over two million units in 1976. A 1977 orderly marketing agreement (OMA) [35] restricting imports of color television receivers to the U.S. resulted in a 25 percent drop in imports from Japan in 1977. This trend has continued as Japanese producers have begun production in U.S.-based facilities. By 1980, imports from Japan were only nine percent of their 1976 level and two percent of U.S. consumption.[36]

The downward trend in imports from Japan was interrupted in the first four months of 1981 as imports from Japan increased for the first time in five years. Although the majority of these imports were concentrated in the 12-inch-and-under screen sizes, a portion of the imports were 13-inch receivers which the Commission majority's analysis emphasizes. Much of the increase in imports of these units appears to be a reaction to domestic parts shortages rather than a change in marketing strategy.

All of the Japanese-owned domestic producers [37] of color receivers purchase all or part of their picture tube requirements from U.S. tube producers. Late in 1980, it became apparent to these firms that a picture tube shortage of unknown duration was developing. In order to supply demand for 13-inch receivers, which was at peak levels in January–March 1981, some of these firms imported either 13-inch picture tubes or 13-inch receivers from Japan. Freight costs for shipping tubes and sets are roughly comparable; however, tube imports are dutiable at 15 percent *ad valorem* while receivers are dutiable at five percent. It would, therefore, be economically feasible to supplement domestic production with receiver imports on a short-term basis. It is apperent, however, that prior to the picture tube shortage, Japanese producers had already made decisions to locate 13-inch receiver production in their U.S. facilities. It is anticipated that as soon as the effects of the tube shortage have been overcome they will supply the bulk of their U.S. demand for this screen size from their U.S. production facilities in order to utilize their U.S. capacity most effectively.

In summary, imports from Japan remained at relatively high levels in the early years of the antidumping order (1971–74). By 1976 such imports had risen sharply to a record high despite

[33] The question of volume is further discussed in the next section, "Changes in the volume of imports."

[34] All discussion in this opinion of imports from Japan since 1975 excludes Sony receivers.

[35] *Color Television Receivers and Subassemblies Thereof*, Inv. No. TA–201–19 (1977).

[36] The decline in imports from Japan were accompanied by a change in the mix of screen sizes. In 1976, over 55 percent of such imports from Japan were in screen sizes of 18 and 19 inches. When Japanese-owned producers began operations in the United States their production was concentrated in these screen sizes. As these U.S. plants began to supply a larger share of the market, imports in the 18-inch and 19-inch screen sizes declined sharply. By 1980, such imports represented less than 10 percent of imports from Japan. The bulk of imports from Japan were in screen sizes of 12 inches and below. Included in this category were numerous units with screen sizes of less than 10 inches; comparable units were not being produced in the United States in 1980. Since 1977, 13-inch screen size receivers have become an important part of the U.S. color receiver market, increasing from about 4 percent of the value of total consumption in that year to 10 percent in 1980. U.S. producers reacted to this demand and began production of these units.

[37] Except Sony Corp. which produces its own picture tubes.

the outstanding dumping order which imposed penalty duties on less-than-fair-value sales. In 1977, following the establishment of an OMA with Japan, there was a significant decline in imports, a trend which was secured as Japanese firms began to acquire or build productive facilities in the United States. The downward trend in imports continued through 1980 but was interrupted in 1981 as imports increased in the first four months. Such increases, however, responded to short-term disruptions in the Japanese-owned domestic producers' ability to meet strong demand in light of the picture tube shortage. There is nothing on the record demonstrating that these imports, which still represent less than three percent of total apparent consumption, are harbingers of a shift back to large-scale imports from Japan. It is always treacherous to project import trends on the basis of short-term data, and in this case it would be particularly so since the short-term rise diverges from the long-term trend.

The effect of imports from Japan on the domestic industry.[38]—Projection of a reverse in the long-term decline in imports on the basis of the January–March 1981 rise in imports is particularly inadvisable given the healthy state of the domestic industry. Assessing the first quarter of 1981 as compared to first-quarter 1980 for the indicators available reveals continuing strength in the industry despite the increase in imports in the latter period. Production increased 6.5 percent, shipments increased three percent, and shipments by domestic producers of 13-inch receivers increased 31 percent. This indicates that the increased imports of the first quarter of 1981 did not adversely impact the domestic industry.

The majority attaches great importance to the import rise in the first quarter of 1981 and almost no importance to performance of the industry over the first quarter of 1981 and over a much longer period. Careful analysis does not permit one to skip from citing volume of imports for one quarter of 1981 to developing scenarios for the future, without assessing the hard facts on the record which indicate that this increase in imports appears to be a short-term phenomenon unlikely to signify impending material injury.

Turning to the consistent long-term patterns in the data, one finds that domestic production of color television receivers increased dramatically from 5.9 million units in 1976 to 10.7 million units in 1980, or by 80 percent. U.S. producers' domestic shipments increased about 70 percent from 1976 to 1980. Shipments of 13-inch screen size receivers increased from 197,000 units in 1976, or three percent of total domestic shipments, to 1.3 million units in 1980, or 14 percent of total shipments. Domestic producers' share of the U.S. market increased from 67 percent in 1976 to 88 percent in 1980. Capacity utilization based on operating one shift per day, five days per week increased steadily from 60.2 percent in 1976 to 87.6 percent in 1980.[39]

Both U.S. producers and U.S. importers of color television receivers reported declines in year-end inventories as a share of shipments from 1976–80. On December 31, 1980, U.S. producers' inventories were equal to 7.6 percent of their 1980 domestic shipments whereas the corresponding figure for importers' inventories was 7.1 percent.

U.S. producers of color television receivers reported declining profits during 1976–79, culminating in a slight loss in 1979. Much of this is attributable to new Japanese-owned firms commencing television production in the United States during this period. Due to high start-up costs, these firms reported lower profits than the remainder of the industry. Profitability improved in 1980 with the overall industry reporting a return on net sales of 2.0 percent. Profitability of U.S. and Dutch-owned firms, measured by return on net sales, declined from 1976 to 1978, then remained stable at about 1.7 percent through 1980. Japanese-owned firms had a poorer financial experience resulting in losses in 1979, the peak year for entry of these firms into the market. Profitability in 1980 rebounded sharply with a return on net sales of 2.3 percent. Having absorbed the losses associated with start-up costs, Japanese-owned firms are now in a position to profit from strong demand in the U.S. market.

The number of production and related workers employed in the manufacture of color television receivers declined by 20 percent from 1976 to 1980 as U.S. producers continued to import labor-intensive components manufactured by foreign subsidiaries and to install labor-saving automated equipment in their domestic facilities. The decline in employment, however, is in no way attributable to imports from Japan, but is the result of a marked increase in productivity. Output of sets per man-hour increased from .1117 sets in 1976 to .2391 in 1980.[40]

U.S. demand for color television receivers was at an all time high in 1980, and first-quarter sales in 1981 are ahead of last year's record pace. Industry sources, including the Electronic Industries Association, estimate U.S. demand will increase by an additional 40 to 50 percent from 1981 to 1985. In view of this large increase in demand and the fact that the U.S. industry is favorably positioned to capitalize on it, the future prospects for the domestic industry are particularly promising.

This healthy outlook for the industry was foreseen by the Commission in May 1980 when it unanimously determined that termination of the quantitative restrictions on complete and incomplete television receiver imports from Japan would not have an adverse economic effect on the domestic industry producing like or directly competitive products. In its letter to the President advising him of that decision, the Commission stated:

> Japan has dramatically altered its presence in the U.S. market by investing in domestic facilities for producing complete sets from sub-assemblies. Most Japanese producers are now part of the U.S. domestic industry. Thus, imports of Japanese sets no longer pose a serious concern to the domestic industry.[41]

I had no reservation about this statement then and today, approximately 13 months later, I am confident that it remains correct.

Intentions of Importers After Revocation

Having explained the standards for a section 751 review case and applied them in my analysis of the record to

[38] With respect to the impact of imports on the domestic industry, section 771(7)(b) of the Tariff Act of 1930 instructs the Commission to examine all relevant economic factors including, but not limited to, actual and potential declining output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. It is appropriate for the same factors to be considered in a review case. *See Polish Golf Cars, Supra*, n.24, at 23–26.

[39] U.S. capacity to produce television receivers can be increased easily by adding additional shifts. The current restraint on increasing capacity would be the availability of an adequate work force.

[40] Despite the decline in the number of workers producing color television receivers during 1976–80, there was an overall increase in the wages paid during the period—a 20 percent decline in the number of workers was accompanied by a 26 percent increase in total compensation.

[41] Report to the President on Inv. No. TA–203–6, *Color Television Receivers and Subassemblies Thereof*, May 1980, p. 1. I recognize that this recommendation was based on a standard of "a substantial cause of serious injury to the domestic industry," which is not the standard applied in a section 751 review case. However, it is similar in that it is a prospective determination, a determination of the likelihood of future injury. It is clear to me that a threat of material injury would pose a serious concern to any industry. And as the Commission states in its conclusion to the recommendation, "Japanese producers having become part of the domestic industry are unlikely to resume massive imports."

demonstrate why I have concluded an affirmative case has been made under the statute and the Commission's rules for removal of the antidumping order, I am compelled to offer my comments on some of the analysis which led the majority to a determination that the anti-dumping order should not be revoked or modified. I offer these comments reluctantly, but feel that the basic unfairness of the Commission's adopting a standard which the petitioner could not have been expected to anticipate and then making adverse inferences against the petitioner for failure to provide inherently speculative information required to meet the changed standard necessitates close scrutiny.

The law requires that substantial evidence found in the record must be the basis of all of our determinations; however, the majority determination in this investigation is largely premised on the notion that there is a lack of specific information in the record. I agree with the majority that more information on the intention of the importers of Japanese receivers as to price and volume levels would have been "helpful." However, the petitioners made their case by showing that rational business behavior for this industry would not lead to large-scale dumping capable of injuring the domestic industry; it did not have to rely on a showing of intent. That is, in effect, the same analysis which was used by the Commission in *Electric Golf Cars from Poland* and *Potassium Chloride from Canada.*[42]

The record contains conflicting testimony on the intentions of the importers. In review cases, however, there is no burden of proof on the petitioner after institution of the investigation.[43] Therefore, I do not believe that if the Commission has been amiss in its responsibility to develop a complete record that the Commission can in effect make an adverse inference against the petitioner. This is especially so in light of the fact that the Commission postpone this investigation for several months in order to obtain information during which time specific questions as to intent could have been posed to the petitioners. Moreover, the Commission never sought to use its power to subpoena information for the purpose of filling any critical gap in the record. However, the majority seems to have drawn an adverse inference against the petitioner and then reasons that if there can be any showing of capability to increase imports, the dumping order should remain in place.

On the basis of an adverse inference regarding Japanese intent and some slight indications regarding their capability, the majority then develops some potential scenarios by which resumed dumping could materially injure the domestic industry.

One argument is made that there is the potential for LTFV Japanese imports to materially injure the domestic industry through price suppression. This is completely imcompatible with the projected increases in U.S. demand for color television receivers which will provide Japanese-owned domestic producers with an opportunity to maximize the return on their substantial U.S. investment through increased sales at the higher prices that would be expected in a growth market. Any resumption of LTFV sales would suppress the prices of all producers and adversely impact the performance of their U.S.-based facilities. This is the best assessment available of the intentions of the Japanese to export LTFV color televison receivers in the United States.

Moreover, such a scenario suffers the internal contradiction of arguing price suppression derived from a global Japanese strategy at the same time that the majority concludes that Japanese-owned U.S. producers should not be excluded from the domestic industry as "related parties" because they would not behave differently from domestic producers who are not related to importers or exporters of sets covered by the order.

Another hypothesis advanced was that Japanese-owned U.S. firms could systematically follow a practice of increasing market share by supplementing production with LTFV imports. This hypothesis holds true only if Japanese import practices for the first quarter of 1981 is indicative of future strategy when they are unable to meet a spurt in demand. However, the market growth projected for color television receivers appears to be neither short-term nor cyclical. Japanese-owned U.S. producers have in the past been operating on a one-shift basis. Production capacity could be steadily increased by adding additional shifts although time would have to be alloted for recruitment and training of additional workers. Most of the Japanese-owned plants are relatively new and equipped with the latest technology; large infusions of labor would not be necessary to increase the output of these plants. Sharp, for example, built its plant, recruited and trained employees, and set up production—all in a single year. Adding another shift could presumably be accomplished in even less time.

Yet another theory posts some form of injury resulting from problems in another industry—picture tubes. However, Japanese-owned domestic producers have typically obtained their picture tube requirements from two sources—U.S. tube manufacturers and imports from Japan when screen sizes were not available domestically. Following these sourcing patterns, these producers have successfully competed in the U.S. market. This indicates that U.S.-produced picture tubes are price competitive with tubes produced in Japan. This is further indicated by the fact that Sony, the first Japanese producer to begin production in the United States, currently produces the bulk of its tube requirements from its own U.S. facilities rather than importing them. Although Sony utilizes a different type of tube in its receivers which is not available from other U.S. tube producers, the fact remains that Sony apparently finds it more cost efficient to produce in the U.S. than import from Japan. As long as U.S. tube manufacturers adequately supply the requirements of the Japanese-owned producers, no significant shifts in supply would be expected.

In short, the type of analysis utilized in reaching the majority's determination causes me great concern. It is a clear departure from the standards heretofore used by the Commission in determining likelihood of future injury. It puts great emphasis on a type of information which is inevitably speculative—after all, businesses continually change their plans in the face of changing market conditions.

I am also seriously concerned that the majority has drawn an adverse inference from petitioner's failure to bring forth information to questions which, had they been posed, would probably have elicited self-serving and unprovable answers. In spite of the fact that the majority does not state they are drawing an adverse inference as to intent, it is in effect doing so or the question of Japanese capabilities would not have been reached. The Commission did not make an aggressive effort to gather the relevant information; nevertheless we have a majority analysis regarding Japanese export production capability for the U.S. market on the basis of what could generously be described as a paucity of information on the record.

[42] *Supra*, n. 24.

[43] The petitioner has the burden of showing "changed circumstances" to support institution of a section 751 review investigation. The Commission is responsible for developing a record on which to base a determination.

My concern with the majority analysis becomes strong dissent when that analysis begins projecting various scenarios on the basis of such findings as to intent and capability.

Conclusion

In a non-review case no duties will be assessed if the Commission finds that there is no present or threatened material injury due to LTFV imports. In a review case, there are two conceptual paths which define the boundaries of the route to termination of duties. One is a finding that with the order in place the industry is so strong that no prospective dumping upon removal of the duties could injure it materially. The second is that the structure of the case is such as to be persuasive that no significant dumping is likely in the absence or modification of duties already in force. The course I have followed in this case has been a combination of these two conceptual paths.

In the face of a record which shows that future conditions will not make it advantageous for significant levels of LTFV Japanese imports to enter the United States and clear evidence of a continuing improvement in the condition of the dramatically transformed domestic industry, I find that an industry in the United States would not be materially injured or threatened with material injury by reason of imports of television receiving sets from Japan covered by the antidumping order if the order were revoked.

Issued: June 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18704 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Farmworker Litigation Support Fund, Inc., to provide legal assistance to poor migrant and seasonal farmworkers as a demonstration project.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Office of Field Services, 733-15th Street, N.W., Washington, D.C. 20005.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-18690 Filed 6-23-81; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Nevada Legal Services, Carson City, Nevada, for the delivery of legal services to the Native Americans in Nevada and the eligible clients in Carson City and Clark, Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Ney, Pershing, Storey, and White Pine Counties, Nevada.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, CA 94108.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-18648 Filed 6-23-81; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The June 22 and 23, 1981 meeting of the ACRS Subcommittee on Advanced Reactors scheduled to be held in Park Ridge, IL has been cancelled.

Notice of this meeting was published in the **Federal Register** on June 5, 1981 (46 FR 30222).

Dated: June 22, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18730 Filed 6-23-81; 11:10 am]

BILLING CODE 7590-01-M

Abnormal Occurrence; Occupational Overexposures

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). Example I.A.1 ("For all Licensees") of Appendix A of the abnormal occurrence Policy Statement notes that exposures of the feet, hands, or forearms of any individual to 375 rems or more of radiation can be considered an abnormal occurence. The following description of the event also contains the remedial action taken.

Date and Place—On February 2, 1981, Automation Industries, Inc., reported a possible overexposure to the thumbs of two individuals at their Nuclear Encapsulation Facility in Phoenixville, Pennsylvania. During the investigation of the overexposures to these two individuals, the NCR inspectors identified a third individual who had received an overexposure.

Nature and Probable Consequences—Automation Industries, Inc., is a licensed manufacturer of sealed sources containing radioactive material which are distributed to other licensees for use in industrial radiography. Prior to shipment, the sources are placed in a shielded container and cleaned of any loose surface contamination. In this operation, the licensee had been employing a procedure where the sources were withdrawn from a fully shielded position during cleaning. This caused the thumb and finger of the individual performing the cleaning to be exposed to a pencil-like beam of radiation of sufficent intensity to cause a radiation overexposure. As a result of cleaning and wipe testing of sources, two employees may have received hand exposure in excess of regulatory limits for several years prior to 1980, possibly for as long as seven years. The doses in previous years were such that either no

injury was evident or was so slight as to be ignored. During the Summer of 1980, the licensee received a shipment of iridium-192 with higher than normal loose contamination; in addition, one of the licensee's major customers specified a more stringent contamination limit for sealed sources shipped under the contract. Both of these required increased source cleaning resulting in hand doses which exceeded the threshold for visible radiation injury.

The employees stated that the first symptoms of injury developed sometime around July 1980. The first symptom noticed was a dryness of the skin at the nail area of the right thumb. One employee described the injury as resembling a growth under the thumbnail. He stated that he went to his doctor in July 1980 and the symptom was diagnosed as a fungus infection. He recalled that the condition worsened over the Summer with swelling, bleeding, sensitivity, and cracking of the right thumbnail developing in September and October 1980. The other employee stated that he developed redness of the skin and cracking of the thumbnail toward the latter part of December 1980. The right index finger and, to a lesser degree, other fingers, developed symptoms of dryness and flaking. The licensee's medical consultant examined both employees on February 2, 1981 and determined that the injuries were produced by radiation. During the investigation, the NRC inspectors identified a third individual who had been involved in cleaning sources and thereby received extremity overexposure. NRC inspectors estimate that extremity doses of about 25,000, 7,000, and 1,000 rems were received in 1980 by the three individuals involved in cleaning and wipe testing sources. The third individual had no sign of visible radiation injury.

An investigation conducted by the NRC's Region I office concluded that the licensee did not report these overexposures to the NRC in a timely manner. It appears that by November 1980 the licensee was aware that two employees may have received radiation injuries to their hands, but did not report this to the Commisssion until February 2, 1981. Furthermore, the licensee apparently withheld information concerning the exposure and injuries from an NRC inspector during a routine inspection on January 21, 1981.

Cause or Causes—The cause of the overexposures was due to the use of inadequate procedures for cleaning and wipe testing the sealed sources. Failure to perform adequate surveys and failure to provide employees fingertip dosimetry during cleaning operations prevented discovery of these overexposures until symptoms of visible radiation injury appeared.

Actions Taken To Prevent Recurrence

Licensee—The licensee has completely revised procedures for cleaning and wipe testing sources and has provided fingertip dosimetry to the appropriate personnel. The licensee has revised the management of the facility and radiation safety program. A radiation safety consultant has been employed to assist in the review of the licensee's program and to implement an audit program.

NRC—Upon being notified by the licensee of the overexposures on February 2, 1981 the NRC Region I office conducted special investigations of the licensee during the period of February 3–12, 1981, covering circumstances pertaining to the overexposures and to the licensee's notification of suspected radiation overexposure to employees. Three items of noncompliance were identified: exposure in excess of the limits of 10 CFR 20.101(a) to the hands of three individuals; failure to provide dosimetry required by 10 CFR 20.202(a); and failure to make immediate notification as required by 10 CFR 20.403(a)(1).

On February 3, 1981 an Immediate Action Letter was sent to the licensee by the NRC Region I office which documented mutual understandings regarding the prohibition of use of a particular device for decontaminating and wipe testing sources, providing proper fingertip dosimetry, changing and evaluating the dosimetry on a daily basis, and removing the two overexposed employees (who were orginally identified by the licensee) from all radiation work except for the use of remote manipulators.

On February 11, 1981 an Immediate Action Letter was sent to the licensee by the NRC Region I office which documented further mutual understandings regarding use of only an approved Automation Industries, Inc., radiography exposure device for decontamination and leak testing of sources until the NRC had approved alternate procedures, and that the licensee would submit all such procedures to NRC Headquarters by February 20, 1981 for approval.

On February 17, 1981 the NRC served upon the licensee an Order Suspending the License and an Order to Show Cause Why the Suspension Should Not be Continued, Pending Further Order. On February 28, 1981 the licensee responded to the Show Cause Order and described changes in the management of the facility and its radiation safety program together with revised procedures for cleaning and wipe testing sources. On March 6, 1981 the NRC rescinded the suspension of the license and ordered the licensee to implement the commitments contained in the licensee's February 26, 1981 response to the Show Cause Order.

Frequent inspections will be performed by Region I inspectors to ensure the effective implementation of the licensee's commitments.

Dated at Washington, D.C., this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-18665 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses to Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated at Bethesda, Maryland, this 18th day of July 1981.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Separative Work Unit, May 6, 1981, May 6, 1981, ISNM61006.	3.42 pct. enriched uranium	1,405.00	33.40	Feed material for UES/AT/100	From West Germany.
General Electric, Apr. 17, 1981, Apr. 28, 1981, XSNM01811.	3.65 pct. enriched uranium	49,113	1,323	Fukushima I, unit 6 reload	Japan.
General Electric, Apr. 17, 1981, Apr. 28, 1981, XSNM01812.	3.65 pct. enriched uranium	38,896	1,050	Tokai 2 reload	Japan.
Transnuclear, Apr. 29, 1981, Apr. 29, 1981, XSNM01813.	4.3 pct. enriched uranium	11,165.000	480.143	Reload fuel for S.E.N.A. reactor	France.
General Electric, May 4, 1961, May 8, 1981, XSNM01814.	4.0 pct. enriched uranium	620,000	14,200	LEU as fabricated fuel bundles—Initial cores and one reload core each Laguna Verde 3 and 4.	Mexico.
Marubeni America, May 8, 1981, May 11, 1981, XSNM01815.	3.85 pct. enriched uranium	34,857	945	Reload fuel for Fukushima I, unit No. 4	Japan.
Marubeni America, May 8, 1981, May 11, 1981, XSNM01816.	3.85 pct enriched uranium	7,075	192	Reload fuel for Fukushima I, unit No. 4	Japan.
Mitsui & Co., May 12, 1981, May 15, 1981, XSNM01817.	3.75 pct. enriched uranium	46,630	1,261	Reload fuel for Fukushima II, unit No. 1	Japan.
EXXON Nuclear, May 13, 1981, May 18, 1981, XSNM01818.	3.5 pct. enriched uranium	49,100	1,230	Two fuel reloads—Chinshan No. 1	Taiwan.
Transnuclear, May 20, 1981, May 21, 1981, XSNM01821.	93.3 pct. enriched uranium	7.994	7.458	Fuel for FRM research reactor	West Germany.
Transnuclear, May 20, 1981, May 21, 1981, XSNM01824.	93.3 pct. enriched uranium	38.095	35.543	Fuel for H.F.R. reactor at Petten	Netherlands.
Transnuclear, May 20, 1981, May 21, 1981, XSNM01825.	93.3 pct. enriched uranium	35.088	32.737	Fuel elements for R-2 reactor	Sweden.
Edlow International, May 21, 1981, May 26, 1981, XSNM01835.	2.65 pct. enriched uranium	10,834	309	Reload fuel for Takahama unit No. 2	Japan.
Edlow International, May 21, 1981, May 26, 1981, XSNM01836.	2.65 pct. enriched uranium	12,060	320	Reload fuel for Mihama unit No. 2	Japan.
Edlow International, Apr. 27, 1981, May 11, 1981, XU08525.	Normal uranium (0.711 pct.)	961,632		For conversion and fabrication for use in EURATOM LWR's.	EURATOM Countries.
General Electric, May 4, 1981, May 8, 1981, XR139.	Laguna Verde 3 and 4, 2,600 NWe total value $375,000,000.				Mexico.
Carpenter Tech., May 8, 1981, May 12, 1981, XCOM0035(01).	Additional 50 pieces Zircaloy-4 tubes and increase value to $400,000 for Atucha II.				Argentina.

[FR Doc. 81-18694 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341 Operating License]

Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2); Order Scheduling Prehearing Conference

Notice is hereby given that, pursuant to 10 CFR 2.752, a prehearing conference in the above matter will be held at 9:30 AM on Wednesday, July 22, 1981, in the United States Courthouse, Courtroom 902, 231 West Lafayette Street, Detroit, Michigan.

The parties are directed to be prepared to discuss the following:

a. A schedule for the conclusion of discovery;

b. Refinement of contentions;

c. A schedule for the final prehearing conference;

d. A schedule for the service of testimony;

e. A schedule for the evidentiary hearing; and

f. The possibility of a visit to the site by the Board.

It is so ordered.

Dated at Bethesda, Maryland this 18th day of June 1981

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman, Administrative Judge.

[FR Doc. 81-18685 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, TP 019-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Establishing Quality Assurance Programs for Packaging Used in the Transport of Special Form and Certain Normal Form Radioactive Material" and is intended for Division 7, "Transportation." It is being developed to provide persons subject to the quality assurance requirements of 10 CFR Part 71 with information on the essential elements needed to develop, establish, and maintain a quality assurance program for packaging to transport special form and certain normal form radioactive material. Special form material includes certain sealed sources containing byproduct material commonly used for radiographic, medical-teletherapy, and industrial purposes. Normal form material includes sealed sources not meeting special form requirements, contaminated reactor components, bulk oxides used in fabrication of reactor fuel, and enriched uranium hexafluoride.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 19, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 16th day of June 1981.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 81-18687 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 2); Order

June 18, 1981.

I

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

II

Following the accident of March 28, 1979, by Order for Modification of License, dated July 20, 1979, the licensee's authority to operate the facility was suspended and its authority was limited to maintenance of the facility in the present shutdown cooling mode (44 FR 45271, August 1, 1979). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility (45 FR 11282, February 20, 1980).

As a result of the accident, about 700,000 gallons of highly contaminated water are standing in the Reactor Building sump and an additional approximately 95,000 gallons of highly contaminated water are contained in the reactor coolant system. In addition to the highly contaminated water, approximately 100,000 gallons of intermediate level water is being held in Auxiliary Building tanks. Although the highly contaminated waste water is presently safely contained in the Reactor Building sump and reactor coolant system, its presence there constitutes a continuing risk of leakage to the environment and prevents or hinders the performance of the major decontamination activities. The Commission has clearly stated its intent that the licensee proceed expeditiously with all decontamination activities consistent with protection of the public health and safety and the environment. (Statement of Policy; Programmatic Environmental Impact Statement of the Cleanup of Three Mile Island Unit 2, 46 FR 24764 (May 1, 1981).)

The licensee has constructed the Submerged Demineralizer System ("SDS") for processing (decontamination) of this highly contaminated water. After processing by the SDS, the water may, if necessary, be further processed ("polished") by the EPICOR-II system, which has been previously used to decontaminate water which was located in Auxiliary Building tanks. The intermediate level water which was accumulated since processing of the Auxiliary Building water with the EPICOR-II system will also be processed with the SDS in order to minimize generation of solid waste and to check out the operation of the SDS. The SDS system has been thoroughly reviewed by the NRC Staff and the conclusions of that review are set forth in the Staff's Safety Evaluation Report (NUREG 0796, June 1981). The EPICOR-II system had been previously reviewed and approved by the Staff for treatment of Auxiliary Building water and has been further reviewed for its polishing application to the SDS effluent.

After processing, the decontaminated water would be stored in onsite tanks and the filters and zeolite ion exchanger vessels used in the SDS decontamination process would be temporarily stored underwater in the TMI-2 spent fuel storage pool. The EPICOR-II resin liners, if any, would be temporarily stored in the existing onsite storage modules. The Department of Energy has stated its willingness to utilize and retain for research and development purposes the high specific activity zeolite solid wastes resulting from operation of the SDS. Low specific activity wastes (including filters) resulting from these operations should be suitable for disposal by shallow land burial. The processed water will be stored on site in available tankage until its disposition is proposed by the licensee, reviewed by the Staff and approved by the Commission.

On the basis of its review, the Staff has determined that processing of the Reactor Building sump and reactor coolant system highly contaminated water with the SDS and EPICOR II system would (1) enable the decontamination of the TMI-2 facility to proceed and (2) place the radioactivity in the waste water into an immobilized state from which release to the environment is much less likely. Processing of the Auxiliary Building tankage intermediate level water with the SDS would minimize generation of solid waste and enable the licensee to check out the operation of the SDS.

The Staff has determined that the public health, safety and interest require that the licensee promptly commence and complete processing of the highly contaminated Reactor Building sump and reactor coolant system water and the intermediate level water in the Auxiliary Building tanks with the SDS and, if necessary, polishing by the EPICOR-II system.

III

Accordingly, pursuant to sections 103, 161b and 161i of the Atomic Energy Act of 1954, as amended, and the Commission's Regulations in 10 CFR Parts 2 and 50, it is ordered effective immediately that: The licensee shall promptly commence and complete processing of the highly contaminated Reactor Building and reactor coolant system water and the intermediate level water in the Auxiliary Building tanks with the SDS and, if necessary, the EPICOR II system.

IV

The licensee or any person whose interest may be affected by this Order may, on or before July 24, 1981, file a request for a hearing with respect to this Order, pursuant to 10 CFR 2.714. A

request for a hearing shall be submitted to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the request for a hearing should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be: Whether on the basis of the matters set forth in section II of this Order, this Order should be sustained.

The NRC Staff's Safety Evaluation Report (NUREG 0796) is available for inspection and copying, for a fee, at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. Copies are also available for inspection at the NRC's office at 100 Brown Street, Middletown, Pennsylvania 17057. Copies may be purchased for $4.50 directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-18688 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445-OL and 50-446-OL]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Texas Utilities Generating Company, et al.* (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50-445-OL and 50-446-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Marshall E. Miller. Mr. Valentine B. Deale was Chairman of this Board but is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: Marshall E. Miller, Chairman, Forrest J. Remick, Richard F. Cole.

All 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: Administrative Judge Marshall E. Miller, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 18th day of June, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-18689 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Resolution of Complaint of Price-Undercutting of Subsidized Cheese Imports

On May 21, 1981, The United States Trade Representative received a letter from the Secretary of Agriculture informing him of the Secretary's finding that imported Swiss type cheese produced in Denmark and the Federal Republic of Germany has been offered for sale in the United States at duty-paid wholesale prices which are 17 and 7 cents per pound, respectively, less than the domestic wholesale market price of similar cheese produced in the United States.

In accordance with Section 702(c)(2) of the Trade Agreements Act of 1979 (the Act) (19 USC 1202 note), the Office of the United States Trade Representative notified the Commission of the European Communities of the price undercutting determination made by the Secretary of Agriculture, requested that corrective action be taken, and asked for appropriate assurances concerning the commitments made in the Arrangement Between the United States and the Community Concerning Cheeses.

On June 5, 1981, the Commission of the European Communities notified the United States Trade Representative that measures have been taken to ensure that the duty-paid wholesale price of imported Swiss type cheese produced in Denmark and the Federal Republic of Germany will not be less than the domestic wholesale market price of similar cheese produced in the United States.

In addition, the Commission gave assurance that it will respect the price commitments in the Arrangement. Since the above notification by the Commission of the European Communities has occurred within the 15-day period provided in Section 702(c)(3) of the Act, the United States Trade Representative has notified the Secretary of Agriculture of his belief that no further action is required.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 81-18650 Filed 6-23-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22091; 70-6606]

Jersey Central Power & Light Co., et al; Proposed Sale of Equipment

June 18, 1981.

In the Matter of Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pennsylvania 19507; and Maine Yankee Atomic Power Co., Edison Drive, Augusta, Maine 04336.

Jersey Central Power & Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("PENELEC"), subsidiaries of General Public Utilities Corporation, a registered holding company, and Maine Yankee Atomic Power Company ("MYAPCO"), a subsidiary of the New England Electric System and Northeast Utilities, registered holding companies, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to Sections 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

JCP&L, Met-Ed and PENELEC (collectively, the "Owners") propose to sell, and MYAPCO proposes to acquire, a turbine-driven steam generator feedwater pump and one spare rotating element (together the "Pump") belonging to the Owners and located at the Three Mile Island Nuclear Generating Station Unit No. 2 ("TMI-2). The Pump is not

presently being used and will not be used for an estimated five to seven years. MYAPCO seeks to acquire the Pump because a feedwater pump at its plant in Wiscasset, Maine has to be replaced and there is a lengthy lead time for purchasing such pumps from the manufacturer. The sale would provide the Owners with necessary cash and relieve them of the cost and risk of maintaining and securing the pump while inactive.

The contract price would be $228,918. This price includes the Owners' depreciated book costs (including overhead and allowance for funds used during construction) of $181,512 as of December 31, 1980. The contract price also includes an amount estimated to be $47,406 representing the income tax effect on the difference between the Owner's book costs and bases of the Pump plus an amount to compensate for income taxes on such difference.

The contract price will be paid in escrow by MYAPCO to the Owners' bond indenture trustees. The escrow will be terminated upon the Owners obtaining necessary authorization by their boards of directors as well as by federal and state agencies for the proposed actions. If such authorization is not received, MYAPCO will return the Pump and the cash in escrow will be returned to MYAPCO, less cost incurred to undo the transaction. The Pump would be purchased in its "as is, where is" condition, subject to the liens of the Owners' bond indentures. Such liens would be released upon termination of the escrow and release of the funds to the Owners for deposit with the trustees under applicable indenture provisions. In addition to the contract price, MYAPCO would pay costs associated with transferring the Pump to MYAPCO's plant as well as other applicable costs including expenses for taxes, regulatory authorization, and mortgage releases.

MYAPCO has agreed to purchase and deliver to TMI-2, at its cost and risk, a new pump. The new pump would be of the same type or a compatible type if the same type is unavailable. MYAPCO would be paid $181,512, which represents the Owners book costs exclusive of dismantling or shipping costs or grossing-up taxes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 13, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18617 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11819; 812-4876]

Midwest Income Trust; Filing of Application

June 17, 1981.

Notice is hereby given that Midwest Income Trust ("Applicant") 522 Dixie Terminal Building, Cincinnati, Ohio 45202, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 11, 1981, for an order to amend an existing order of exemption granted on October 28, 1980, to its predecessor, Midwest Income Investment Company ("MIIC"), pursuant to Section 6(c) of the Act, exempting MIIC from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit MIIC to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase (Investment Company Act Release No. 11415). 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 it is a Massachusetts business trust that operates as a no-load fund offering two series of shares, one of which is a money market fund known as the "Short Term Government Fund" ("Fund"). Applicant also states that the object of the Fund is to obtain a high current income consistent with production of capital by investing exclusively in short term government obligation with a dollar weighted average portfolio maturity of 120 or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that it was organized for the specific purpose of succeeding to the business of MIIC to which the Commission granted an order pursuant to Section 6(c) exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its assets at amortized cost. Applicant further states that in a letter dated September 9, 1980, the Division of Investment Management stated that it would not recommend any action to the Commission if, pursuant to a plan of reorganization, the Applicant did not seek an amendment to any order issued to MIIC pursuant to Section 6(c), in connection with MIIC's use of the amortized cost method of valuation,

provided Applicant complied with all the provisions of the order. Applicant also states that the Fund now complies with all the provisions of that order but proposes to reduce the net asset value per share from $1,000 to $10 by means of a stock split whereby each shareholder would receive 100 shares of stock for each share currently owned.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize the net asset value per share of its Short Term government fund, as computed for the purpose of distribution, redemption and repurchase, at $10 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of its Short Term Government Fund as determined by using available market quotations from the $10 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $10 amortized cost price per share of its Short Term Government Fund exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $10 amortized cost price per share of its short Term Government Fund may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of the Short Term Government Fund; withholding dividends; utilizing a net asset value per share as determined by using available market quotations; or a reevaluation of all or an appropriate proportion of the portfolio based on current market values.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share, for its Short Term Government fund; provided, however, that Applicant will not (a) purchase for its Short Term Government Fund any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity of the Short Term Government Fund which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its Short Term Government Fund portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 13, 1981, 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 or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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. 81–18615 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 17, 1981.

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:

Dome Petroleum Limited
Common Stock, $2.50 Par Value (File No. 7–5950)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1981 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. 81–18614 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 17870; SR–NASD–81–2]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 16, 1981.

On February 25, 1981, the National Association of Securities Dealers, Inc. (the "NASD"), 1735 K Street, N.W., Washington, D.C. 20003 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1) and Rule 19b–4 thereunder, copies of a proposed rule change to amend Part I of Schedule D of the NASD's By-Laws. The proposed rule change would permit NASDAQ market makers to display on a voluntary basis a quotation for an amount of securities in excess of the normal unit of trading ("size"). This information will be available only to subscribers of Level 2 and Level 3 Services. The rule change provides that market makers will be obligated to execute a buy or sell order up to and including the size displayed. The display of size will be implemented six months after the ongoing conversion to new multi-purpose NASDAQ terminals is completed. Notice of the proposed rule change and its terms was given by publication of a Commission release (Securities Exchange Act Release No. 17643, March 19, 1981) and by publication in the **Federal Register** (45 FR 21301, April 9, 1981). No comments were received.

Prior to filing the proposed rule change, the NASD's Board of Governors solicited comments from members, issuers, and other interested parties [1] and received 66 comment letters. While many commentators expressed support for the proposal, a majority expressed reservations with the need for size, the potential harm to the competitive position of smaller broker-dealers, and the difficulty in assuring that size displays would be honored. Several commentators also requested that immediate implementation of the proposed rule change be delayed because of the administrative burden, potential errors which might result given recent increased NASDAQ volume, the elimination of representative quotations and the terminal conversions.

The NASD states that the size proposal was developed by committees composed almost exclusively of representatives from the securities industry who believe size will provide market makers with an opportunity to attract order flow. Furthermore, the NASD believes the proposed rule change will benefit smaller broker-dealers by enabling them to compete more effectively and will enhance competition in the market. With respect to enforcement problems, the NASD states that display of size is voluntary, that price negotiations are permissible for orders larger than displayed size and that the NASD's quotation rule [2] will continue to provide investor protection. The NASD does believe that implementation of the size requirement should be deferred further to permit adjustment by the NASDAQ markets to pending changes in the system.[3]

[1] NASD Notice to Members 80–16 (November 26, 1980).

[2] Art. III, Sec. 8 of the NASD's Rules of Fair Practice, NASD Manual (CCH ¶2156).

[3] Size will be required by February, 1982, of all NASDAQ Market Makers giving quotations in national market qualified securities.

The Commission has considered the issues discussed in the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered national securities association and, in particular, the requirements of Section 15A and the rules and regulations thereunder. The provision of size information should enhance the pricing efficiency of the over-the-counter market by providing investors and broker-dealers additional information regarding the depth and liquidity of the market for a particular security. Moreover, the dissemination of quotation size may enhance the ability of brokerage firms to ensure best execution of their customers' order. Furthermore, in light of the voluntary nature of the size requirement, the proposed rule change would not appear to impose any significant competitive burdens on over-the-counter market makers since they would not be required to assume the market making risks entailed in disseminating quotations on size. The Commission agrees with the NASD that the voluntary size requirement will not adversely effect the competitive position of smaller broker-dealers since it will facilitate efforts of those broker-dealers to more effectively attract orders through the display of quotation size.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18616 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–7436]

Republic New York Corp., $2.125 Cumulative Preferred Stock, Common Stock, $5 Par Value; Application To Withdraw From Listing and Registration

June 17, 1981.

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 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from

listing and registration include the following:

1. The common stock and the preferred stock of Republic New York Corporation ("Company") have been listed and registered on the Amex since June 20, 1974 and October 24, 1977, respectively. Pursuant to a Registration Statement on Form 8-A which became effective on August 8, 1980, 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 and the preferred stock on the Amex and the NYSE and believes that the dual listng imposes an administrative burden on the Company.

2. This application relates solely to withdrawal of the common stock and the preferred stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stocks on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 9, 1981, 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. 81-18619 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22092; 31-783]

Transwestern Pipeline Co.; Application for Order Pursuant to Section 2(a)(4)

June 18, 1981

Notice is hereby given that Transwestern Pipeline Company ("Transwestern"), P.O. Box 2521, Houston, Texas 77001, an interstate pipeline company, has filed with this Commission an application and an amendment thereto pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be a "gas utility company" under the Act. All interested persons are referred to the amended application, which is summarized below, for a description of applicant and a statement of the basis upon which the exemption is sought.

Transwestern is an interstate pipeline company, directly engaged in the Interstate transportation and sale of natural gas. Transwestern is also engaged, through subsidiaries, in oil and gas exploration and in other non-utility businesses. At December 31, 1980, Transwestern's consolidated assets were approximately $425 million, and its gas revenues for the year then ended were approximately $776 million. Transwestern's pipeline system extends from West Texas and Oklahoma to the California-Arizona border.

More than 99% of Transwestern's capital stock is directly owned by a wholly owned subsidiary of Texas Eastern Corporation ("Texas Eastern"). Texas Eastern is a diversified company engaged directly and through subsidiaries in the interstate transportation of natural gas for resale, oil and gas exploration, real estate and other non-utility businesses. At December 31, 1980, Texas Eastern's consolidated assets were approximately $3.3 billion; for the year then ended consolidated operating revenues were approximately $4.3 billion, and consolidated net income was approximately $220 million.

Transwestern's natural gas sales, by types of and average number of customers, for the year ended December 31, 1980, were as follows:

[Dollars in thousands]

	Amount	Average No. of customers
Municipal	$124	1
Gas utilities	635,222	7
Pipeline companies and gas producers	138,583	1
Manufacturers and other industrial	1,114	1
Farm, rural and irrigation	704	67
	775,747	77

Transwestern's rural sales constituted .098% of its total gas sales for 1980. Applicant states that such sales are made exclusively pursuant to "tap" clause arrangements entered into with landowners in exchange for right-of-way grants. Transwestern has entered into such contracts with hundreds of rural landowners in Texas, Oklahoma and New Mexico, and presently serves about 70 such customers. Under these arrangements, a short line is laid from the pipeline to a point on the customer's property where a gas meter is installed, and gas delivery from there to the points of use is the customer's responsibility through his own facilities. The terms of sale are set under contract. Transwestern does not engage in any distribution to identifiable communities within geographic areas designated under franchises. Applicant further states that its rural sales are of a special and limited character within the meaning of *Panhandle Eastern Pipe Line Company*, HCAR No. 22060 (May 21, 1981).

Transwestern has applied for an order declaring it not to be a "gas utility company" pursuant to Section 2(a)(4) of the Act. Section 2(a)(4) provides that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Rule 10(a)(1) under the Act provides that a company shall be exempt from the duties, liabilities and obligations imposed under the Act upon it as a "holding company" with respect to a subsidiary which, insofar as it is a public utility company, is declared not to be a "gas utility company" under Section 2(a)(4).

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 16, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified or any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18618 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11108]

Wang Laboratories, Inc.; Application and Opportunity for Hearing

Notice is hereby given that Wang Laboratories, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the Trusteeship of the Chase Manhattan Bank (National Association) ("Chase") under Indentures of the Company dated as of August 15, 1980 and December 1, 1980 (the "Qualified Indentures") which were heretofore qualified under the Act, and the trusteeship by Chase under an Indenture of Wang Laboratories (N.A.) N.V. and the Company, as Guarantor, dated as of May 15, 1981 (the "New Indenture") which is not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the Qualified Indentures and under the New Indentures.

Section 310(b) of the Act, which is included in Section 608 of each of the Qualified Indentures, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Section (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 608 of each of the Qualified Indentures), seeks to exclude the New Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in Section 608 of each of the Qualified Indentures) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon that the trusteeship of Chase under the Qualified Indentures and under the New Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of these Indentures.

The Company alleges that:

(1) At April 1, 1981, it had outstanding $99,001,000 principal amount of 9% Convertible Subordinated Debentures due 2005 and $100,000,000 of its 9½% Convertible Subordinated Debentures due 2005 issued under the Qualified Indentures (dated August 15, 1980 and December 1, 1980, respectively). The Debentures issued pursuant to the Qualified Indentures were registered under the Securities Act of 1933 (File Nos. 2-68793 and 2-69964, respectively) and the Qualified Indentures were qualified under the Trust Indenture Act of 1939;

(2) Wang Laboratories (N.A.) N.V. proposes to issue and sell $40,000,000 principal amount of 9¼% Convertible Subordinated Guaranteed Debentures due 1996, guaranteed by the Company on a subordinated basis, to be issued under the New Indenture. Chase is trustee under the New Indenture. The New Debentures are not being offered or sold directly or indirectly in the United States of America (including its territories or possessions), or to nationals or residents of the United States of America, as part of the distribution of the New Debentures. The issuance of these Debentures is therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) The obligations of the Company under the Qualified Indentures and the New Indenture are wholly unsecured, and rank pari passu inter se;

(4) The Company's guarantee of the New Debentures is neither superior nor inferior in right of payment to the Qualified Debentures;

(5) It is not in default under the Qualified Indentures or the Qualified Debentures;

(6) Such differences as exist between the Qualified Indentures and the New Indenture are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of the Debentureholders to disqualify Chase from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that and order granting the application may be issued by the Commission at any time on or after July 21, 1981, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, no later than July 20, 1981 at 5:30 P.M., Eastern Daylight Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W. Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18683 Filed 6-23-81; 9:10 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

International Pipeline Permit: Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Maine: Project Modifications

This is in reference to the Notice published in the **Federal Register**, Volume 46, page 14248 (February 26, 1981) regarding an application for a permit authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The company operates pulp and paper plants on opposite sides of the river, and proposes to transport steam generated in Edmunston through the pipeline across the St. John River (the U.S.-Canadian boundary). The pipeline would cross the river on a new bridge.

Notice is hereby given that the Department of State has received an amendment to the application submitted

by the company, involving modifications in the design and construction of the new bridge supporting the pipeline. The original proposal for a suspension bridge has been modified to provide for a conventional bridge with two piers to be located in the St. John River. In order to build the concrete footings in the river, two cofferdams will be constructed.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated April 16, 1968 (the Order), and the International Bridge Act of 1972 (33 U.S.C. § 535). Interested persons may submit their views regarding this application, as modified, in writing by July 10, 1981, to the Office of the Assistant Legal Adviser for European Affairs, Room 5417A, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

The application, together with the recent modification, and related documents which are made part of the record to be considered by the Department of State are available for inspection and copying in the Office of the Assistant Legal Adviser for European Affairs during normal business hours. Any questions relating to this notice may be addressed to this office at the above address (phone: 202–632–9500).

Dated: June 4, 1981.

Ted A. Borek,

Assistant Legal Adviser for European Affairs.

[FR Doc. 81-18640 Filed 6-23-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

[Department Circular Public Debt Series—No. 19-81]

Treasury Bonds of 2001; Auction

June 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Bonds of 2001 (CUSIP No. 912810 CW 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated July 2, 1981, and will bear interest from that date, payable on a semiannual basis on February 15, 1982, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 2001, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, June 25, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, June 24, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediatley after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will

be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issued discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotment securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Thursday, July 2, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, June 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number of an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18645 Filed 6-23-81; 8:45 am]

BILLING CODE 4810-10-M

[Department Circular Public Debt Series—No. 20-81]

Treasury Notes of July 15, 1988, Series E-1988; Auction

June 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Notes of July 15, 1988, Series E-1988 (CUSIP No. 912827 MB 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent

of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated July 7, 1981, and will bear interest from that date, payable on a semiannual basis on January 15, 1982, and each subsequent 6 months on July 15 and January 15 until the principal becomes payable. They will mature July 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Tuesday, June 30, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 29, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, July 7, 1981.

Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treaury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, July 2, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D. C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18646 Filed 6-23-81; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Average System Cost Methodology and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of Proposed Average System Cost Methodology; Request for Recommendations and Comments from the Public.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) provides that whenever a Pacific Northwest electric utility offers to sell electric power to BPA at its average system cost (ASC) of resources, BPA shall buy that power, and, in return, shall offer to sell an equivalent amount of power to the utility for resale to that utility's qualifying residential and farm consumers. Furthermore, the Regional Act requires that the BPA Administrator, in consultation with the Pacific Northwest Electric Power Planning and Conservation Council, BPA's customers, and appropriate State regulatory bodies, develop a methodology to determine the ASC. This methodology is subject to review and approval by the Federal Energy Regulatory Commission (FERC).

Following completion of an initial consultation process, BPA has developed a proposed ASC methodology that is described and discussed in this Notice. Generally, the proposed methodology defines ASC as a selling utility's production and transmission costs, less any costs specifically excluded by provisions of the Regional Act, divided by the utility's energy load. To a significant extent the proposed ASC methodology utilitizes the investment, operating cost, and load data approved by the regulatory or other body authorized to establish retail electric rates. Upon request, BPA will provide copies of the text of the proposed ASC methodology including Schedules 1–6 described below.

In light of the Regional Act requirement for a consultation process and the limited time available before October 1, 1981, the earliest date sales can be made, BPA has chosen, consistent with BPA's "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 26368 May 12, 1981), to combine the Notices of Intent and Proposed Policy. This decision was made because the consultation process substantially duplicated the Notice of Intent process by providing for recommendations from interested parties.

BPA is requesting comments from the public on this proposed Average System Cost Methodology. BPA will be holding a public hearing Wednesday, July 8, 1961, beginning at 9 a.m. in the BPA Auditorium, 1002 NE. Holladay St., Portland, Oregon. BPA will open the hearing with a brief explanation of the proposed methodology. Following the BPA presentation, the staff will answer any clarifying questions. Oral comments from the public will then be accepted. To assure a thorough evaluation of the comments the hearing will be transcribed.

Written comment also is encouraged and will be accepted at the public hearing or can be mailed to BPA. The comments received will be evaluated and where appropriate will be incorporated into a final proposed Average System Cost Methodology that is scheduled to be published and forwarded to FERC in July 1981.

EFFECTIVE DATE: Written comments postmarked no later than July 24, 1981, will be accepted and considered.

ADDRESSES: A copy of the methodology text is available for distribution or review by contacting the Public Involvement office or BPA's Area or District offices shown below. Written comments not presented at the hearing must be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234–3361, ext. 4261. BPA maintains toll-free lines for use by persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361, ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION:

I. Background to Proposal Development

A. *Relevant Provisions of the Pacific Northwest Electric Planning and Conservation Act.* Section 5(c)(1) of the Regional Act authorizes an exchange of power between BPA and Pacific Northwest utilities to enable those utilities' residential customers to have a wholesale power cost that is equal to BPA's lowest cost firm power rate. Residential use is defined in the Regional Act in Section 3(18) as all usual residential, apartment, seasonal dwelling, and farm electrical use, but limited to 400 horsepower of farm irrigation and pumping load per monthly billing period per farm. The Regional Act requires BPA to buy electric power offered for sale to it by Pacific Northwest utilities at the average system cost (ASC) of the utilities'

eligible resources. BPA in turn will sell to the electric utility an equivalent amount of electric power at BPA's wholesale firm power rate for resale to the utility's residential users within the region. The Regional Act provides that the amount of the exchange shall be increased in equal annual increments from 60 percent of a utility's regional residential load for the year beginning July 1, 1981, to 100 percent of this load for the year beginning July 1, 1985. It is anticipated that substantial cost benefits will be passed through to the participating utilities' residential customers because BPA's wholesale firm power rate is less than the prospective ASC of certain Pacific Northwest utilities.

Section 5(c)(7) of the Regional Act requires that the costs of three kinds of resources be excluded from the determination of ASC: (1) resources serving new large single loads; (2) resources serving extraregional load growth; and (3) resources that are terminated prior to initial commercial operation. The Regional Act also provides that BPA shall develop a methodology to determine the ASC. The methodology is to be developed in consultation with the Northwest Power Planning Council, BPA's customers, and appropriate State regulatory bodies. The ASC methodology is subject to review and approval by the Federal Energy Regulatory Commission (FERC). Furthermore, Section 9(g) of the Regional Act provides that FERC shall convene a joint State board to assist FERC in the review of investor-owned utility rates calculated pursuant to the ASC methodology.

B. *Consultation Process.* Based on the Regional Act's mandated consultation process and the compressed time frame for developing the ASC methodology, BPA has combined the Notices of Intent and Proposed Policy as specified in BPA's "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 26368, May 12, 1981). This determination was made because the consultation process specified in the Regional Act substantially duplicates the notice of intent procedure in that the consultation process was intended to offer interested persons the opportunity to make recommendations on the development of the proposed methodology. In addition, weekly public notice of the consultation meetings was given through the BPA Meeting Calendar and interested parties were initially notified of the meetings by letter.

The consultation process consisted of a series of working group meetings and included representatives from BPA, BPA's customers, State regulatory bodies, and other interested parties. The aim of the consultation process was to develop an ASC methodology that would achieve the intent of the Regional Act and be equitable, technically sound, and administratively feasible. The participants in the consultation process represented groups with divergent interests concerning the financial or rate impacts of the ASC methodology.

The process of determining utility costs involves numerous complex financial, legal, and operating matters. As such, in the course of the consultation process numerous alternative techniques for determining ASC were identified and discussed. Given the complex and interrelated nature of determining ASC, the proposed ASC methodology represents an effort to specify a methodology that not only is appropriate in terms of particular computational steps, but also balances many factors to produce a result that overall is appropriate and reasonable. While the consultation process has not resulted in a consensus on all ASC matters, a consensus among the participating parties was reached on the basic procedures to be used in the ASC methodology as well as on numerous specific features of the methodology.

II. Proposed Average System Cost Methodology

A. *Definitions.*

1. *Jurisdiction.* A state, a public utility district, a city, or the service area of a utility for which a special board has authority to regulate the retail rates of the utility.

2. *Commission.* A State regulatory body, preference utility governing body, or other entity authorized to establish retail electric rates or tariffs in a jurisdiction.

3. *Test Period.* The time period, not to exceed 12 months, used by the Commission to determine costs and the revenue requirement for retail ratemaking purposes.

4. *Cost.* The aggregate dollar amount allowed or relied on by the Commission for the test period revenue requirement for the utility in a jurisdiction.

5. *Eligible Resources.* The generation and transmission resources minus the resources excluded by the Regional Act.

6. *Functionalization.* Categorizing a utility's costs into generation, transmission, distribution, and other types of costs.

B. *Overview of Proposed Methodology.* The ASC methodology requires a separate ASC for each jurisdiction in which the utility seeks to exchange. The proposed ASC methodology requires that the exchanging utility's ASC be adjusted when the commission makes new cost determinations in conjunction with a change in retail rates. The costs and loads used in determining the ASC for each exchanging utility in each jurisdiction will be those allowed by the Commission. ASC in the methodology is generally defined as the average costs of the selling utility's production and transmission resources, less costs required to be excluded by the provisions of the Regional Act, divided by the utility's firm load. As such, the proposed ASC methodology provides for the separation (functionalization) of production, transmission, and other costs, and for the exclusion of certain specific costs.

The cost and load data required to derive the ASC will be submitted to BPA by the exchanging utility on six schedules included as part of Exhibit D, Appendix 1, of the Residential Purchase and Sale Agreement. Exhibit D is the statement of the methodology. The six schedules are identified in Appendix 1 as: Schedule 1—Plant Investment/Rate Base/Rate-of-Return, Schedule 2—Capital Structure and Cost of Capital, Schedule 3—Expenses, Schedule 4—Income Taxes, Schedule 5—Average System Cost, and Schedule 6—Jurisdictional Amount. Regulated electric utilities are generally required to maintain their accounts according to a Uniform System of Accounts prescribed by the FERC. To provide for reporting standardization and greater uniformity in functionalization, the cost data submitted on the ASC schedules is to be consistent with the FERC Uniform System of Accounts. If an exchanging utility does not follow the FERC system of accounts, the schedules the utility files must include a reconciliation between its accounts and the FERC accounts allowed in the ASC methodology. The schedules include a number of instructional footnotes that describe various computational steps, including directions regarding the functionalization of items. For most cost items, the required functionalization is identified directly from the FERC Uniform System of Accounts. For the other items, functionalization is to be accomplished by the method specified in the applicable footnote.

Following the identification of total utility costs and total costs by jurisdiction, the ASC methodology requires that the cost of the utility's eligible resources in the test period be calculated. The test period is that period used by the Commission to determine

costs in setting retail rates. Eligible resources do not include distribution facilities and items required to be excluded by the provisions of the Regional Act. In general, the cost of eligible resources is equal to the sum of the following: (1) the eligible rate base times the authorized rate of return and (2) eligible operating expenses (excluding certain cost offsets). Subsequent to the calculation of the allowable costs, the ASC methodology requires that a unit cost per kilowatthour be calculated by dividing the allowable costs by the jurisdictional energy load used by the Commission in establishing retail rates, adjusted for distribution losses, and other factors.

C. *Schedules.* Schedule 1 (Investment/Rate Base/Rate-of-Return)—In this schedule the exchanging utility specifies by jurisdiction the items comprising Total Gross Plant such as Plant-in-Service, General Plant, and Construction Work in Progress. To permit the calculation of a jurisdictional rate base Schedule 1 also includes items such as Depreciation Reserve, Accumulated Deferred Taxes, and Working Capital. On Schedule 1 the total jurisdictional rate base is divided between excluded items, production, transmission, and an "other" rate base category (mainly distribution). Only the production and transmission rate base is included in the calculation of ASC. As a final step on Schedule 1, the authorized jurisdictional rate-of-return is multiplied by the rate base to yield a test period return on investment.

Schedule 2 (Capital Structure and Cost of Capital)—This schedule identifies for the test period the absolute and relative dollar amounts for each component of the utility's capital structure (i.e., debt, preferred stock, and common equity). Furthermore, both the percentage cost of each component and an overall weighted percentage cost of capital are shown. It is this overall weighted cost of capital (i.e., rate-of-return) that is applied to the rate base in Schedule 1.

Schedule 3 (Expenses)—This schedule lists the test period expenses for items such as fuel, purchased power, operation and maintenance, income and other taxes. In addition, Schedule 3 specifies that the revenues from special services such as nonfirm energy sales are to be offset against the test period expenses in calculating the costs relevant to ASC. As with Schedule 1, the expenses reported in Schedule 3 are separated by function and the excluded category based on the FERC system of accounts and instructions included by footnote.

Schedule 4 (Income Taxes)—This schedule describes the calculation of the test period Federal income tax amount allowed and the functionalization of that expense. The income tax expense calculated in Schedule 4 is carried forward to Schedule 3 and included with other test period expenses.

Schedule 5 (Average System Cost)—This schedule details the final computational steps involved in calculating ASC. Specifically, the sum of production and transmission expenses, including return, shown on Schedule 3 is divided by the test period load. The load is adjusted for nonfirm energy sales related to the revenue offset on Schedule 3 for excluded load and its related losses and for distribution losses. This calculation results in a jurisdictional ASC stated in mills per kilowatthour. For the Exchange Period this is the rate at which BPA will buy power offered for sale relative to that jurisdiction. The Exchange Period is the period during which the exchanging utility's retail rate schedules are in effect.

Schedule 6 (Jurisdictional Amount)—This schedule is basically a support schedule that aids in separating the exchanging utility's approved test period costs between jurisdictions.

D. *Additional ASC Methodology Features.* In addition to specifying the method to be used in calculating the ASC, the proposed methodology specifies a procedure for BPA development of an ASC rate, procedures for submission of such investor-owned utility rates to FERC and provisions for initiating another consultation process to determine if a change in the methodology should be proposed.

Whenever new retail rates are formally approved by a Commission, the utility will submit a revised Appendix 1 (Schedules 1–6) reflecting the approved costs and loads on which a new ASC rate will be based. The provisions of the proposed ASC methodology provide that BPA shall review each Appendix 1 to ascertain that the costs and other information included are consistent with generally accepted accounting principles for electric utilities and the ASC methodology. BPA must conduct its review as promptly as possible, make a written report of its findings, and adjust the file Appendix 1 if discrepancies are identified.

The ASC rate determined by BPA for an investor-owned utility will be filed by that utility with FERC for review. In a case where BPA has adjusted the Appendix 1 and the ASC rate of an investor-owned utility, that utility also may choose to file the ASC rate originially submitted to BPA. Section 9(g) of the Regional Act requires that FERC convene a joint State board to assist FERC in review of the ASC rates. The BPA determined ASC rate for a publicly owned utility is not subject to review by the joint State board or FERC. In all cases such adjustment may be subject to a final order by a reviewing court.

Any surplus or deficiency in the amount of revenue paid to an exchanging utility pursuant to an Appendix 1 that is subsequently adjusted by BPA will be paid to the affected party with interest. In case of an investor-owned utility, any such adjustment by BPA will be subject to a final review and order by the joint State board or FERC.

The provisions of the ASC methodology provide that BPA will initiate a consultation process at the request of three-quarters of the exchanging utilities at the request of three quarters of BPA's direct-service industries or at BPA's own discretion for the purpose of considering and possibly proposing changes in the ASC methodology. Any proposed revisions to the methodology would be submitted to the public for comment and then to FERC for approval.

III. Discussion of Significant Concepts of the Mehtodology.

In the course of developing the proposed ASC methodology, the parties dealt with several significant concepts. These concepts are discussed below.

A. *Jurisdictional Costing Approach.* The ASC methodology proposed by BPA utilizes a jurisdiction-by-jurisdiction determination of the ASC, based on the overall revenue requirement and cost determinations made by a Commission in establishing retail rates. Several utilities that may elect to enter into the exchange agreement with BPA are subject to more than one regulatory jurisdiction in establishing retail electric rates. One of the most notable benefits of the jurisdiction-by-jurisdiction approach is that it utilizes existing rate setting processes to the extent possible, minimizing the number of independent cost determinations that otherwise would need to be made in calculating ASC. If, for instance, the proposed ASC methodology did not rely on the overall revenue requirement findings of a Commission, matters such as test period, rate base and rate-of-return would have to be established separately for the ASC determination. The parties to the consultation process devoted considerable time in considering an ASC determination process that would be independent of cost findings made in

establishing retail rates. Such a process could result in fewer ASC determinations needing to be made for multistate utilities. However, this approach was judged to require an additional and expanded regulatory process that may not result in any significant improvement in cost determination.

In addition, because the jurisdiction-by-jurisdiction approach ties ASC to the overall costs used in establishing retail rates, it likely will result in the retail rates of residential consumers being reduced by an amount that is in direct relation to the production and transmission costs used in determining those rates. This result is consistent with Section 5(c)(3) of the Regional Act, requiring that the cost benefits of the exchange be passed through directly to the utility's residential loads.

B. *Functionalization of Overall Costs.* While the jurisdictional approach minimizes the need for separate ASC determinations of overall costs, the ASC methodology nevertheless must address how overall costs are to be functionalized between the production, transmission, distribution (other) and excluded resource categories. This functionalizing of costs is critical because only the costs related to production and transmission are to be included in calculating ASC.

The functionalization question centers on two matters: (1) distinguishing transmission facilities from distribution facilities and (2) functionalizing costs such as administrative and general expenses that are not directly identified with any particular function, but nonetheless need to be spread to all functions in determining ASC. Regarding the separation of transmission and distribution facilities, the proposed ASC methodology primarily relies on the reporting of costs as required by the general definitions included in the FERC system of accounts. However, the proposed ASC methodology specifies the criteria to be used in distinguishing transmission facilities from distribution facilities in greater detail.

For items such as general plant, and administrative and general expenses, the methodology includes footnotes that specify the process to be used to functionalize these items. For instance, most administrative and general expense categories are to funtcionalized either according to an analysis performed by the exchanging utility of the functional nature of the expenses or, absent a showing of appropriate assignment to a particular function, a specified functionalization formula. While certain functionalization footnotes provide for analytical judgments, raising the possibility of disagreement over those judgments, the alternative of only specifying a functionalization formula for all items appeared to be undesirable inasmuch as a formula cannot be tailored to the particular conditions causing an expense.

C. *Costs of Excluded Resources.* The proposed ASC methodology excludes the cost of the resources required by the Regional Act to be excluded by subtracting the costs from the utility's jurisdictional total costs. The proposed ASC methodology requires that the costs of excluded resources be determined in a particular manner dependent on the type of excluded resource. The cost of resources acquired by a utility to serve new load outside the region will be identified according to the jurisdictional allocation used by the Commission.

Resources acquired by a utility to serve a new large single load of the utility will be priced according to the way the load is served. Generally, if any part of the load is served by a resource dedicated to serve that load, the cost of that portion of the load will be equal to the cost of the dedicated resource. If any further part of the load is served by purchases from BPA's new resources rate pool determined pursuant to Section 7(f) of the Regional Act, the cost of this amount of load will be equal to the load times BPA's new resources rate. Any amount of new large single load that exceeds the amount of dedicated resource plus purchases from BPA's new resources pool will be priced equal to the load times the melded price of all new baseload resources and long-term power purchases. If any of the new large single load is not served by one of the above resources, the cost of the load will be the load times the cost of the utility's most recently completed or acquired resources.

D. *Costs of Terminated Plants.* The Regional Act requires that the ASC methodology exclude any costs associated with a generating facility that is terminated prior to initial commercial operation. When a plant is terminated, the normal accounting procedure is to amortize the accured capital costs over a specified period of time. Regardless of how these accrued capital costs are treated by a jurisdiction, the proposed ASC methodology provides that no project costs will be included in the ASC after the project is terminated. However, the use of jurisdictional approved rate setting practices may result in some Construction Work in Progress (CWIP) related costs being included in the ASC of a utility for a plant that is subsequently terminated.

Generally, CWIP costs are equal to the CWIP amount allowed in the rate base times the authorized rate-of-return, plus other cost impacts related to income taxes. The proposed ASC methodology allows Commission approved CWIP in the rate base but provides for retroactive return of CWIP costs if a plant is subsequently terminated. BPA believes this is conistent with the termination provisions of the Regional Act. The details of how the amount of costs to be returned will be calculated and the method for this return have yet to be determined. BPA invites comments from interested parties and the general public on appropriate return provisions to be included in the methodology.

An alternative that would insure that no terminated plant costs would be included in ASC would be to exclude all CWIP from the rate base in the methodology. This would avoid the problems inherent in retroactive repayment but would depart from the proposed use of a jurisdictional approach to costs. Parties also have argued that inclusion of CWIP costs without retroactive adjustment for a project subsequently terminated is not inconsistent with the Regional Act because at the time of the inclusion in ASC the project had not been terminated.

E. *Special Services Revenues.* BPA proposes to subtract a utility's nonfirm sales, wheeling services, and micellaneous services revenues from the costs used to calculate ASC. The treatment used in the proposed methodology is consistent with the view that BPA is a ratepayer of the exchanging utility and allows for similar treatment of secondary revenues for all the region's residential consumers. When buying power from utilities, BPA will be paying a substantial portion of the fixed costs of the facilities that are used to produce secondary power and provide special services. Therefore, BPA should share in the benefits of secondary sales and other special sales. Many electric utility regulatory commission similarly credit special services revenues against total costs when determining a utility's revenue requirement for firm sales. BPA follows this practice when determining its wholesale firm power rate for sales to the exchanging utilities. Thus, under the exchange, the customers of participating utilities will receive benefits related to BPA's secondary sales.

An alternative proposal considered was to credit secondary power revenues

only equal to the incremental costs related to secondary energy. One reason offered in support of this alternative was that the intent of the residential exchange is to achieve cost parity between an exchanging utility and BPA's preference utilities. Thus, the residential customers of the exchanging utilities should be able to share in the net benefits from their secondary sales because the residential consumers of the nonexchanging generating preference customers share in the net benefits of their secondary sales.

F. *Billing Credits.* The Regional Act requires BPA to grant billing credits for independent conservation activities and for resource construction. While specific aspects of billing credits are not yet determined, generally the credit for conservation activities is to reflect the value of the savings resulting from those activities and thus, may exceed the costs associated with them. For ASC determination, BPA proposes to credit a utility's system costs with billing credit revenues but only up to an amount equal to the cost of the conservation program for which the billing credit was granted.

The proposed treatment of billing credits maintains parity between the residential customers of an exchanging utility and those of a preference customer. The excess of billing credits over the costs represents an incurred incentive for the utility to establish independent conservation programs. Crediting of the full amount of billing credit revenue against system costs would remove some of the conservation incentive. Because the cost to BPA of the billing credits must be included in BPA's rates, it has been argued that the full crediting approach would result in a disincentive to conserve or would be a disadvantage to certain retail consumer classes.

An argument in favor of the full credit approach is that it is consistent with the treatment of BPA as a ratepayer of the exchanging utility. Under the full credit approach the exchanging utility's nonresidential customers would receive the full benefit of the billing credits and the residential customers, although not benefitting from billing credits, would continue to benefit from access to the low-cost Federal Base System resources.

G. *Publicly Owned Utilities and Cooperatives.*

1. *Rate of Return on Equity.* The proposed methodology allows an exchanging publicly owned utility or cooperative a rate of return on equity equal to its demonstrated need for revenues over and above operating expenses, depreciation expense, taxes, and interest expense. This demonstrated need generally will be in the form of coverage requirements or the need to maintain equity ratios for the purpose of maintaining favorable bond ratings. No return on equity will be allowed for nonutility purposes or for excluded resources. The rate of return on equity component included in the ASC rate will not exceed that included in the utility's retail rates.

The need for a return on equity for a publicly owned utility or cooperative arises because its annual capital expenditures may exceed its annual depreciation expense. To the extent that it may be impossible or imprudent to finance this difference completely with debt, its rates must be high enough to earn a positive net income. If the utility is to be allowed to include a net income component in ASC, then it must be allowed a rate of return on the equity or ratepayer contributed portion of its capitalization.

The alternative proposals varied widely. One would not allow a rate of return on equity for public agencies, primarily because private utilities are not allowed to earn a return on ratepayer contributed capital, a return that some parties felt has no corresponding "expense" item. Another proposal was that the return on equity should be equal to the state regulatory body's most recently authorized return for an investor-owned utility in the state in which the publicly owned utility does business.

2. *Transmission Exchanges.* Many of BPA's preference customers have transmission facilities. In the proposed methodology the cost of these facilities qualify as eligible system costs and the utility could exchange power with BPA to recover a portion of those costs. The system cost for a full requirements customer would be purchased power costs plus transmission costs. The exchange will result in a portion of the utility's transmission costs being spread throughout the region.

The inclusion of these costs in the methodology may be contrary to the intent of the residential exchange program. However, the Regional Act does not specifically preclude these utilities from entering into the exchange. Parties in the consultation process suggested that one way to address this matter is for BPA to credit these utilities' wholesale power bill for their transmission facilities. Another possibility would be to allow a public agency or cooperative to exchange only that fraction of its residential load equal to the proportion of its total load not served by BPA before the exchange.

H. *Review.*

Section 5(c)(7) of the Regional Act provides that BPA must determine the ASC. Although the methodology accepts the costs approved by a Commission for the utility, it also retains BPA's right to review those costs to insure that they conform to the methodology. If BPA determines the costs are not in conformance, the methodology allows BPA to adjust the costs. BPA's final determination for investor-owned utilities is forwarded to FERC and/or the joint State Board that have the authority to review the ASC rate of these utilities as specified in Section 9(g). If the investor-owned utility does not agree with BPA's findings, it may contest those findings before FERC and/or the joint State Board. The publicly-owned utility or cooperative does not have this administrative recourse. However the publicly owned utility or cooperative may choose to contest BPA's final rate determination through other legal processes.

The methodology in almost all respects treats the publicly owned and privately owned utilities similarly. Costs or procedures not applicable to one or the other are footnoted (e.g., in-lieu taxes, rate of return on equity). BPA's review of both types of utilities' costs generally will be equivalent. Some parties believe that the methodology should authorize BPA to examine more closely the cost decisions of publicly owned utilities and cooperatives. This suggestion is made because the commissions approving publicly owned utility and cooperative rates typically do not conduct as thorough or independent a review as the commissions reviewing and approving investor-owned utility rates.

IV. Public Participation

This Notice of Proposed Policy is for the purpose of gaining public comment on the proposed Average System Cost Methodology. BPA will conduct a public hearing on the proposed methodology Wednesday, July 8, 1981, beginning at 9 a.m. in the BPA Auditorium, 1002 NE. Holladay St., Portland, Oregon. The format of the hearing will be: opening remarks and brief description of the methodology by BPA, clarifying questions from the public and BPA response, and oral public comments. The hearing will be transcribed to assure a thorough evaluation of the comments.

Written comments are also encouraged and will be accepted at the hearing or may be submitted to Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212. Written comments must be postmarked no later than 30 days from publication of this notice.

Following the close of the public comment period, BPA will evaluate the comments and where appropriate will incorporate them into a final proposed Average System Cost Methodology. The final proposal is expected to be published and forwarded to FERC in July 1981.

Dated: June 18, 1981.

Peter T. Johnson,

Administrator.

[FR Doc. 81-18655 Filed 6-23-81; 10:10 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

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

CIVIL AERONAUTICS BOARD.

[M-319; June 12, 1981]

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Discussion on the Investigation Into The Competitive Marketing Air Transportation Retail Pricing Phase. (OGC)
3. Amendment of delegation of authority of BDA and BIA to reflect organizational changes that have taken place. (Memo 575, OGC, BDA, BIA)
4. Docket 39099, Petition for Reconsideration of Order 81–4–8 filed by Donald L. Pevsner, Esq. concerning World Airways, Inc.'s ticket cancellation/refund panalty charge in air transportation. (Memo 394–A, BDA)
5. Dockets 37294 and 37392, *Priority and Nonpriority Domestic Service Mail Rates Investigation*, and *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*. (Memo 343–D, BDA)
6. Dockets 39494 and 39495—Texas International's notices of intent to suspend service at Abilene, Beaumont/Port Arthur and San Angelo, Texas. (Memo 584, BDA, OCCR)
7. Dockets EAS–610, 611, 612, 613, 615, 616, and 656, Appeal of Essential Air Transportation Determinations at Beckley, Clarksburg/Fairmont, Elkins, Lewisburg (Greenbrier/White Sulphur Springs), Morgantown, Princeton/Bluefield and Parkersburg, West Virginia. (Memo 585, BDA, OGC, OCCR)
8. Fitness determination for Chautauqua Airlines, Inc. (BDA)
9. Commuter carrier fitness determination of Alaska Island Air, Inc. (Memo 574, BDA)
10. Commuter carrier fitness determination of Bar Harbor Airlines. (Memo 570, BDA)
11. Commuter carrier fitness determination of Atlanta Express Airline Corporation. (Memo 576, BDA)
12. Commuter carrier fitness determination of Eagle Air Charter, Inc. d.b.a. Atlantic Air. (BDA)
13. Commuter carrier fitness determination of Danbury Airways, Inc. (BDA)
14. Dockets 39396 and 39510, Petition of Intertour of America to disapprove provisions in the ATC rules relating to commissions; and ATC agreement involving restitution of commissions. (Memo 583, BDA, OGC)
15. Docket 39521, Blue Bell, Inc.—certification as a section 418 all-cargo air carrier. (Memo 581, BDA, OGC)
16. Docket 33237, Final Environmental Impact Statement for John Wayne Airport, Orange County, California (BDA)
17. Dockets 39294, 39390, 39391, 39392 and 39444—Applications of World and Transamerica for additional route authority. (BIA, OGC, BALJ)
18. Docket 39496—Conforming application of American Airlines, Inc. for broad transatlantic route authority. (Memo 577, BIA, OGC, BALJ)
19. Docket 39474—Application of United Air Lines for U.S.-Belgium/the Netherlands/Switzerland authority. (Memo 578, BIA, OGC, BALJ)
20. Docket 39475—Application of United Air Lines for U.S.-Taiwan/Thailand/Singapore authority. (Memo 582, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-974-81 Filed 6-22-81; 3:56 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-319, Amdt. 1; June 16, 1981]

Notice of deletion of item from the June 19, 1981 Board meeting

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT: 2. Discussion on the Investigation Into The Competitive Marketing Air Transportation Retail Pricing Phase. (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: There has been a change in the Board Members schedule which will allow all five Members to be present at the June 25th meeting but not at the June 19th meeting. Because of this change in schedules, Item 2 will be deleted from the June 19th meeting and rescheduled for the June 25th meeting. Accordingly, the following Members have voted that Item 2 be deleted from the June 19th meeting and that no earlier announcement of this deletion was possible.

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-975-81 Filed 6-22-81; 3:57 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD.

[M-319, Amdt. 2; June 17, 1981]

Notice of addition of items to the June 19, 1981 Board meeting

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

3a. Discussion of upcoming Airport Access Workshops (BDA).
21. Dockets 39454 and 39557—Application of Air Florida, Inc. for U.S.-Central America authority, and conforming application of Eastern Air Lines, Inc. (BIA)
22. Docket 39678, Application of US Air, Inc. for an exemption to postpone inauguration of Cleveland-Montreal nonstop service. (BIA)

STATUS: Open.

PERSON TO CONDUCT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Since the first Airport Access Workshops will take place on June 29th (Atlanta) and June 30th (Indianapolis), it is necessary to include Item 3a on the June 19th agenda. Due to unforeseen circumstances Items 21 and 22 could not be forwarded to the Board until June 16, 1981. In the case of US Air, earliest possible Board action is required to enable or thwart service start-up by the back-up carrier in this market. The matter becomes ripe only on June 19 (following staff's advancement of the

reply date on June 15). Subpart Q (Air Florida) requires an order establishing further procedures within 90 days after a certificate application is filed—in this case by June 19, 1981. Accordingly, the following Members have voted that Item 3a, 21 and 22 be added to the June 19 meeting and that no earlier announcement of these additions was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-976-81 Filed 6-22-81; 3:58 pm]

BILLING CODE 6320-01-M

4

CIVIL AERONAUTICS BOARD.

[M-320; June 18, 1981]

TIME AND DATE: 9:30 a.m., June 25, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29044, Proposals To Amend 14 CFR Part 252 Smoking Aboard Aircraft. (Instructions to staff.)
3. Dockets 36595 and 38746, Investigation Into The Competitive Marketing of Air Transportation—Retail Pricing Phase. (Instructions to staff.)
4. Docket 36858, Air New England, Inc. Violations of Part 250. (Memo 603, BCCP)
5. Docket 37444, *International Cargo Rate Flexibility*. (Memo 598, OGC, BIA, OEA)
6. Docket 390976—*Notice of Special Tariff Permission Applications*. (OGC, BDA)
7. Dockets 38021 and 38348—Elimination of domestic rules tariffs and Board-prescribed consumer protection notices. (OGC, BCCP, BDA)
8. Dockets 39036 and EAS-603—Henson Aviation's notice to reduce service below essential at Staunton, Virginia. (Memo 267-A, BDA, OCCR)
9. Docket 37442, Sarasota-Bradenton Environmental Study. (Memo 382-A, BDA)
10. Commuter carrier fitness determination of Green Hills Aviation, Ltd. (Memo 601, BDA)
11. Commuter carrier fitness determination of Coral Air Inc. (Memo 597, BDA)
12. Commuter carrier fitness determination of Mississippi Valley Airlines, Inc. (BDA)
13. Docket 31973, Check-Air, Inc.—Revocation of Section 418 All-Cargo Air Service Certificate and air taxi authority. (Memo 600, BDA, OGC)
14. Docket 39315—Application of Heavylift Cargo Airlines Limited for an initial foreign air carrier permit for cargo charter authority primarily between the U.S. and U.K. (Memo 602, BIA, OGC, BALJ)
15. Rulemaking to allow foreign indirect air carriers to organize charter/tours and consolidate freight in interstate and overseas markets. (BIA, OGC, BCCP, BALJ)
16. U.S.-London Case (1982)—Order finalizing tentative decision to select Newark as gateway point, consolidate carrier applications, and establish further procedures. (BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-977-81 Filed 6-22-81; 3:59 pm]

BILLING CODE 6320-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Thursday, July 2, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing..

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-966-81 Filed 6-22-81; 10:25 am]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, June 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-967-81 Filed 6-22-81; 10:26 am]

BILLING CODE 6351-01-M

7

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

New Orleans Cotton Contract.
CME Plywood Contract.
NYPE 90-Day Certificate of Deposit Contract.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-968-81 Filed 6-22-81; 10:27 am]

BILLING CODE 6351-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 29, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kantrow, Spaht, Weaver & Walter, Baton Rouge, Louisiana, in connection with the liquidation of International City Bank and Trust Company, New Orleans, Louisiana.

Memorandum and Resolution re: Contingency Fee Arrangement with Local Counsel.

Memorandum and Resolution re: Delegation of authority to the Director of the Corporation's Division of Bank Supervision to give notice of approval of (or no objection to) certain requests, submittals, and actions of First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-971-81 Filed 6-22-81; 11:38 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 29, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance (proposed new banks):

Golden Pacific Bank, a proposed new bank, to be located at 845 North Euclid, Ontario, California

Oceanic Bank, a proposed new bank, to be located at 681 Market Street, San Francisco, California.

First State Bank, a proposed new bank, to be located at 26130 Hempstead Highway (U.S. Highway 290), Unincorporated Harris County (P.O. Cypress), Texas.

Application for Federal deposit insurance (United States branch of a foreign bank):

Banco Safra S.A., Sao Paulo, Brazil, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 1114 Avenue of the Americas, New York, New York.

Application for consent to merge and establish branches:

The Dime Savings Bank of New York, New York (Brooklyn), New York, for consent to merge, under its charter and title, with Union Savings Bank of New York, Mamaroneck, New York, and to establish the six offices of Union Savings Bank of New York as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,826-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,829-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,833-L—Chicopee Bank & Trust Company, Chicopee, Massachusetts

Case No. 44,839-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: The Mission State Bank & Trust Company, Mission, Kansas

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c(6)).

Reports of committees and officers:

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Expenditures

Memorandum re: Reports Required Under Delegated Authority Sale of Real or Personal Property

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-972-81 Filed 6-22-81; 11:38 am]

BILLING CODE 6714-01-M

10

FEDERAL ENERGY REGULATORY COMMISSION

June 19, 1981.

TIME AND DATE: 2 p.m., June 26, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTER TO BE CONSIDERED: Docket No. IN81-3.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

[S-965-81 Filed 6-22-81; 9:34 am]

BILLING CODE 6450-85-M

11

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 18, 1981.

TIME AND DATE: 10 a.m., Wednesday, June 24, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Cement Division, National Gypsum Company, VINC 79-154-PM (Petition for Interlocutory Review; issues include whether judge erred in denying intervention to United Mine Workers of America).

2. Consideration of possible amendments to Commission Rule 44, 29 CFR § 2700.44.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-973-81 Filed 6-22-81; 1:38 pm]

BILLING CODE 6820-12-M

12

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Ave., N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone: (202) 254-9430.

Dated: Washington, D.C., June 19, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-969-81 Filed 6-22-81; 10:42 am]

BILLING CODE 7545-01-M

13

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Wednesday, July 1, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone: (202) 254-9430.

Dated: Washington, D.C., June 19, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-670-81 Filed 6-22-81; 10:43 am]

BILLING CODE 7545-01-M

14

NUCLEAR REGULATORY COMMISSION.

DATE: Friday, June 19, 1981 (revised).

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Friday, June 19:

10 a.m.

1. Affirmative/Discussion Session (Approximately 15 minutes, public meeting)

Items to be affirmed and/or discussed:

a. Review of ALAB-639 (In the matter of Houston Lighting and Power Company) (delayed from June 18)

b. Significant Changes Decision in Summer Antitrust Matter (delayed from June 18)

c. 10 CFR 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (delayed from June 18)

d. Sunflower Coalition v. NRC, State of Colorado, et al.

e. In the Matter of South Carolina Electric and Gas Co., et al. (Virgil Summer Nuclear Station, Unit 1) ALAB-643 and ALAB-642

2. Discussion and Possible Vote on Operating License for McGuire (closed meeting) (as announced)

ADDITIONAL INFORMATION: By a vote of 4-0 on June 18, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmation of Request for Consideration of Previous Denial of Petition for Rulemaking and Approval of Employment for Ms. Deborah L. Kalish, held June 18, and affirmation of Sunflower Coalition v. NRC, State of Colorado, et al. and in the Matter of South Carolina Electric and Gas Co., et al. (Virgil Summer Nuclear Station, Unit 1), ALAB-643 and ALAB-642, scheduled for June 19, be held on less than one week's notice to the public.

Affirmations of CESG's Motion to Permit Appeal of Atomic Safety and Licensing Board's Memorandum and Order and Publication of Guidelines for Management of Agreement State Radiation Control Programs, scheduled for June 18, were cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

June 18, 1981.

Walter Magee,

Office of the Secretary.

[S-664-81 Filed 6-19-81; 4:25 pm]

BILLING CODE 7590-01-M

federal register

Wednesday
June 24, 1981

Part II

Department of Housing and Urban Development

Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Policy Development and Research

[Docket No. R-81-1071]

Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings.

SUMMARY: HUD is inviting public comment on the draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings developed to provide a standard basis for assessing the design and performance of buildings using solar energy systems for heating and cooling.

FOR FURTHER INFORMATION CONTACT: William E. Freeborne, Mechanical Engineer, Division of Energy, Building Technology and Standards, Room 8158, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone, (202) 755-6900. This is not a toll-free number.

DATE: Public comments on the draft Performance Criteria are due by August 24, 1981. Comments should be filed by this deadline with the Rules Docket Clerk at the address below.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-7603. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-409) authorized a five-year program for research, demonstration, and market development of solar heating and cooling systems in residential and commercial buildings. As part of this program, the Act directed the Secretary of HUD, utilizing the services of the Director of the National Bureau of Standards (NBS), to determine, prescribe, and publish Interim Performance Criteria for solar heating and cooling systems and buildings within 120 days of enactment, and to use these criteria in the selection of solar systems and demonstration projects. The Interim Criteria were published on January 1, 1975.

The Act further directed HUD, utilizing the services of NBS and information developed in the demonstration program, to develop and publish "definitive performance criteria" as soon as feasible. HUD was also directed to publish procedures whereby manufacturers of solar systems could have their products tested in order to obtain certification that such products conformed to the performance criteria.

In the period from 1975 through 1979, HUD awarded 783 grants to support demonstrations of solar heating, cooling and domestic hot water systems in 12,423 dwelling units. A number of these projects were equipped with sophisticated instrumentation systems to measure the solar system performance. In addition, operating, maintenance, and repair information was collected from many more projects. This information has been used by HUD and NBS to evaluate the effectiveness of the original Interim Performance Criteria and to develop new, more precise criteria for solar system performance, thereby meeting the requirements of Section 8 of the Act. Extensive use also has been made of technical information developed from concurrent Department of Energy solar research, development, and demonstration activities.

These Performance Criteria are not intended to be used as mandatory standards governing the procurement or acceptability of solar systems proposed for HUD or other Federal solar activities. Instead, this document will serve as a technical reference and resource for the solar industry, the building industry, and Federal, State, and local agencies concerned with assessing the design and performance of solar systems in buildings. For example, HUD relies on HUD 4930.2, the Intermediate Minimum Property Standards (IMPS) Supplement for Solar Heating and Domestic Hot Water Systems to control the quality of solar systems proposed for use in HUD-assisted housing programs. These IMPS are based on the performance requirements of the original Interim Performance Criteria; future revisions will reflect the new Performance Criteria Requirements.

The Performance Criteria are presented in a four-part format: Requirement, Criterion, Evaluation, and Commentary. The Requirement is a qualitative statement expressing the expectations of a user concerning a given system or component. The Criterion generally is a quantitative statement of the level of performance required from the system or component necessary to meet the Requirement. The Evaluation statement identifies the best method, record of experience, or other information needed to evaluate a given system or component against the Criterion. Finally, the Commentary provides background information for the user and presents the rationale behind the specific Evaluation methods selected.

The evaluation procedures utilize to the maximum extent possible the existing body of voluntary consensus standards for materials, testing procedures, and system performance. Where possible, the document states the particular tests to be carried out in evaluating the performance of a given component or system. In the many areas where no consensus testing standards yet exist, the document presents alternative ways to evaluate systems and components, often relying on the judgement of qualified professionals.

With respect to certification of solar systems and components as meeting specified standards and performance criteria, the solar industry and several States are developing certification programs for various types of solar equipment and applications. The first such program, now in operation, provides a mechanism for certifying the thermal performance of solar collectors.

Any equipment manufacturer seeking certification that a given solar system, component or other solar product complies with the Performance Criteria may have the necessary test data and other information revised and evaluated by a qualified engineer or architect, registered as a professional and licensed to practice in the particular jurisdiction. If the reviewing engineer or architect finds that the information provided satisfies the requirements stated in the Performance Criteria, he or she may certify under seal to this effect.

A Finding of Inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

A copy of the Performance Criteria is appended hereto. Based on the public comment received, HUD will revise the draft Performance Criteria as required and intends to publish the final Performance Criteria not later than December 15, 1981.

(Sec. 8, Solar Heating and Cooling Demonstration Act of 1974, Pub. L. 93-409 (42 U.S.C. 5506))

Issued at Washington, D.C., June 8, 1981.

E. S. Savas,

Assistant Secretary for Policy Development and Research.

BILLING CODE 4210-01-M

NBSIR 80-2095

PERFORMANCE CRITERIA FOR SOLAR HEATING AND COOLING SYSTEMS IN RESIDENTIAL BUILDINGS

Center for Building Technology
National Engineering Laboratory
National Bureau of Standards
U.S. Department of Commerce
Washington, D.C. 20234

July 1980

Revised
January 1981
This publication, NBSIR 80-2095, supersedes
NBSIR 80-1562 published in November 1978

Prepared for
U.S. Department of Housing and Urban Development
Office of Policy Development and Research
Washington, D.C. 20410



U. S. DEPARTMENT OF COMMERCE, Malcolm Baldrige, *Secretary*

NATIONAL BUREAU OF STANDARDS, Ernest Ambler, *Director*

BILLING CODE 4210-01-C

Notice

This document has been prepared by the National Bureau of Standards for use by the U.S. Department of Housing and Urban Development (HUD) for public notice, distribution and comment. This document is considered a "draft" document until public review has been completed and HUD has approved the final version.

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Acknowledgments

This document was prepared by the Solar Technology Group, Building Economics and Regulatory Technology Division of the National Bureau of Standards, Center for Building Technology. Members who participated in the preparation of these performance criteria include:

F. Eugene Metz, Project Leader
John K. Holton (Former project leader, now with GSA)
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Lawrence W. Masters
Elizabeth J. Clark
Paul W. Brown
W. Douglas Walton (Center for Fire Research)
David Waksman

Acknowledgment is also made of the helpful comments and suggestions received from William Freeborne of the Department of Housing and Urban Development, David E. Cassel and the staff of Mueller Associates. Special thanks is given to Leslie Suddueth for her patience and excellent job of typing this document as well as many early drafts. Thanks is also given to Walter E. Shipp for preparing the composite index to the document.

Foreword

These "Performance Criteria for Solar Heating and Cooling of Residential Buildings" have been prepared in accordance with the requirements for definitive performance criteria established in Public Law 93-409, the "Solar Heating and Cooling Demonstration Act of 1974" to provide a standard basis for assessing the performance of buildings using solar energy systems for heating and cooling. It may be used in Federal programs [1] or as the basis for preparation and revision of the HUD Solar Minimum Property Standards.

The document is intended to establish minimum levels of performance with regard to health and safety and the various aspects of technical performance. The criteria for health and safety put primary emphasis on compliance with existing codes and standards. The criteria on thermal and mechanical performance, durability/reliability and operation/servicing present performance requirements considered to be representative of acceptable levels. By the use of performance language in the document, it is believed that sufficient latitude has been provided to allow the innovation and flexibility that is essential for the stimulation of a viable solar industry at this time and in the future.

In developing these criteria, several sources have been utilized:

- Performance criteria developed by the National Bureau of Standards (NBS) for the Department of Housing and Urban Development (HUD) and the Department of Energy (DoE).

—"Interim Performance Criteria for Solar Heating and Combined Heating/Cooling Systems and Dwellings"—January 1975.

—"Interim Performance Criteria for Solar Heating and Cooling Systems in Commercial Buildings"—NBSIR 76-1187, November 1976.

—"HUD Intermediate Minimum Property Standards Supplement, 1977 Edition, Solar Heating and Domestic Hot Water Systems"—4930.2.

—"Interim Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings"—NBSIR 78-1562, November 1978.

- Experience gained in the Federal Solar Demonstration Program (Residential/Commercial) through feedback as provided for in P.L. 93-409.
- Findings from solar research activities.

—Government laboratories—National Bureau of Standards, Los Alamos Scientific Laboratory, National Aeronautics and Space Adminstration, Argonne National Laboratory.

—Sponsored reseach—Dubin-Bloome Associates, Planning Research Corporation Energy Analysis Company, Boeing Aerospace Company, International Business Machines, University of Wisconsin, Colorado State University, Mueller Associates, Automation industries (Vitro Laboratories Division).

- Critique and commentary from:

—Model code groups—Council of American Building Officials, National Conference of States on Building Codes and Standards, International Conference of Building Officials, Building Officials and Code Administrators International Inc., Southern Building Code Congress International.

—Technical standards organizations—American Society for Testing and Materials, American Society of Heating, Refrigerating and Air-Conditioning Engineers, American Society of Mechanical Engineers, Inc., American National Standards Institute.

—Industry organizations—Solar Energy Industries Association, Inc., Solar Energy Research and Education Foundation, Air-Conditioning and Refrigeration Institute, Sheet Metal and Air-Conditioning Contractors National Association, Inc.

—Professional organizations—American Institute of Architects.

—Special studies—Burt-Hill-Kosar-Rittelman Associates, Travis-Braun Associates, Robertson Ward, Jr., FAIA, Florida Solar Energy Center, Polytechnic Institute of New York.

Since it is anticipated that this document will be revised and updated in the future, comments relating to its usability and suggested modifications are encouraged and should be sent to the following address:

Robert D. Dikkers, Group Leader, Solar Technology, National Bureau of Standards, Building 225, Room B141, Washington, D.C. 20234.

Introduction

Background

Pub. L. 93-409 provides for "demonstration within a three-year period of the practical use of solar heating technology, and * * *, the development and demonstration within a five-year period of the practical use of combined heating and cooling technology." Under the provisions of the Act, HUD has utilized the services of NBS to develop this document.

[1] "Residential Conservation Service Program," Final Rule, **Federal Register**, DoE, Vol. 44, pp. 64601-64727, No. 217, November 7, 1979.

"Solar in Federal Building Demonstration Program," Final Rule, **Federal Register**, DoE, Vol. 44, pp. 60663-60673, No. 204, October 19, 1979.

Objectives

These criteria have the following objectives:

1. Aid consumer acceptance by the provisions of validated consensus performance measures;

2. Assist industry growth through accepted uniform methods of technical performance assessment;

3. Assist the administration of Federal incentives programs, including tax credits, by the establishment of standard performance measures;

4. Assist regulatory authorities in developing and interpreting health and safety code provisions;

5. Aid financial and insurance organizations by the provision of standard performance criteria upon which to base risk assessment;

6. Assist public and private building programs through provision of a technical performance assessment base from which project construction specifications may be developed; and

7. Guide industry professional and educational organizations in the development of appropriate good practice manuals.

Scope

The performance criteria cover both passive and active solar heating, cooling and domestic hot water installations or combinations thereof [1] in individual buildings or central systems for groups of buildings both new and existing.

The criteria do not cover swimming pool heaters but they do cover pools within buildings used to moderate environmental conditions or to store heat for reuse. They do not cover photovoltaic, wind, biomass or process heating or cooling applications. The criteria are related primarily to technical performance and do not directly address economic considerations, energy conservation, lighting either natural or artificial, or site selection. The criteria do not apply to the following systems:

Active space heating or cooling with less than 100 ft² (9.3 m²) of collector area.

Active domestic hot water systems with less than 30 gal/hr (113 liter/hr) draw.

Passive systems with less than 100 ft² (9.3 m²) of aperture area, receiving winter solar flux.

The criteria given in this document primarily consider aspects of planning and design that are different from conventional buildings by reason of the solar energy systems under consideration and are intended to:

1. Establish minimum levels for health and safety that are consistent with those presently established for conventional systems used in building applications;

2. Ensure that the proposed heating, cooling and hot water systems or combinations thereof, are capable of providing levels of performance consistent with those provided by conventional systems used in building applications;

3. Verify that proposed systems and components are capable of providing their design performance levels;

Ascertain that the systems and components are durable, reliable, readily maintainable and generally constructed in accordance with good practice; and

5. Provide appropriate instructions and information for the operation and servicing of the systems and components.

Many of the problems and circumstances discussed in the criteria are unique to solar installations. Several useful references drawn from the Federal Solar Demonstration Program give insight into such problems [1, 2, 3, 4, 5, 6, 7, 8].*

The performance criteria are intended to be flexible in order to allow freedom of design and encourage innovation in keeping with the intent of Pub. L. 93-409.

Organization and Format

This document is organized on the basis of performance criteria dealing with heating, cooling and hot water systems and their integration into buildings.

Performance statement entries, with the exception of Chapter 1, are presented in the Requirement, Criterion, Evaluation and Commentary format. The *Requirement* is a qualitative statement giving the user need or expectation for the item being addressed. It is a general statement of what the system or its components shall be able to do. The *Criterion* is generally a quantitative statement giving the level of performance required to meet the application or expectation for the item being addressed. The one or more criteria associated with each requirement state those considerations that are necessary to meet the requirement. Due to limitations in the state-of-the-art, a quantitative statement is not always contained in each criterion in this document. In addition, quantitative statements have been intentionally omitted in some criteria where these values will be provided by the designer. The *Evaluation* sets forth the record of experience, methods of test and/or other information upon which an evaluative judgment of compliance with a criterion will be based. It states the standards, inspection methods, analyses, review procedures, historical documentation or other methods that may be used in evaluating whether or not the system and its components as designed comply with the criterion. It is expected, in many cases, that the review of documentation of in-use performance or professional judgment will be used as evaluative tools in lieu of testing. The *Commentary* provides background for the reader and presents the rationale behind the selection of specific data presented in the Requirement, Criterion or Evaluation. The commentary is intended for informational purposes and in some instances, provides design guidelines. Such guidelines are only one suggestion of appropriate methods, in most instances, there will be other methods equally as effective.

The document is organized into chapters on the basis of the performance attributes listed below:

1. *Site and Building* performance statements deal with the interactions between the solar energy system and its surrounding environment, the site and building. These performance statements provide for integrating the building and site with the system and its components without seriously degrading the environment or impairing the normal function of the building and its components. Because of their more general nature, the statements in this chapter are not organized in the requirement/criterion/evaluation/commentary format discussed previously.

2. *Thermal* performance statements are used to evaluate the ability of systems and their components, as designed, to operate and provide their rated output and in some cases the determination of that output. The ability of the solar heating system to maintain the building at a specified temperature under a given set of outdoor conditions is an example of a thermal consideration.

3. *Mechanical* performance statements address the mechanical design and performance of the solar energy systems and their components. Factors such as the ability of the system to withstand normal design service conditions, e.g. pressure and temperature, are considered under this category.

4. *Safety and Health* deals with the mitigation of hazards that would result in personal injury or property damage. Hazards such as those due to scalding, lacerating, toxic and/or flammable

[1] Although not specifically mentioned in Pub. L. 93-409, it is recognized in this document that not all cooling systems are combined with heating systems.

*Numbers in brackets [ ] indicate references at the end of this introductory section.

materials are also considered under this category.

5. *Durability/Reliability* relate to the ability of systems and their components to perform designed functions for a specified interval under designated use conditions. Corrosion and thermal degradation are typical durability-reliability related items.

6. *Operation and Servicing* deals with the features of systems and their components that allow them to be maintained in good operating condition for extended periods of time. Manuals and instructions, routine scheduled maintenance, corrective maintenance, replacements and repairs are considered under this category. Accessibility is an important maintainability consideration.

For the purposes of this document, the various systems and components, both active and passive, treated in this document are abbreviated as follows:

(H)—Heating system
(C)—Cooling system
(HW)—Hot water system (domestic HW)
(H/C/HW——is used when a requirement or criterion is applicable to the individual H, C, HW system or any combination thereof.

An important reason for including a commentary in the presentation is to assure a workable process of updating these performance criteria by providing the rationale for selection of performance levels and methods of evaluation so that when questions arise as to the basis for a particular criterion, the reader will have available the rationale behind the criterion. With the present state-of-the-art, there will be a need for periodic updates to readjust levels of acceptability for both systems and components.

References

1. *Proceedings of the Solar Heating and Cooling Demonstration Program Contractors Review*, December 5–7, 1977, New Orleans, LA, Vol. 2, CONF 771229, Department of Energy.[2]

2. *Proceedings of 3rd Annual Solar Heating and Cooling Research and Development Branch Contractors Meeting*, September 24–27, 1978, Washington, DC, Department of Energy.[1]

3. *Conference Proceedings—Solar Heating and Cooling Systems Operational Results*, November 28-December 1, 1978, Colorado Springs, CO, Department of Energy.[1]

4. *Standard Practice for Installation and Service of Solar Space Heating Systems for One- and Two-Family Dwellings*, ASTM E683–79, 1979, ASTM, 1916 Race Street, Philadelphia, PA 19103.

5. *Installation Guidelines for Solar DHW System in One- and Two-Family Dwellings*, HUD–PDR–407, U.S. Department of Houseing and Urban Development, April 1979.[2]

6. Weinstein, S., *Architectural Concerns in Solar System Design and Installation*, Solar/0801–79/01, U.S. Department of Energy, March 1979.[1]

7. Easterly, J., *Engineering Concerns in Solar System Design and Operation*, Solar/0811–79/01, U.S. Department of Energy, March 1979.[1]

8. *National Solar Heating and Cooling Demonstration Program—Project Experience Handbook*, Preliminary Draft, DoE/CS–0045/0, U.S. Department of Energy, September 1978.[1]

[1] Technical Information Center, P.O. Box 62, Oak Ridge, TN 37830.

[2] Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

[3] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

Terminology*

Absorber: The part of the solar collector that receives the incident solar radiation and transforms it into thermal energy.

Absorptance: The ratio of the amount of radiation absorbed by a surface to the amount of radiation incident upon it.

Active solar system: A method of space conditioning or water heating that utilizes solar radiation primarily by means of mechanical equipment rather than building elements.

Air chamber: A closed section of pipe or a container filled with air entrapped at atmospheric pressure that when mounted in a water supply line absorbs the pressure surges caused by the rapid opening and closing of valves.

Air mass: The ratio of the mass of atmosphere in the actual earth-sun path to the mass that would exist if the sun were directly overhead at sea level.

Aperture: An opening in a building wall, roof or other collection device that transmits solar radiation.

Applicable authority: Person or organization who specifies that a H/C/HW system shall meet these performance criteria or who can legally set certain performance levels not specified in these criteria. This may range from a government agency to a project owner.

Auxiliary energy system: Equipment utilizing energy other than solar both to supplement the output provided by the solar energy system as required by the design conditions and to provide necessary energy back up requirements during periods when the solar H, C or HW systems are inoperable. It may be integrated directly into the solar energy system or it may be completely separate from it and contain its own means for delivery of heating, cooling and/or hot water to the building.

Backflow: The flow in pipes, ducts and other chambers opposite to the intended direction of flow. Backflow may occur under two conditions: pressure greater than atmospheric and pressure that is subatmospheric (see "Backsiphonage").

Backflow preventer: A device or means to prevent backflow, especially in regard to the potential for contamination of potable water supply.

Backsiphonage: A form of backflow due to a negative or subatmospheric pressure.

Chemical incompatibility: the inability of materials to remain in contact with each other without chemical interaction, such as electrolytic action or plasticizer migration.

Closed system: An arrangement in hydronic systems where ambient air is not allowed to enter the system under normal operating conditions.

Collector array: Group of solar collectors or absorbing surfaces connected by pipes or ducts and including any pipes or ducts to the point where there is only one inlet and one outlet.

Collector array manifold: All pipes or ducts within the collector array but external to the collector panels.

Collector azimuth angle: The angle between the direction the collectors face and due south (in the northern hemisphere).

Collector efficiency (ASHRAE 93–77): The amount of energy removed by the transfer fluid per unit of gross collector area during the specified time period divided by the total solar radiation incident on the collector per unit area during the same time period, under steady state or quasi-steady state conditions.

Collector orientation: Combined effect of collector tilt and azimuth angles.

Collector tilt angle: The acute angle between the collector plane and horizontal.

Cooling degree days: The number of degrees that the daily mean temperature is above 65° F (18.3° C). These are totaled to give cooling degree days per month or per year.

Cooling (C) system: The complete assembly necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, for space cooling purposes. (Where cooling is required, nocturnal radiation, evaporative cooling and/or other means may be used in combination with, or in lieu of, heat actuated space cooling).

Combustible liquid: Combustible liquid shall mean any liquid having a flash point at or above 100° F (37.8° C) (See "Flammable liquid").

Combustible material: See noncombustible material.

Contaminants (hazardous): Materials (solids or liquids or gases) which when added unintentionally (or intentionally) to the potable water supply cause it to be unfit for human consumption.

Control system: Devices and their electrical, mechanical, pneumatic or hydraulic auxiliaries used to regulate the processes of collecting, transporting, storing and utilizing energy in response to the thermal, safety and health requirements of the building occupants or building.

Creep: A time-dependent deformation of material resulting from sustained loads which can be influenced by factors such as temperature and solar radiation.

Depletable energy: Energy from any source other than solar energy converted to thermal energy at the building site or from thermal energy extracted from the air, groundwater or ground. Depletable energy

*The definitions given here are for use in this document only.

sources include coal, natural or manufactured gas, oil, other petroleum products, wood and electricity. Electricity produced off-site is considered to be depletable energy, even though the source of the electricity may be some form of solar energy such as hydropower or wind.

Depletable energy limit: Allowable depletable energy use over one year for a H/C/HW system based on predicted system performance.

Design hot water load: The rate of energy required to be added by the mechanical system to the water at design maximum hot water use rate and temperature, not including energy to offset standby water heater, recirculation and distribution losses. Normally, the design hot water load is determined by a combination of recovery rate and hot water storage capacity.

Design life: The period of time during which an H/C/HW system is expected to perform its intended function without requiring major maintenance or replacement.

Design maximum flow temperature: The maximum temperature that will be obtained in a component when the heat transfer fluid is flowing through the system.

Design maximum no-flow temperature: The maximum temperature that will be obtained in a component when the heat transfer fluid is not flowing through the system.

Design space cooling load: The instantaneous rate of energy required to be removed by the mechanical system from the space being cooled to achieve space cooling under summer design conditions.

Design space heating load: The instantaneous rate of heat required to be added by the mechanical system to the space being heated to achieve space heating under winter design conditions.

Design working pressure: The value of the pressure used in design calculations for pressure related operational and construction characteristics. This is the maximum allowable working pressure for which a specific part of a system is designed.

Dielectric fitting: An insulating fitting used to isolate electrochemically dissimilar materials.

Drain down system: Function of an open-loop solar water system in whjich all water drains out of the collectors and exposed piping at a pre-set point above the freezing temperature.

Drainback system: A liquid solar collector sysem in which the collector fluid drains down to an interior storage tank when the collector is not operating.

Ease of ignition: The time elapsed between the exposure of a material to a controlled heat or flame source and the onset of flaming The ease of ignition may be used in analyzing the relative fire hazard of the materials.

Emittance: The ratio of the radiant energy emitted by a body to the energy emitted by a black body at the same temperature.

Energy transport system: Those portions of the H/C/HW systems that convey energy from one place to another. Heat transfer from the collector to storage and from storage to the point of use is accomplished through the energy transport system.

Failure (structural): Failure of a structure or any structural element is defined as one of the following: (a) Sudden, locally-increased curvature, major spalling or structural collapse. (b) The inability of the structure to resist a further increase in load. (c) Structural deflections under design loads that cause significant peformance degradation of the component or subsystem.

Flammable liquid: Any liquid having a flash point below 100° F (37.8° C) and having a vapor pressure not exceeding 40 pounds per square inch (275 KPa) absolute (2068.6 mm Hg) at 100° F (37.8° C) (NFPA 321) (see "Combustible liquid").

Flash point: The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitible mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedures and apparatus as specified in NFPA 321.

Flow condition: The situation that exists when the heat transfer fluid is moving through the collector array under normal conditions.

Fully conditioned space: The volume within the building envelope in which 70° F (21° C) is capable of being maintained during the 97½ percent winter outdoor heating design temperature conditions.

Glazing: A membrane or sheet of transparent or translucent material (glass or plastic) used for admitting light. Glazing retards heat losses due to reradiation and convection. Examples: windows, skylights, greenhouse and collector coverings.

Gross floor area: Floor area of the building measured to the outside of exterior walls that enclose fully conditioned spaces and to the center of party walls and walls adjacent to semi-conditioned spaces.

Gross solar contribution: Total solar input of a passive solar energy system less excess energy discharge (venting) losses due to the passive solar energy system.

H/C/HW system: The mechanical space heating, space cooling or hot water system, or any combination thereof, in which solar energy intercepted at the building site is converted to usable thermal energy to satisfy paartially or fully the respective energy requirements. This includes systems having discrete collectors with thermosiphon-driven control for air- or liquid-type collectors.

Hazardous substances: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3(b)(4)(i). The following is an extraction of the definition: "Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 'Hazardous substances' shall not apply—to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house."

Heating degree days: The number of degrees that the daily mean temperature is below 65° F (18.3° C). These are totaled to give heating degree days per month or per year.

Heating (H) system: The complete assembly of systems necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, for space heating purposes.

Highly toxic: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3(b)(6)(i). The following is an extraction of the definition: " 'Highly toxic' means any substance producing a lethal dose in half (LD50) of white rats, when ingested as a single dose, of 50 mg or less per kg of body weight." Part 1500.3(c)(1) (i) and (ii) also gives further specific definitions relative to inhalation and absorption. Human data when available, shall take precedence (see also "Toxic").

Hot water energy requirements: Energy required over a given period of time to heat the supply water to a designated use temperature, including energy required to offset standby water heater, recirculation and distribution losses, but not including hot water system operating energy.

Hot water (HW) system: The complete assembly of subsystems or components necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, to provide hot water in the building. It may either be integrated directly into the H, C or combined H and C (H/C) system or be completely separate from them.

In-service conditions: The conditions to which a solar H/C/HW system will be exposed during its operational lifetime.

Langley: The meteorologist's unit of solar radiation intensity, equivalent to 1.0 gram calorie per square centimeter, usually used in terms of langleys per minute. 1 langley per minute = 221.2 Btu per hour per square foot = 697 watts per square meter.

Liquid heat transfer fluid: The operating or thermal storage liquid including water or other liquid base and all additives at the concentration used under operating conditions.

Load: Peak rate of energy demand on a mechanical H/C/HW system. Load is energy per unit time or power.

Maximum service temperature: The maximum temperature at which a system is designed to operate either with or without the flow of heat transfer fluid.

Mechanical system: All equipment and controls required to satisfy space heating, cooling or hot water energy requirements. The mechanical system may contain both solar and auxiliary components, including pumps, pipes, blowers, ducts, insulation, solar collectors, thermal storage, heat exchangers, valves and electrical wiring.

Minimum service temperature: The minimum temperature at which a system is designed to experience either with or without the flow of heat transfer fluid.

Net solar contribution: Solar radiation transmitted throuth a portion of the building envelope and absorbed within the building during a given daily, monthly or annual cycle, less the transmission, and ventilation (excess energy discharge) losses due to the same portion of the building envelope during the same period. This is equivalent to net solar gain.

Nocturnal cooling: The cooling of a building or heat storage device by the radiation of heat to the night sky.

"No-flow" condition: The situation that exists when the heat transfer fluid is not flowing through the collector array due to shutdown or malfunction and the collector is exposed to the amount of solar radiation that it would receive under normal operating conditions. Heat transfer fluid may or may not be in the collector but it is not flowing if present.

Noncombustible material: Material which does not act to aid combustion or add appreciable heat to an ambient fire when tested in accordance with ASTM E136–79, "Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750° C," and pass the tests set forth therein.

Normal operating condition: Condition of operation during which no applicable parameter (e.g. temperature, pressure or flow rate) is at or near an extreme or unexpected value.

Open system: An arrangement in hydronic systems where ambient air is allowed to enter the system under normal operating conditions.

Operating energy: Energy required to operate pumps, compressors, fans, blowers, valves, controls, movable shutters or any other equipment, but not energy intended to directly satisfy a load. Operating energy, as defined here, includes energy to operate a heat pump compressor.

Operative temperature: The average of the dry bulb temperature and the mean radiant temperature at a given location.

Optimum collector orientation: Collector orientation that results in the maximum annual solar energy collected and used. The optimum orientation depends on factors such as site location, system type, annual solar fraction, local weather conditions, load profile and thermal storage size.

Outgassing: The emission of gases by materials and components usually during exposure to elevated temperature or reduced pressure.

Passive solar components: Components of a building that serve to modify the space conditioning energy requirements by means of reflecting, absorbing, transmitting or storing solar energy. These components include fixed and movable apparatus which can be operated either manually or automatically. Examples of passive solar components are: shading devices, windows, attached greenhouses, Trombe walls and mass placed for storage of solar energy.

Passive solar energy system: A method of space heating or cooling that utilizes solar radiation primarily by means of building elements rather than mechanical equipment. In passive systems, the energy flows are primarily by natural means (radiation, convection, conduction). For the purposse of this document, this definition includes some systems in which at least one energy flow is by natural means and at least one is by forced means, otherwise known as hybrid systems.

Physical incompatibility: The inability of materials in contact with each other to resist degradation by physical actions such as differential thermal expansion.

Pitting: The process by which localized material loss is caused in materials by erosion or chemical decomposition.

Plasticizer migration: The movement of plasticizers used in plastic materials. These plasticizers may concentrate in a narrow boundary area or migrate to another material in contact with the plastic.

Potable water: Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the public health authority having jurisdiction.

Potential heat: The difference between the heat of combustion of a representative specimen of material and the heat of combusion of any residue remaining after exposure to a simulated standard fire, determined by combustion calorimetric techniques.

pphm: Parts per hundred million.

Premature failure: Failure that occurs before the design life.

Pyranometer: A device used to measure the total solar radiation incident upon a surface per unit time per unit area. This energy includes the direct radiation, the diffuse sky radiation and the solar radiation reflected from the foreground.

R value: Resistance to heat flow given in units of $ft^2 \cdot °F hr/Btu$ ($1\ ft^2 \cdot °F hr/Btu$ is equivalent to $0.176\ m^2 °C/W$).

Radiation: The process of heat transfer by the transmission of electromagnetic waves between two or more bodies in sight of each other. These radiant waves are converted to heat only after being absorbed by matter.

Rate of heat release: A measure of the heat production of a material under a specified set of fire exposure conditions which may be used in evaluating the relative hazard of the material.

Recovery rate: The rate at which a water heater can replenish its supply of hot water, traditionally expressed in gallons per hour per 100° F (37.8° C) temperature rise.

Safety glazing materials: Glazing materials so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries when these glazing materials are broken.

Service loads: Loads that are expected during the service life of a structure and upon which the design of the structure is based.

Shall: Where "shall" is used with a special provision, that provision is mandatory if compliance with the criterion is claimed.

Should: Term used to indicate a criterion that is not mandatory but is desirable as good practice.

Significant (deterioration, loss, etc.): Deterioration that results either in a decrease in performance greater than that allowed for in the design, or in the creation of a hazard.

Solar constant: The average intensity of solar radiation reaching the earth outside the atmosphere; amounting to 2 langleys or 1.94 calories per square centimeter, per minute equal to 430 Btu/hr.ft² or 1353 watts/m².

Solar degradation: The process by which exposure to sunlight deterirates materials.

Solar energy: Solar radiation or energy from solar radiation intercepted and converted to thermal energy at the building site.

Solar fraction: The ratio of solar energy applied to the load by the active solar energy system to the total load. Solar fraction may be calculated for any time period, for example monthly or annually. Solar energy applied to the load may include uncontrolled heat losses from the active solar energy system if these losses contribute to meeting the load and is reduced by uncontrolled heat losses if these losses increase the load (cooling systems).

Solar time: The hours of the day as reckoned by the apparent position of the sun. Solar noon is that instant on any day at which time the sun reaches its maximum altitude for that day. Solar time is very rarely the same a local standard time in any locality.

Space cooling load: Rate at which heat must be removed from the conditioned space by the mechanical system to maintain indoor temperature at a constant value. space cooling load reflects sensible and latent heat gain due to external and internal sources. However, storage capacity within the building and contents affects the relationship between heat gain and space cooling load.

Space cooling system: The mechanical system containing all equipment and controls required to satisfy the space cooling load.

Space heating load: Rate at which heat must be added to the conditioned space by the mechanical system to maintain interior temperature at a constant value.

Space heating system: The mechanical system containing all equipment and controls required to satisfy the space heating load. The space heating system may include solar collectors, thermal storage, energy transport devices and auxiliary energy equipment. The space heating and space cooling systems may have some components in common. Fireplaces and wood stoves used for heating are considered to be part of the space heating system.

Storage system: Equipment in which thermal energy is stored so that it can be used when required. Specific designs may utilize more than one heat storage temperature (e.g., dual temperature storage) and may also employ cold storage in all or part of the storage subsystem.

System: The complete assembly necessary to supply heat, domestic hot water or other usable form of solar energy to a structure.

Tap temperature: The temperature at which water is discharged from an outlet at the point of use.

Thermal stratification: Separation into different temperature regions. Thermal stratification usually occurs vertically in liquid thermal storage containers but may also occur horizontally in rock bins.

Thermosiphon: Flow of fluid through a closed loop induced by density difference in the fluid caused by temperature difference which is in turn caused by heat transfer into and out of the loop.

Total solar input: Amount of solar radiation transmitted through the aperture of a passive solar energy system and absorbed within the building during a specified time period.

Toxic: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3 (b)(5) and (c)(2). "'Toxic' shall apply to any substance (other than a radio active substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface." An extraction of the more specific definition in (c)(2) adds the following: "'Toxic' means any substance producing a lethal dose in half (LD_{50}) of white rats when ingested as a single dose, of from 50 mg to 5 g per kg of body weight." Part 1500.3(c)(2) (i), (ii), and (iii) also give further specific definitions relative to inhalation and absorption (see also "Highly toxic").

Transmittance: The ratio of the radiant flux transmitted through and emerging from a body to the total flux incident on it.

UV: Ultraviolet radiation, that part of the terrestial solar energy between 0.3 and 0.4 micrometers (300–400 nanometers).

Water hammer: Potentially damaging forces, exemplified by pressure surges and attendant pounding noises and vibration that develop in a pipe system when a column of liquid flowing through a pipe line is stopped abruptly.

Zero hardness: A property of softened water such that no calcium or magnesium can be found in it by ordinary analytical methods.

2½ percent summer design temperature: The outdoor air temperature will be higher than the stated value not more than 73 hours per year (2½ percent of the 2,928 hours in June through September).

97½ percent winter design temperature: The outdoor air temperature will be lower than the stated values for not more than 54 hours per year (2½ percent of the 2,160 hours in December, January and February).

Chapter 1.—Site and Building

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1.1 Climate and regional considerations
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1.3 Building considerations
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Chapter 1.—Site and Building

1.0 Introduction

This chapter sets forth considerations of the use of solar energy as related to broadly encompassing impacts beyond the scale of the solar energy system itself. The performance criteria for solar energy systems exist within a context of requirements that increase in scope from the building for which the system is designed, to the site, to the region and its climate, up to the scale of national energy goals. At each level, certain requirements have evolved which will influence solar installations. Policy decisions concerning energy conservation [1, 2]*, tax incentives, grant programs, reduced interest financing, fuel pricing or sun rights are examples of requirements that may have profound influence on solar energy applications.

It is critical that solar installations work in harmony with the overall conditions of climate, site, building characteristics and use patterns of the occupants. Proper and efficient performance of the site and building will increase the probability for efficiency of the solar energy system and in turn the level of performance of components and materials as well. A comprehensive check list of factors used to assess the overall suitability of passive and active designs used in the technical review of HUD's Cycle 5 Residential Solar Demonstration is given in the Appendix, pp. A–39 through A–45.

1.1 Climate and Regional Considerations

Regional climate and resource conditions may exert a strong influence on designs. Certain construction materials have strong indigenous applications and establish constraints within which the designer or any solar building project must work.

Specific regional climatic considerations include the following and are subdivided into categories of natural, man made and climatic factors.

Natural Factors

(a) Sun altitude and declination—for consideration of collector aperture tilt and shading, etc.

(b) Orientation—due south vs. magnetic south—to determine orientation and building geometry

(c) Topography—for consideration of building into slopes, earth berming and otherwise maximizing southern exposure and minimizing others, reference [3,4]

(d) Altitude—for the effects of atmospheric density

(3) Vegetation—as it affects shading, reflection and air movement, reference [3, 4]

(f) Ground temperature—as it affects ground water temperature and earth exchange cooling

(g) Water table height—for considerations of excavation, burying of storage elements, earth contact housing and wetting of insulation

(h) Water quality—its mineral content, pH, etc. when used for heat transfer fluid or thermal storage

Man Made Factors

(a) Density and growth of development—in consideration of solar rights, shading, glare, obtrusive installations, reference [4, 5, 6]

(b) Pollution of air—as it affects isolation, corrosion of exposed parts, stain and dirt deposits on collector cover plates or glazing

(c) Building materials and architectural character—consideration of mass and geometry or prevalent building types

(d) Building codes—to the extent that they constrain solar applications, reference[6]

Climatic Factors

Macro-climatic factors have a direct influence on solar H/C/HW systems. Typical sources of climate data are the Climatic Atlas [7] and Comparative Climatic Data [8]. Reference [9] describes adaption of building form for regional climate characteristics. Following is a tabulation of typical climate factors:

(a) Temperature (annual average, seasonal and daily)

(b) Solar radiation (annual, monthly, daily, hourly)

Note.—Data on a weekly basis would offer many advantages but is usually not tabulated in that form.

(c) Wind or air movement (direction, velocities, frequency)

(d) Relative humidity

(e) Rainfall and snow

Micro-climatic factors are those of specific interest to an individual building, site and immediate surroundings. Climatic characteristics become more focused at this scale and may be tempered or exaggerated by local features, creating weather characteristics unique to the site. The characteristics unique to the site may be caused by its topography, landscaping and proximity to surrounding buildings, hills, lakes or open plains, reference [2, 3]. The following characteristics should be considered at this scale:

(a) Shading—time, duration and season of occurrence are important for heating as well as cooling

* Numbers in brackets [ ] indicate references at the end of this chapter.

(b) Air movement (direction, velocity, frequency)

(c) Atmospheric quality (fog, haze) and direct vs. diffuse solar radiation

(d) Relative humidity

1.2 Site Considerations

Site design and siting criteria for energy conserving buildings incorporating solar energy systems are similar to good practice guidelines for non-solar building. The difference is in the special affinity for the sun and the sun's path required for solar energy applications. The performance uncertainties at this time and marginal energy balances often experienced in the operation of solar energy systems require greater consideration of the subtleties of the building/environment relationships. In passive solar applications, the entire building is likely to be affected by these relationships and for active applications at least the solar energy system will be affected. Over-design as a means of coping with the performance uncertainties of solar energy installations is extensive and not likely to be cost effective.

Achieving an optimum orientation for the building and/or collector apertures is of primary importance. During the winter months, approximately 90% of the sun's energy occurs between the hours of 9:00 a.m. and 3:00 p.m. It is important that solar collection surfaces not be significantly shaded during this time. Site planning should also take into account the direction of prevailing winds.

The judicious use of vegetation and other landscaping techniques can play a significant role in solar energy efficiency as well as energy conservation in general. The use of decidous trees and vines to provide summer shading while still permitting full exposure to solar radiation in the winter is particularly important in passive applications. Various ground cover materials can increase reflection or reduce glare as may be appropriate. Trees may be used to channel cooling breezes and evergreens can be used as effective wind breaks to moderate cold winter winds. Fences, screens, walls and earth berms are other site design elements which would be considered to provide sun capturing spaces or as barriers to heat loss. References [3, 4, 10, 11, 12, 13] describe siting considerations and reference [9] describes the extensive influence these have on passive designs.

1.3 Building Considerations

A well designed solar energy system should include a building that is energy conserving since collector area and sizing of other solar hardware components is proportional to the building load requirements.

There are several aspects that may be considered. One consideration is the exterior envelope of the building where energy can be conserved by modifying factors such as: color, thermal resistance, orientation, shading, surface area and weather tightness. ASHRAE Standard 90–75 [13] sets forth requirements for the design of the exterior envelope of new buildings for effective use of energy. Insulation to levels greater than those specified in 90–75 is normally desirable in solar buildings to minimize heating load. In the case of passive buildings, it may be desirable to tailor the design to the optimum use of glazed areas, thermal mass, insulation, ventilation and other appurtenances for heating, cooling and illumination. In such cases, the provisions of Section 10 (Energy Requirements for Building Designs Based on Systems Analysis) and 11 (Requirements for Buildings Utilizing Solar, Wind or Non-Depleting Energy Sources) of 90–75 may be applied. Other proposed national standards will affect building design [1].

A second consideration is the mass of the building which can exert considerable influence on the building's thermal behavior. Studies have indicated the beneficial peak leveling and carryover characteristics of properly designed building mass [15].

A third consideration is space planning and coordinating space use with natural temperature variations. The planning of interior spaces and proper temperature zoning is important for energy conservation and especially important in passive buildings. Such interior planning has a significant effect on the movement of energy (natural and mechanical) in buildings for both the heating and cooling seasons and the maintaining of comfort conditions corresponding with the activity within the spaces. Spaces having minimal heating and lighting requirements may serve as an effective buffer zone when placed in the north facing portion of the building. Spaces having greater heating and lighting requirements and more frequent use, can benefit from placement adjacent to southern exposures. In some passively designed buildings, the probability of large temperature swings may also affect zoning and room placement. The protection of entrances from winter winds by the use of a double entry or vestibule can be advantageous. Reference [16] presents a number of projects which illustrate design response to these needs. The need for grouping of mechanical spaces to take advantage of shorter piping and duct runs and associated thermal losses is similar to non-solar buildings but potentially more important in solar applications. Waste heat recovery and storage in the thermal storage mass of passive solar buildings is often possible. Which combination of options is chosen and how effective the selection will be is dependent on design conditions and design goals.

1.4 Building/Solar System Interaction

The adverse effect(s) that a building or site might have on solar H/C/HW systems or components and their performance must be considered in the design. The adverse effect(s) that the solar H/C/HW systems or components have on the building or site are addressed in Chapters 2 through 6 as appropriate.

Solar components should be located where the potential for their misuse is minimized. The proximity of system components to sidewalks and playgrounds should be examined to minimize potential misuse or vandalism.

Building exhausts, plumbing vents or other air discharge openings through roofs or exterior walls should not be located such that their emission will cause the deposition of grease, lint condensation or other deleterious materials on solar components, especially apertures or collector glazing. /similarly, solar components should not interfere significantly, either physically or aerodynamically, with building vents, flues and exhausts.

Interior items such as rugs, carpets, wall hangings and furniture which may cover passive solar components such as thermal storage, absorbers or apertures may seriously degrade the thermal performance of these passive components.

Routine maintenance of the building should not have adverse effects on the solar components, nor should required maintenance of the solar systems have adverse effects on the building components. Maintenance of building and site and roof surfaces are specifically covered in Criteria 6.2.4 and 6.2.5.

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[2] American Society of Landscape Architects Foundation, 1750 Old Meadow Road, McLean, VA 22101

[3] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161

Chapter 2.—Thermal

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Chapter 2.—Thermal

2.0 Introduction

This chapter sets forth the requirements and criteria that determine acceptable thermal performance of passive and active solar energy systems in residential buildings. Some of the criteria apply only to either active or passive systems, therefore, a means of categorizing systems by type is required for purposes of thermal analysis. Passive solar energy systems are considered to be primarily part of the building structure, whereas active solar energy systems are considered to be part of the mechanical heating, ventilating and air conditioning (HVAC) equipment. Energy flows in passive systems are primarily by natural means (radiation, convection, conduction), in contrast to forced flows (by blower or pump) in active systems. Systems in which energy flows are accomplished by a combination of natural and forced means are sometimes referred to as "hybrid" although for the purpose of this document they are considered passive. Passive solar energy systems are distinguished from other elements of the building in that they are capable of controlling solar energy by blocking, transmitting, absorbing, reflecting or storing it to provide space heating or cooling as desired. Likewise, active solar energy systems are distinguished from other mechanical equipment in that they utilize solar radiation as an energy source. Conventional HVAC equipment used in conjunction with the active solar energy system is referred to as the auxiliary energy system and is considered to be part of the active solar energy system, since the control functions of each are not normally independent. The classification of a solar energy system as active or passive should be done on the basis of whether the system consists primarily of building elements or primarily of mechanical HVAC equipment. See Reference [1]* systems. A passive system may include, in addition to natural energy flow, mechanical equipment for control or heat distribution. An active system may include energy transport by natural convection or solar collectors incorporated as part of the building envelope although the system is primarily mechanical in nature.

Requirements 2.1, 2.2 and 2.3 apply to the design of the solar heating, cooling and hot water systems with respect to the ability of the system to provide the applicable functions at peak or design conditions. Each criterion under these sections represents a "spot check" of the system capability under selected conditions. The design conditions are not extremes that the system could actually experience, but represent normal probabilities of occurrence, for example the ASHRAE 97½ percent winter outdoor design temperature. Passive solar energy systems (direct gain, mass walls, attached greenhouses, etc.) are treated as building components that utilize radiant solar energy to modify the space conditioning energy requirements. Thus, the energy required for the mechanical equipment (including the active solar energy system) results from exposure of the building, including any passive solar components, to ambient weather conditions such as temperature and solar radiation while maintaining required indoor comfort conditions. For solar energy systems that combine two or more functions, for example, a combined space heating and domestic hot water system with common collectors and storage components, it must be shown separately under the applicable requirements that each function can be met at the design conditions.

Requirements 2.4 through 2.8 apply only to active solar energy systems (including auxiliary energy systems). These sections define criteria that individual components and subsystems must meet certain minimum levels of thermal performance as well as interact

*Numbers in brackets [ ] indicate references at the end of this chapter.

properly for efficient overall system performance. Space heating, space cooling and domestic hot water system components must comply with the requirement of these sections if solar energy is utilized for these purposes in a residential building. Thermosiphon HW systems are considered to be active and are included in these sections.

As an alternative to meeting the component and subsystem criteria (2.4 through 2.8), the designer may elect to show compliance with a depletable energy limit for the solar energy systems (Requirement 2.9). In this case, a design energy limit for the amount of depletable energy (oil, natural gas, electricity, coal, wood, etc.) used by the system in one year is specified by the applicable authority. The designer must show by calculation that the design energy use of the system over a one-year period will not exceed the specified design energy limit. This approach is similar to the energy budget currently under development by the U.S. Department of Energy in their Building Energy Performance Standards (BEPS) Program [2] except that the energy limit described herein applies only to those space conditioning and hot water systems that utilize solar energy whereas BEPS covers all heating, cooling and hot water systems. The "applicable authority" as stated above and used throughout this chapter is the person legally capable of setting system performance levels. The role of the applicable authority must be in accordance with codes or a document such as the HUD Minimum Property Standards and BEPS, when adopted.

If provided in the design, analysis of both passive and active solar energy systems must be included in the annual energy use calculation in Requirement 2.9 The end result is the amount of depletable energy required to be input to the mechanical system components, including furnaces, pumps, blowers, motorized valves or other equipment. This alternative path is provided to allow for designer flexibility at the component level yet through conservation, passive solar components, and/or active solar energy systems, achieve design energy use within a specified limit.

In summary, to conform with the intent of this chapter, the solar space conditioning and domestic hot water systems must meet Requirements 2.1, 2.2 and 2.3 (as applicable) and either Requirements 2.4 through 2.8 or Requirement 2.9.

2.1 Passive Space Conditioning

Requirement. Passive solar heating and cooling systems, if provided, shall be properly designed and integrated into the building to reduce the space conditioning energy requirements for the mechanical system. Passive systems designed for a particular function (heating or cooling) shall not adversely affect the operation of the mechanical system or adversely affect the habitability of the building.

Commentary. If passive solar heating or cooling systems are not provided, this requirement is not applicable. Requirements for solar HW systems are described in Requirement 2.3

Passive solar designs that utilize large south-facing windows to admit winter sun for heating purposes can have a deleterious effect on space cooling loads or habitability, unless suitable precautions are taken to exclude solar radiation during the cooling season using such measures as external shading, internal movable insulation or venting.

2.1.1 Net Solar Contribution

Criterion. Passive solar heating systems shall provide a positive net solar contribution to the fully conditioned space for the month of January.

Evaluation. A daily energy balance for the passive solar heating system shall be computed for an average day in January. The option may be taken to demonstrate a net solar contribution for the entire heating season instead of only for the month of January, to account for unusual circumstances (i.e. weather pattern, shading, etc.). The gross solar contribution must exceed the sum of heat losses from the passive system and excess energy discharges, if any, due to the system. The energy balance calculation shall include either solar radiation clear sky data from ASHRAE [3], Chapter 58, multiplied by the mean percentage of possible sunshine, Reference [4], for January 21, or average daily solar radiation for the month as tabulated in Reference [5] or Appendix A of Reference [6]. The solar radiation data shall be adjusted for the appropriate tilt and azimuth angles of the solar aperture. Gross solar contribution may be calculated by multiplying the total daily solar radiation on the aperture, the transmittance of the glazing and the absorptance of the receiving surface as described in ASHRAE design heat gain calculation. Reflection and shading shall also be considered. Thermal energy loss through the aperture may be calculated using the product of surface area of the passive aperture, the appropriate overall heat transfer coefficient and the difference between 70°F (21°C) and average daily outdoor temperature for the month of January. Outdoor temperature data are widely available and are also included in the above four references. Mass storage wall components such as Trombe walls or water walls may require more comprehensive analyses than given above if it is questionable whether they meet the criterion, but the steady-state calculation should be adequate in most cases provided a rational basis for estimating the storage wall exterior surface temperature is available. More detailed calculations may be provided by the designer.

Commentary. Computer programs are available for handheld calculators for analysis purposes, References [7, 8] as well as sophisticated computer programs, References [9, 10, 11]. Reference [12] is a brief but comprehensive survey of passive solar building design computer programs.

This criterion is not intended to prevent the use of conventional windows that transmit solar radiation into the residence but are not a part of the passive solar heating system and do not give a net solar contribution.

South-facing windows in cold climates have often been found to be net losers of energy in the winter even though they transmit considerable quantities of solar energy during sunny winter days. Various means can be used to increase the net solar contribution of a passive solar heating system; for example, reflectors to increase incident solar radiation, multiple glazings to reduce heat loss, movable insulation to reduce night time thermal energy loss and appropriately located mass to absorb and store thermal energy. For direct-gain systems, three layers of glazing is usually justifiable in climates of more than 5,000 degree-F days (2800 degree-C days). Balcomb, Reference [6], Chapter E, provides discussion and recommendations for the number of glazings, with and without night insulation, for applications in cities with mild, moderate and severe climates.

The month of January was chosen for evaluation because it is coldest for most locations in the United States. If the passive solar heating system provides a net solar contribution in January, it will probably do so for the less severe winter heating season months. A one-month calculation was chosen for simplicity and to avoid the ambiguity of defining the limits of the heating season. This is not intended to be representative of seasonal thermal performance, but only a check for minimum acceptable performance. Passive solar heating systems that are net heat losers in the

coldest month place an undue burden on the mechanical heating system.

Vertical double-glazed windows facing south in Baltimore, Maryland meet this criterion without night insulation. With single glazing, night insulation having an R value as little as R-1 is needed to meet this criterion. In Fairbanks, Alaska, 120 miles (200 km) south of the Arctic Circle, triple glazed south-facing vertical surfaces give a net solar contribution in January even with no night insulation, but assuming some reflection from snow. Two glazings with R-5 night insulation also qualify with no credit for snow reflection.

Of 44 HUD Cycle 5 passive demonstration program sites, 95 percent have a calculated positive net solar contribution in January.

Determination of the optimum aperture area involves a life-cycle cost analysis as described in Chapter H of Reference [6].

The size of the aperture may affect the net solar contribution in January if the aperture area is large enough (and insufficient storage is provided) so that venting of excess heat is required, since discharged heat reduces net solar contribution. A given size system that provides a positive net solar contribution will continue to do so as the aperture area is increased until the size is reached where venting loss to prevent overheating causes the net solar contribution to become negative. A passive solar heating component having a negative net solar contribution cannot be made to have a positive net solar contribution by increasing its aperture area. Balcomb, Reference [6], Chapter D, gives rules of thumb for sizing solar collection area. The range of values is different for each location. It is recommended that the larger number not be exceeded to prevent building overheating on clear winter days.

2.1.2 Thermal Storage

Criterion. Thermal storage in the building mass or in thermally-coupled thermal storage areas, when provided, shall be sized and located to effectively absorb, store and release theral energy, reduce space temperature varations and minimize the space conditioning energy requirements for the mechanical system.

Evaluation. Review drawings, specifications and calculations. Calculations shall take into account the size of the mass, location relative to solar gain areas, forced or natural convection of air to and from storage and presence of insulating materials such as carpets or hangings over massive floors or walls that prevent direct solar radiation.

Commentary. Thermal storage is not necessarily required for all passive solar heating systems, but the need for storage depends on the size of the aperture relative to the size of the heated space. Generally 30 to 45 BTU/°F. ft² (600 to 900 kJ/°C-m²) based on aperture area is recommended. The lower end of the range should be used for small aperture areas relative to building size and the upper end for large aperture areas. Storage mass which directly receives sunlight will store up to four times as much thermal energy as mass which is not in direct sunlight, and storage capacity should be adjusted accordingly. To prevent overheating of the conditioned space, it is extremely important that sufficient thermal storage is provided when the aperture area is large. Venting of excess heat, instead of redistributing it to remote storage, reduces the net solar contribution of the system. (see Criterion 2.1.1).

If locating the storage so that is exposed to direct solar radiation is not practical, it may be remotely located. For large systems this has the advantage of distributing heat to other parts of the building and enabling a very large storage. The low temperature of heat stored by this means, however, makes air-flow heat transfer back to the living space very inefficient and direct thermal coupling of storage to space is preferred. Remote thermal mass charge by air may be effective for attached sunspaces but are not advisable for direct gain systems because of the moderate temperatures of any available heat. Rock bins may be located directly under floors for satisfactory operation. See Criteria 2.5.1-2.5.4 for further discussion of isolated thermal storage.

Storage mass thickness, exposed area, location relative to aperture and conditioned space and thermal characteristics not only affect heating effectiveness but also have a pronounced effect on space temperature fluctuations. Reference [13] describes these effects and Reference [14] provides procedures for predicting them. For the direct gain zone in general, massive surfaces should be relatively dark in color and low density surfaces should be relatively light. The time delay of thermal conduction should be considered in determining the thickness of passive storage mass. Thermal properties, including absorptance characteristics, for commonly used storage materials are given in Table 7 of the appendix of this document as well as in Reference [14].

In direct gain situations and for a fixed quantity of thermal storage mass, spreading the mass over as large an area as possible will maximize performance and will minimize the thickness of the mass layer. Mass near the surface is more effective than mass at a greater depth because it is more directly coupled with the conditioned space. Floor slabs directly over *dry* earth, and with perimeter insulation only, will likely have a tempering effect on interior temperatures during long, cold, cloudy periods, although temperatures may drop somewhat.

2.1.3 *Building Overheating*

Criterion. Heat gain from passive solar components shall not cause the instantaneous dry bulb temperature in fully conditioned spaces to exceed 82° F (28° C) or 5° F (3° C) above the simultaneously-occurring outdoor dry bulb temperatrue, whichever is greater, if mechanical cooling is not provided. (If mechanical cooling is provided, see Criterion 2.1.4.)

Evaluation. Review drawings, specifications and calculations. Review local weather data and sun angles. Compliance shall be demonstrated for both the months of July and October.

Commentary. The following three methods might be considered to prevent building overheating:

1. Shading.
2. Provision of adequate thermal storage.
3. Whole-house ventilation.

First, it may be shown that appropriate shading devices are utilized to prevent transmission of solar radiation affecting the fully conditioned space. Suitable methods include fixed or movable shades, movable insulation and venting of semi-conditioned spaces such as in attached sunspaces or the space between glazings and mass storage walls. In the case of shading, the solar aperture should be fully shaded from three hours before until three hours after solar noon at mid month.

Reference [6], Appendix C, provides data for determining monthly solar radiation on the collection surface, considering factors such as latitude, solar declination for the month, overhang, and tilt and azimuth of the collector. Clear sky solar radiation values for either the 15th or 21st (whichever is available) of the month should be used.

Second, it may be shown that thermal energy storage within the space effectively absorbs and stores heat to limit the maximum space temperature to the required value. An hourly simulation for 24 hours should be performed, considering such factors as solar radiation transmitted, the absorptance of receiving surfaces, placement and

capacity of thermal storage devices, and timing and flow rate of ventilation air. However, there is some concern that excessive mass in a building may absorb internal heat gains and may prevent the ability to cool down living spaces quickly using natural ventilation at nighttime. Fan-forced remote rock bin storage may be used and may avoid this potential conflict. Handheld calculator programs such as PEGFIX [8] and TEANET [7] are adequate.

Third, when the normal maximum outdoor temperature is above 75 °F (24 °C), it may be shown that whole-house ventilation is provided and adequately sized to maintain indoor temperatures less than 5 °F (3 °C) above the simultaneously-occurring outdoor temperature. A complete discussion of whole-house ventilation effects is given in Reference [15], pages 73–104.

Overheating is a potential problem for passive solar heating systems designed to provide heating during the winter. Shading of the aperture is an effective way to prevent overheating. Significant sources of information for controlling solar heat gain are in References [16] Chapter 26, and [17, 18]. Temperatures may rise in attached greenhouses or other semi-conditioned spaces above the outdoor ambient temperature. Venting of these spaces will help to control temperatures in adjacent fully conditioned spaces. Vent area equal to 10 percent of the glazed area is generally suggested, with outlets being slightly larger than inlets.

Fixed shading devices designed to shade at the summer solstice (about June 22nd) or in July may not be effective in late summer or early fall due to lower sun angles. The month of October presents a particularly difficult design problem to prevent overheating because of the low sun angle combined with relatively warm weather in many climatic regions. Various devices such as screens, curtains, shutters, reflective shades, blinds, awnings, vegetation and especially adjustable overhangs can be effective in controlling solar radiation. The concern is that these devices be properly sized and detailed.

A method for estimating temperature savings in direct gain spaces is given in Reference [6], Chapter F. Direct gain spaces are more susceptible to large temperature variations than indirect-gain types such as Trombe walls or water walls.

2.1.4 *Mechanical Cooling Energy*

Criterion. The net solar contribution from passive solar components shall not significantly increase the energy requirement of the mechanical space cooling system relative to a typical wall section during a typical sunny July day, if mechanical cooling is provided.

Evaluation. Daily net solar contribution to the fully conditioned space shall be calculated for the passive solar component and for a substituted conventional wall section for a typical, sunny July day. The substitute wall section shall have the same heat transfer coefficient as other exterior walls for 85 percent of its area and shall be considered glazed for 15 percent of its area. The glazed portion shall have a transmissivity of 0.80 and a heat transfer coefficient of 0/6 Btu.hr°F.ft² (3.4 W/°C/m²) and shall be considered to be fully exposed to direct sunlight throughout the day. Average daily values of outside temperature and solar radiation may be used in the calculations. Inside temperatures may be fixed at 78 °F (26 °C). Calculation of net solar contribution for each case shall be equivalent in detail to the evaluation procedure of Criterion 2.1.1. Alternatively, complete shading of the passive solar component for three hours before and after solar noon shall be sufficient evidence that this criterion is met.

Commentary. The month of July was chosen for simplicity and because it has the highest dry bulb temperature for many locations in the United States. The alternative wall section parameters are based on a typical wall for conventional residences with a double-glazed window. The net solar contribution calculation has three components: (1) Total solar input, (2) heat transfer through the solar components (including infiltration), which will be from outside to inside if the daily outdoor temperature is above 78 °F (26 °C), and (3) ventilation losses to discharge excess heat gain, for example, venting of a mass wall or sunspace.

2.1.5 *Thermal Environmental Conditions*

Criterion. For fully conditioned spaces, passive solar systems shall not cause the thermal conditioning to exceed the ranges specified by ASHRAE 55–74R [19]. The limits of acceptable comfort conditions that are given in ASHRAE Standard 55–74R [19] are summarized in the following commentary. Should there be conflict between this and Criterion 2.1.3, Criterion 2.1.3 shall prevail.

Evaluation. Review drawings, specifications and calculations. Compliance shall be demonstrated for the months of January, July and October. Corresponding calculations for these months as required in 2.1.1 and 2.1.3 can be used. Some conditions may require more detailed analysis such as the effects of mean radiant temperature.

Commentary. The intent of this criterion is to assure reasonable thermal comfort for the occupants as well as account for thermal environment variations that are appropriate for many passive applications. The operation of many passive systems are dependent upon temperature gradiants to get thermal energy into and out of storage and to transport energy from one location to another. Moderate temperature fluctuations, approximately 6 to 8 °F, outside the comfort zone may be appropriate during non-use periods such as night hours.

In addition to air temperature, the thermal comfort in interior spaces is affected by the temperature of interior surfaces, air velocity as well as clothing characteristics of the occupants. The mean radiant temperature (MRT) is as important as air tempertature in affecting heat loss and comfort. When air movement is low, the operative temperature is approximately the average of air temperature and MRT. A thorough discussion of these factors and design guidelines are given in ASHRAE Standard 55–74R [19].

The following comfort zone parameters are summarized from Standard 55–74R:

- Winer/summer temperature ranges: winter 68–74.5 °F; summer 73–79 °F. These temperatures are acceptable by 80% of sedentary building occupants and considers typical seasonal clothing.
- The thermal effect of humidity (within the range of 30 to 70 RH) on the comfort of sedentary persons is small.
- Normal acceptable air movement is 30 fpm (winter) and 50 fpm (summer) but it can be extended in some cases to 160 fpm.
- The rate of cyclic temperature change should not exceed 4 °F/hr if the peak to peak variation exceeds 2 °F.
- Slow rates of temperaure change (approximately 1 °F/hr) during the occupied period are acceptable provided the temperature during this "draft" does not extend beyond the comfort zone by more than 1 °F and one hour.
- Asymmetric radiation from hot and cold surfaces and from direct sunlight can cause local discomfort and reduce the thermal acceptability level of the space. In general, people are more sensitive to asymmetric radiation caused by a warm ceiling than caused by hot and cold vertical surfaces.
- To minimize foot discomfort, the surface temperature of the floor for people wearing appropriate indoor footwear should be between 65 °F and 84 °F.

Although the system may be operated by choice outside the comfort range, it

should be demonstrated that the system is capable of providing these conditions.

2.2 Mechanical Space Conditioning

Requirement. The mechanical space heating and space cooling systems, which include the active solar energy and auxiliary energy systems, shall be capable of maintaining comfortable indoor conditions during periods of occupancy and automatically operating to protect the building and its contents against damage due to temperature extremes when the building is unattended.

Commentary. The mechanical systems must meet the remaining heating and cooling energy requirements after these requirements have been reduced by the use of passive solar techniques, if provided.

2.2.1 Mechanical Heating System Size

Criterion. The mechanical (combined active solar and auxiliary) heating system shall be capable of providing 70 °F (21 °C) in fully conditioned spaces at 97½ percent winter outdoor design conditions.

Evaluation. Review drawings, specifications and calculations. Design load calculation shall exclude instantaneous solar gains and internal heat release from occupants, lights and appliances. A building heat loss calculation procedure comparable in detail to the method outlined by ASHRAE [20] or [16], Chapters 21, Infiltration and Ventilation, 22, Design Heat Transmission Coefficients, 23, Weather Data and Design Considerations and 24, Heating Load, shall be used. For heat loss calculations, exterior thermal storage walls associated with passive solar components shall be assumed to be at room temperature. The design load may be reduced by an amount equivalent to the rate of energy released from thermal storage within the building mass if shown to be appropriate for the historical frequency of occurrence of low ambient temperature and solar radiation. (These frequency distributions have not yet been developed.) For discussion of typical storage capability and sizing procedures see Reference [21]. At design load conditions, all movable passive solar components shall be considered to operate as designed.

Reference [22] provides acceptable methods of design of conventional space heating systems that are also useful for solar energy systems.

Commentary. Although the residence may not be operated to maintain 70 °F (21 °C) during any or all of the heating season, the mechanical system must be capable of meeting the design load based on these conditions. Calculation of the amount of depletable energy used by the system during the heating season need not necessarily be based on maintaining 70 °F (21 °C), but an interior temperature specified by the applicable authority and should reflect current trends in energy conservation. These calculations are not required here but are addressed in Requirement 2.9, Alternative Energy Limit Approach.

Comfort conditions combining the effects of dry bulb temperature, mean radiant temperature and relative humidity are presented in ASHRAE Standard 55–74R [19]. Occupied spaces for sedentary activities in normal dress are usually designed for heating to maintain a recommended indoor temperature of 70 °F (21 °C) dry bulb [17, 19]. However, mean radiant temperature may be used on an equal basis to calculate comfort conditions. Minimum and maximum temperature and humidity conditions are also specified in ASHRAE Standard 55–74R [19]. Spaces intended to be used as part of a passive system may be designed for temperature fluctuations compatible with their functional use. Housing for the elderly and care-type facilities may use other indoor design temperatures and design parameters [22, 23].

Chapter XII of Reference [24] provides a comprehensive description of considerations in the design of solar space heating systems. References [25, 26, 27] describe some problems encountered in heating system designs in the National Solar Demonstration Program.

2.2.2 Auxiliary Heating System Size

Criterion. The auxiliary space heating system shall be sized and designed to operate automatically to maintain indoor temperature at or above 55 °F (13 °C) in fully conditioned spaces at the 97½ percent outdoor winter design conditions (Reference [16], Chapter 23). Manually-operated passive solar components (such as movable insulation but not exhaust vents) shall be considered to be left in the maximum-heat-loss position.

Evaluation. Review drawings, specifications and weather data. The auxiliary system must function independently of the solar energy portion of the system, when appropriate. Refer to Criterion 2.2.1 for calculation of space heating load. For building heat loss calculations see ASHRAE [20] or [16], Chapters 21, 22, 23 and 24. ASHRAE [22] provides acceptable methods of design of space heating systems.

Commentary. The auxiliary space heating system is the part of the mechanical system that utilizes depletable energy sources, rather than solar energy, to meet the heating load. The purpose of this criterion is to maintain habitability and protection of occupied spaces for periods when there is insufficient solar energy to operate the system as designed and for periods when the solar heating system is not operated due to maintenance or repairs. Depending on the building and space heating system design, the auxiliary space heating system may also be required to meet 70 °F (21 °C) comfort conditions in fully conditioned spaces (see Criterion 2.2.1). Spaces which may not be fully conditioned and be susceptible to temperature fluctuations should not contain elements which might be susceptible to freezing.

2.2.3 Cooling System Size

Criterion. The mechanical (combined active solar and auxiliary) space cooling system, if provided, shall be capable of providing temperature and relative humidity specified by the applicable authority in fully conditioned spaces at 2½ percent summer outdoor design conditions, Reference [16], Chapter 23.

Evaluation. Review design climatic conditions, design indoor comfort conditions and cooling load calculations. A building cooling load calculation procedure comparable in detail to the method outlined in Reference [16], Chapters 21, 22, 23 and 25 or Reference [20] shall be used. The design load may be changed due to the operation of passive solar components such as shading devices and movable insulation and due to thermal storage within the building mass if justified by statistical analysis of weather patterns. For one- or two-family residences, the design load may be calculated using the simplified procedure described in Reference [16], Chapter 25, However, the design load shall include all sensible and latent heat load from all solar energy system equipment. Most cooling calculations require consideration of indoor temperature and humidity and the applicable authority should establish limits for these factors.

Commentary. The space cooling system, if provided, must maintain comfort conditions when passive solar components for space heating and/or mechanical components for water heating are operated as designed. Reference [22], Section I, provides recommended design criteria for conventional space cooling systems that are also useful for solar space cooling applications. Chapter XIII of Reference [24] provides a description of several methods that directly utilize solar

energy for space cooling. Reference [25] describes some generic system problems encountered with space cooling system designs from the National Solar Demonstration Program and Reference [28] provides a summary of measured thermal performance of several of the instrumented space cooling systems.

Air conditioning equipment utilizing conventional energy, ambient air, ground sink or stored thermal energy may be used in conjunction with the solar system in an assist or auxiliary mode. The use of evaporation, nocturnal radiation, desiccant cooling or other passive techniques should be designed to operate in conjunction with devices that collect, store or distribute the converted thermal energy in a controllable manner.

Occuped spaces for sedentary activities in normal dress are usually designed for cooling to maintain a recommended indoor temperature of 75 °F (24 °C) [19, 23]. Minimum and maximum temperatures are also specified in the ASHRAE Standard 55–74R [19]. Indoor design temperatures have not been specified in this criterion because they vary depending on when and how a space is used. Spaces intended to be used as part of a passive system may be designed for temperature fluctuations compatible with their functional use. Buildings with special functional requirements such as care-type facilities and housing for the elderly may use other indoor design temperatures and design parameters [19, 23].

2.2.4 Auxiliary Cooling System Size

Criterion. The auxiliary cooling system, if provided, shall be capable of providing temperature and relative humidity specified by the applicable authority in fully conditioned spaces at 2½ percent summer outdoor design conditions, Reference [16], Chapter 23.

Evaluation. Review drawings, specifications and calculations. Design cooling load and system design procedure shall be equivalent to that in Criterion 2.2.3 except the interior temperature and/or relative humidity requirements may be less stringent for the auxiliary cooling system. For building cooling load calculations, see ASHRAE [16], Chapters 20, 21, 23 and 24 or ASHRAE [20].

Commentary. No auxiliary cooling system is required unless specified by the applicable authority.

2.3 Domestic Hot Water

Requirement. The combined solar and auxiliary domestic hot water system shall efficiently utilize solar energy to reduce the consumption of depletable energy while providing domestic hot water at required temperatures and delivery rates.

Commentary. Domestic hot water systems may be passive or mechanical type (including thermosiphon collection loops). Passive design may be as simple as a dark color water tank exposed to solar radiation and enclosed by an insulated box with a transparent cover. Frequently, movable insulation is used as a nighttime cover to reduce heat losses. Mechanical systems are designated by type of solar collection fluid and type of freeze protection. For example, pumped vs. thermosiphon flow, direct vs. indirect heat exchange with collectors, or water vs. antifreeze systems.

If the solar domestic hot water system is combined with a solar space conditioning system, this requirement applies to the combined system to the extent sufficient to show that the domestic hot water function is met.

2.3.1 Temperature

Criterion. The hot water system (combined solar and auxiliary) shall be capable of providing hot water at a tap temperature up to 140°F (60°C), except in housing for the elderly and care-type facilities, for which hot water temperatures are specified in Section 615–6.1 of MPS 4910.1, [29] and MPS 4920.1 [30].

Evaluation. Review drawings, specifications and calculations.

Commentary. See Criterion 4.3.4 for health and safety related provisions.

2.3.2 Daily Water Use Rate.

Criterion. The hot water system shall be designed to provide daily hot water usage for single family and multifamily dwellings of up to 20 units based on 20 gal/day (76 L/day) per person for the first two persons and 15 gal/day (57 L/day) for each additional person with a minimum usage of 40 gal/day (150 L/day). Daily hot water usage for each dwelling unit in a larger multifamily building shall be based on 40 gal/day (150 L/day) for buildings having 21 to 200 units and 35 gal/day (130 L/day) for buildings having over 200 units [16].

Evaluation. Review drawings, specifications and calculations. This criterion may be met by storage of a sufficient quantity of hot water such that the combination of storage volume and temperature will provide the stated daily usage at the tap temperature given in Criterion 2.3.1. Heat losses from the storage container and distribution losses must be subtracted from the stored energy to determine the net quantity of hot water available for use at the tap. Energy in solar storage containers (heated only by solar energy and not by auxiliary energy) may not be included in the daily usage total unless justification is provided based on historical solar radiation data.

Commentary. Auxiliary heaters may be provided having a recovery rate (per hour) equal to the total daily usage rate instead of storage.

2.3.3 Hourly Recovery Rate

Criterion. The hot water system shall be capable of providing hot water at draw and recovery rates as shown in Tables 6–15.2 and 6–15.3 of HUD Minimum Property Standards [31] or Chapter 37 of ASHRAE Systems Handbook [22] for multifamily as well as care type facilities.

Evaluation. Review drawings, specifications and calculations.

2.3.4 Auxiliary Water Heating System

Criterion. The auxiliary water heating system shall be capable of providing 100 percent of the hot water temperature and recovery rates specified in Criteria 2.3.1 and 2.3.3.

Evaluation. Review of drawings, specifications and calculations.

Commentary. Most well-designed solar hot water systems provide over half of the annual hot water energy requirements with solar energy. On an hourly basis, however, there are many times when these systems must operate with no available solar energy, such as at night or cloudy days. Therefore, the auxiliary heating system must be capable of meeting the hourly loads. Domestic hot water solar storage containers sized for several days of storage are not recommended. Large storage relative to collector area can prevent achieving of usable temperature as well as causing excess heat losses. Even a very well insulated solar storage container of extremely large capacity will seldom get sufficiently hot, thus requiring auxiliary energy to boost the water temperature to the set temperature.

2.4 Collector Array Performance

Requirement. The solar collector array shall be capable of absorbing solar radiation and converting it into useful thermal energy for providing the functions of space heating, space cooling and/or domestic water heating.

Commentary. Typical values for the ratio of actual collected solar energy to theoretical collected energy using collector test data are given in Reference [32]. Array performance reduction of less than 10 percent relative to individual collector panel test data

values can be expected in well-designed systems.

2.4.1

Collector Orientation

Criterion. The collector array shall be positioned so that the seasonal/annual incident solar radiation per unit area shall not be significantly less than the seasonal/annual incident solar radiaition on a reference collector array at optimum collector orientation with no shading, except where special circumstances require non-optimum orientation.

Evaluation. Collector orientation factors are given for converting radiation on a horizontal surface in Chapter 3 of Reference [33]. Examination of solar radiation for the geographic location, orientation of collector array, shading (external shading and self-shading by other collectors in the array) and building shape and orientation.

Commentary. Retrofit situations may result in deviation from thermally optimum orientation. Typically, annual/season incident solar radiation should not be less than 80 percent of the radiation that would be received at the optimum orientation. In general, collectors should face due south and have a tilt angle equal to (a) local latitude for water heating only or for combined space heating and cooling, (b) local latitude minus 15 degrees for space cooling only, and (c) local latitude plus 15 degrees for space heating only or combined space and water heating. High-rise buildings with small roof areas or unfavorable building orientation may require special architectural integration and preclude thermally-optimum orientation, yet these systems may be technically and economically appropriate. Tilt deviations of +15° from the above values and deviations of 20° east and 30° west of true south will not likely decrease performance by more than 10 percent. Local conditions such as shading or fog, or the particular advantages of emphasizing morning or afternoon gain should be considered.

2.4.2 Panel Performance in Array

Criterion. An individual collector panel in the array shall not operate at significantly less efficiency than the test efficiency curve due to differences between test and actual operating fluid flow rate and fluid properties.

Evaluation. Procedures equivalent in accuracy to ASHRAE Standard 93–77, Reference [34], shall be used to determine collector test efficiency curves. Post-stagnation test, as given in Section 10 of the Appendix (modification of test in NBSIR 78–1305A) [35], is required. Calculation of flow rate through the lowest-flow panel is required. Hydraulic and thermal calculations shall be made for the condition of normal total flow rate through the array. Consideration must be taken for turbulent/laminar flow in the collectors and manifolds, fluid properties and array configuration. Reference [36], page 148, may be used to determine loss in efficiency due to flow rate and fluid property changes for a typical liquid collector. Reference [37] gives the effect of flow rate on a typical air-type collector and also gives typical collector efficiency curves. Internal manifolding of collector panels in an array may increase efficiency relative to single-panel tests by reducing edge losses.

Commentary. The middle collectors in parallel arrays tend to have reduced flow and therefore run hot. To alleviate this, a high ratio of pressure drop across any panel to the pressure drop across the manifold is required. The minimum flow through a panel is important but it is not necessary to have balance of flow to all collectors in the array. In large arrays (larger than single family applications), acceptable flow variations may be as great as 3 to 1 in individual collectors, while maintaining required minimum flow in the lowest-flow collector panel.

Too many collectors in series increases inlet temperature of the latter collectors and should be avoided. Experimental studies, Reference [67], of the influence of flow rate and fluid type in a broad class of flat plate collectors resulted in thermal performance variations of up to 10 percent.

2.4.3 Array Manifold Energy Loss

Criterion. During normal operating conditions, heat loss, including that due to air leaks (infiltration or exfiltration) from the collector array manifolds and piping within the collector array shall not exceed 15 percent of the solar energy collection rate.

Evaluation. Review drawings and specifications. Examination of insulation properties, air leaks in the system and typical collection fluid operating temperature.

Commentary. Heat loss from internal manifolds and within individual collector panels is taken into consideration in the panel performance (Criterion 2.4.2) and is not included in this criterion.

Typical heat loss levels that have been achieved in the National Solar Demonstration Program are less than 10 percent of the solar energy collection rate for liquid systems and 15 percent for air systems. Air leakage from ducts can significantly increase thermal energy loss (see Criterion 3.3.4 for specification of allowable air leakage). There is evidence that maintaining a slight negative pressure in the collector array, resulting in air infiltration, may be more beneficial as compared to air leakage from the array. Reference [38] provides a simple analytical technique for analyzing the thermal effects of collector air leakage. A similar procedure for analyzing the effect of heat loss from collector supply and return ducts or pipes on system performance is described in Reference [39]. Chapter 9 of Reference [40] recommends suitable insulation type and thickness for collector array manifold pipes and ducts. Reference [41] describes methods for determination of economically optimum insulation thickness.

2.4.4 Heat Loss During Non-Collection Periods

Criterion. Heat loss from the collector array during times other than normal operating conditions shall not exceed 10 percent of the design monthly collected solar radiation in the month of January.

Evaluation. Heat loss due to thermosiphoning, capacitance effects and freeze protection shall be evaluated separately. Check valves or backdraft dampers must be present to prevent reverse thermosiphoning when the collectors are colder than storage, if collector are above storage, remain filled and the configuration permits thermosiphoning. When the collection fluid remains in the collector during non-operation, daily heat loss due to capacitance effects may be calculated to be the product of fluid mass in the collector and exterior piping or ducts, fluid heat capacity and the difference between the temperature of the hot fluid at the time of system shutdown and the temperature to which it cools (normal ambient low for the month of January).

Heat loss due to freeze protection (draindown, fluid circulation, etc.) shall be calculated for an average day in January and compared with solar energy collected during the same 24-hour period. If circulation of liquid from storage is used as the freeze protection method, heat loss from collector and exterior piping shall be calculated for the length of time liquid is circulated. Calculations shall consider ambient temperature, storage temperature, insulation of pipes and heat loss factor of collector (F_RU_L). The time for freeze control circulation shall be calculated based on control strategy, length of day, percent possible sunshine and statistical

ambinet temperature data. Reference [4] gives mean number of days having minimum temperature of 32°F (0° C) and below for the month of January for various locations. Energy loss due to other methods and freeze protection such as heat tapes shall be included.

Commentary. some collector designs reduce the possibility of heat loss due to reverse thermosiphoning; for example, those having inlet and outlet at the same elevation. Draining of all liquid from collector and exterior piping to the storage tank when energy is not available (collector drain back system) eliminates heat loss due to thermosiphoning, capacitance and freeze protection and is recommended for many applications. The effect of leaking dampers in air-type systems is discussed in Reference [42]. Leakage of dampers which serve to isolate the collector loop from the rest of the system should be limited to two to five percent. Spring loaded check valves should be considered for preventing thermosiphoning in liquid systems. See Criteria 3.2.9 and 3.3.3. The non-collection period addressed in this criterion does not include shutdown.

2.4.5 Energy Rejection

Criterion. If energy rejection is provided for in the design, the collectors shall be capable of rejecting energy at the required rate.

Evaluation. Review drawings, specifications, collector heat loss test and calculations. Collector heat loss rate may be estimated using the slope of the ASHRAE 93–77 [34] test efficiency curve. The effect of the collector loop heat exchanger must be considered.

Commentary. The use of the slope of the ASHRAE 93–77 thermal efficiency curve, F_RU_L when multiplied by the collector area and difference between ambient and fluid temperatures, will give conservative value of heat rejected, and is satisfactory for design purposes. More accurate (and higher) values of heat rejected may be calculated using more refined analyses, including the effective temperature of the night sky, since higher losses would be experienced at night than during the daytime when the ASHRAE 93–77 curve is determined. Efficient solar collerctors are inherently inefficient heat rejectors, especially designs utilizing selective absorbing surfaces, double glazing or evacuated tubes. It is difficult to reject at night the amount of heat collected during a typical sunny day; therefore, special heat rejection panels may have to be incorporated into the collector array.

2.4.6 Collector/Storage Combination

Criterion. Collector/storage combinations shall collect or dissipate energy at the design rate.

Evaluation. Review drawings, specifications, test data and calculations.

Commentary. Collector/storage combinations can be packaged systems designed to be placed adjacent to a house and filled with storage materials such as rocks or can be built in place. Trombe walls and similar passive components are not covered under this criterion (see Criterion 2.1.1). for packaged systems, it is recommended that test data be developed in accordance with the procedures given in Reference [43].

2.5 *Thermal Storage Performance*

Requirements. The thermal storage subsystem shall be capable of efficiently accepting thermal energy, storing it and releasing it to satisfy partially or fully the space heating, space cooling and/or hot water load.

Commentary. If thermal storage is not provided, this requirement is not applicable. Refer to Criterion 2.8.2 for information concerning the size of thermal storage and its effect on system performance.

2.5.1 Thermal Energy Loss

Criterion. Thermal energy loss from thermal storage, including loss due to air leakage (in or out) shall not exceed 15 percent of the energy input to the storage subsystem for those months in which the load exceeds the collected solar energy.

Evaluation. Review drawings, calculations and specifications. Examination of conductive heat loss through insulation, losses through storage container structural supports and losses due to air leakage.

For other than domestic hot water storage only and when such heat loss does not have adverse effect on the cooling load, thermal energy losses that can be traced directly to heated spaces and, therefore, reduce the heating load are not required to be included in the 15 percent limitation.

Commentary. Specification of allowable air leakage from thermal storage containers is given in Criterion 3.3.4. Storage containers for air systems should be sealed in accordance with Criterion 3.3.2. See also Criterion 3.1.3 for coverage on insulation.

Typical measured values in the demonstration program show heat loss as low as five percent of the energy input to storage, during the heating season. Reference [44], Section S–615–7.3.4, requires for residences that "the thermal energy loss from storage containers located outside the heated dwelling shall not exceed 10 percent of the maximum operating thermal energy capacity over an average 24-hour winter design day," and Reference [40], Section 9.5, limits heat loss to two percent of the stored energy over a 12-hour period unless heat loss will supplement the space heating requirement. Reference [21], page 19, gives a simple calculation procedure for determing the required insulation to limit heat loss to two percent in 12 hours. If thermal losses from storage are maintained at the levels specified by this criterion, the adverse effect on the cooling load during any summertime operation should be acceptably low.

2.5.2 Thermal Stratification

Criterion. Thermal stratification in the storage subsystem shall be promoted to reduce inlet temperature to collectors and increase temperature to loads.

Evaluation. Review drawings and specifications. Examination of geometry of storage container, location of inlets and outlets, volocity of heat transfer fluid, presence of baffles and use of multiple storage containers.

Commentary. Thermal stratification in the storage container is usually desirable in order to provide low collector inlet temperatures and to provide high temperatures to load or equipment. Consideration should be given to trade-offs between stratification and heat losses from a second tank in the case of solar water heaters. F–CHART [33] assumes fully mixed storage, however, improved thermal performance may be achieved in practice with stratified storage.

The thermal performance of a well-insulated tank in the demonstration program was improved greatly by eliminating short-circuiting from inlet to outlet by mans of baffles.

In single-tank HW systems, the electrical heating element should be placed at approximately the upper third of the tank to promote stratification. Short-circuiting of water flow paths between the inlet and outlet of storage should be prevented. Reference [45] describes the effect of stratification by use of mathematical models.

2.5.3 Charging Rate.

Criterion. When the thermal storage subsystem is fully discharged, it shall be capable of absorbing thermal energy at a rate equal to the rate of solar energy collection at solar noon on a clear day when ambient temperature is equal to its average annual value.

Evaluation. Review drawings and specifications. Examination of heat transfer surface area, thermal conduction and convection coefficients within the storage container based on flow rates and heat transfer fluid properties and storage medium thermal properties. Reference [46] gives a procedure for measuring charging rate.

Commentary. During conditions of depleted storage, solar energy will be wasted or collection efficiency will be decreased if the storage charging rate is too low. Insufficient heat transfer area is the most likely cause of too low charging rate. In rock storage bins, clean, round rock of relatively uniform size in the range of ¾"–3" diameter is recommended. Dry sand is a poor conductor of heat and is usually not recommended. Rock storage should have air flow through it and not depend on conduction of heat between the rocks, which are also poor conductors.

Due to the low temperatures encountered in residential solar energy systems, much larger heat exchangers are required than for conventional systems. Several design guides (References [46] and [47]) contain useful guidance on sizing heat exchangers for solar energy applications.

2.5.4 Discharging Rate

Criterion. When the thermal storage subsystem is fully charged, it shall be capable of releasing stored thermal energy at a rate sufficient to avoid using auxiliary energy to satisfy the load.

Evaluation. Review drawings and specifications. Examination of solar fraction of load designed to be met by stored energy, auxiliary energy capacity, heat exchanger area, thermal properties and heat transfer fluid flow and properties. Examination of condition of no collectable solar energy but high load.

Commentary. If the system is designed to provide a high solar fraction, the discharging rate should be equal to the design load when storage is fully charged. See terminology for definition of solar fraction.

Too low discharging rate will impair system performance by requiring excess auxiliary energy to be used and keeping stored energy longer, which allows greater thermal storage losses.

Reference [48] gives procedures for determining the storage discharging rate.

2.5.5 Addition of Auxiliary Energy to Thermal Storage

Criterion. Addition of auxiliary energy to the thermal storage subsystem shall not significantly reduce the collected solar energy or increase the heat loss from the storage container, except where special circumstances justify non-optimum design.

Evaluation. Review of drawings and specifications. Examination of system configuration, control logic, storage configuration, location of inlets and outlets, and stratification.

Commentary. The addition of auxiliary heat to thermal storage containers can severely decrease collection efficiency by increasing collector inlet temperature.

It is advisable to keep the solar and auxiliary subsystems separate and in parallel if possible. Auxiliary energy may be added to thermal storage if done in such a way as to preserve thermal stratification in the storage, for example, in the case of single-tank solar hot water systems. Addition of auxiliary heat to thermal storage may be justified based on storage of off-peak-generated energy.

See Criterion 2.5.2 for discussion of stratification.

2.6 Energy Transport Performance

Requirement. The energy transport system shall be capable of efficient transfer of thermal energy among or between the various components and systems.

2.6.1 Thermal Energy Loss

Criterion. Under normal operating conditions, thermal energy loss from the energy transport system shall not exceed 15 percent of the energy to be transported.

Evaluation. Review drawings, specifications and calculations. An instantaneous calculation of energy loss shall be performed considering insulation thickness and conductivity value on pipes and ducts, pipe or duct hangers or other thermal "shorts," insulation of pumps, blowers, heat exchangers, location of blower motors (inside or outside of air stream), and air leaks from ducts and air handling units.

For other than domestic hot water systems and when such heat loss does not have adverse effect on the cooling load, thermal energy losses that can be traced directly to heated spaces and, therefore, reduce the heating load, are not required to be included in the 15 percent limitation.

Specification of allowable air leakage from the primary solar duct system is given in Criterion 3.3.4.

Commentary. This criterion does not apply to the distribution system within the conditioned space (see Reference [23], Sections 5.10 and 5.11 for pipe and duct insulation guidelines). Typically, heat loss should be less than 5 percent of the energy transferred for liquid systems, and 10 percent for air systems under normal operating conditions. Collector-to-storage losses for systems in the Federal demonstration program are as low as three percent of the collected solar energy. Reference [49] discusses the effect of energy transport losses on the thermal performance of solar energy systems. Chapter 9 of Reference [40] indicates insulation thickness for pipes and ducts for residential applications.

There is concern that heat loss from the energy transport system, especially air leakage, could significantly degrade the control of energy flow.

If thermal losses from the energy transport system are maintained at the levels specified by this criterion, the adverse effects on the cooling load during any summertime operation should be acceptably low.

2.6.2 Operating Energy

Criterion. Under normal operating conditions, operating power for fluid transport of solar thermal energy to or from storage shall not exceed 10 percent of the energy transferred.

Evaluation. Review drawings, specifications and calculations. Examination of size of pump or blower relative to flow and pressure drop in system, viscosity of heat transfer fluid as a function of temperature and fluid type, motor rated capacity, pump or fan efficiency, electrical energy input to motor and fluid flow rate, temperature differential and thermal capacity of fluid. Heat pump compressor energy should be excluded because their operating energy is normally greater than the above values.

Commentary. All operating energy including that for pumps, compressors, fans, blowers, solenoid valves and controls, should be considered for solar components. Under normal operating conditions, operating energy for a given heat transfer loop should not exceed 5 percent of energy transferred for liquid systems or 10 percent for air systems. Reference [50] includes values for operating energy in thermal performance analysis of selected projects monitored in the national solar data program. The use of thermosiphon loops can be effective in reducing operating energy where feasible.

2.6.3 Collector Loop Transfer Rate

Criterion. The energy transport system shall provide adequate transfer rate for the collection of solar energy and during periods of maximum solar radiation.

Evaluation. Review heat exchanger effectiveness under normal and peak design conditions, heat transfer fluid flow rate and properties, collector array

area, maximum rate of incident solar radiation and collector efficiency curve. For thermosiphon or draindown systems, review of piping size, slope and height of storage above collectors.

Commentary. Reduced collector loop transfer rate will result in high collector temperature and hence, reduced collection efficiency. If there is a collector loop heat exchanger, the approach temperature difference should be as low as practical, 5° F–15° F (3° C–8° C) as recommended in Reference [47]. Thermosiphon HW systems for single-family residences should have at least ¾ inch nominal diameter pipe and long radius elbows.

2.6.4 Load Transfer Rate

Criterion. The energy transport system shall be capable of transferring the required solar and auxiliary thermal energy to the space heating, space cooling and/or hot water loads at a rate at least equal to the design load.

Evaluation. Review heat transfer fluid flow rate and properties, heat exchanger effectiveness over operating range, design temperatures and calculation of design loads as described in Criteria 2.2.1, 2.2.3 and 2.3.3.

Commentary. Problem areas may include liquid-to-air heat exchanger coil size in the space conditioning duct, coil size in hot water preheat tanks and external heat exchanger size. The hot water recovery rate in the solar portion of the hot water system is an important consideration to avoid unnecessary use of auxiliary energy.

2.7 Control Performance

Requirement. The control system shall be capable of proper and efficient regulation of all other systems to fufill the spact heating, space cooling and/or hot water system requirements.

Commentary. Simpler⅛ control systems have been found to be just as efficient as complicated ones and are often less prone to malfunctions. Extensive coverage of control system design is presented in Reference [51].

2.7.1 Sensor Location

Criterion. Location of control sensors shall not significantly increase the use of depletable energy by the system due to improper location.

Evaluation. Review drawings and specifications. Examination of presence or absence of flow at all times past sensor locations, backflow or thermosiphon effects during non-operation and precision of sensors.

Commentary. Sensor location should not increase depletable energy use of the system. Normally the temperature differential between the sensor and the point of desired measurement should not exceed the precision range of the sensor. The sensed condition at all times should be considered when determining sensor placement. Thermosiphon or backflow in an idle loop can cause sensors to give erroneous indications of system operating conditions. Proper placement or insulation from external conditions, or the use of check valves or backdraft dampers will reduce sensor susceptibility to the influence of detrimental, extraneous or uncontrolled heat flows. Reference [26] discusses the implications of sensor location on system performance.

2.7.2 Collector Fluid Circulation

Criterion. The circulation of heat transfer fluid through the collectors shall occur only when useful heat can be collected except as required for freeze protection or heat rejection or dumping of excess energy.

Evaluation. Review drawings and specifications. Examination of type of controller, deadband range, temperature turn on and off points and means of prevention of unwanted thermosiphoning.

Commentary. Collector pump or blower cycling can be reduced by proper deadband in on/off controllers. Studies have shown that proportional controllers are not substantially more effective than on/off controllers (References [51, 52]).

Heat rejection from collectors may be for nocturnal cooling purposes or for overheat protection (see Criterion 2.4.5).

2.7.3 Priority of Energy Use

Criterion. The controls shall prioritize the use of energy such that solar energy is first applied toward meeting the load if possible, then auxiliary thermal energy is used if necessary to supply the balance, unless such prioritizing increases the depletable energy use of the system.

Evaluation. Review drawings and specifications. Examination of control logic, system configuration and operation of space or HW thermostat.

Commentary. The intent of this criterion is to use solar energy whenever possible to reduce storage losses and enhance collection efficiently. It is good practice to keep the solar and auxiliary subsystems separate with, for example, the solar coil first in the air stream and the auxiliary coil second. This criterion is not intended to prevent the simultaneous use of solar and auxiliary energy.

2.7.4 Control Valve and Damper Leakage

Criterion. Leakage past control valves and dampers shall not significantly increase the depletable energy use of the system or significantly degrade system operation.

Evaluation. Review drawings and specifications. Examination of control logic, operation of control dampers and valves, and flow paths and temperature of leaking fluids.

Commentary. As described in Reference [42], it is important that dampers in the air collection loop close tightly. Leakage past valves can reject energy to a collection loop or cooling tower, resulting in system performance degradation. See Criterion 3.3.3 for specification of allowable damper leakage.

Large heat losses can occur because of thermosiphoning from storage to collector at night if valves or dampers in the collector-storage loop do not close tightly.

2.7.5 Control Set Points

Criterion. Controller set points shall maximize the use of solar energy in effectively meeting the load.

Evaluation. Review drawings and specifications. Examination of control strategy, set points, fluid flow paths, fluid velocities and collector characteristics.

Commentary. Collection loop set points should be determined considering operating energy versus energy collected.

Under no circumstances should the collection loop operate when operating energy exceeds solar energy collected.

Set points should address the freeze protection needs of the system for the local climatic conditions. Efforts should be made to avoid excessive cycling of the controller which can result in significant system degradation over time. See Criterion 5.2.2. Consider a differential controller with a time delay to minimize cycling.

Typical set points include a delta-T of 10° F (6° C) between storage and collector temperature for start up and a delta-T of 3° F (2° C) for shutoff for liquid collection systems. Higher temperature differential should be used for air collector systems. References [51, 52] provide useful information for the determination of set points.

Absorption chiller performance in cooling systems is sensitive to control set points. Small temperature variations at the generator (hot water) and evaporator (chilled water) inlets can

have large effects on the chiller coefficient of performance.

2.8 Component/System Interaction

Requirement. All components in the H/C/HW system shall be selected and integrated into the system in such a manner to reduce the use of depletable energy by the system.

Commentary. Interaction of components is extremely important for mechanical solar energy systems. In addition to providing thermally efficient collection, storage, energy transfer and control, components must be carefully selected, sized and integrated to require minimum depletable energy input while satisfying system energy requirements.

2.8.1 Collector Selection

Criterion. The solar collector shall be selected based on efficient operation in the desired operating temperature range of the equipment to which collected solar energy is delivered.

Evaluation. Post-stagnation (per Reference [35]), test data (per Reference [34] or [53]), shall be submitted for the collector used. Temperature requirements of equipment, heat exchanger approach temperature difference, solar radiation intensity, ambient temperature, wind and diffuse/beam solar radiation data shall be reviewed.

Commentary. High-temperature applications, for example, cooling systems, may utilize low-loss collectors. Low temperature applications (space and water heating) can use collectors with a higher loss coefficient depending on ambient temperature and solar radiation intensity. Heat exchangers with high approach temperature differences requires that the collectors work at a high inlet temperature. See commentary in Criterion 2.6.3. Degradation of collectors and the effect on selection is discussed in Chapter 5. Direct/diffuse radiation data is discussed in Chapter 3 of Reference [36].

Although cost is not within the scope of these criteria, a number of collector characteristics will affect operation efficiency and cost effectiveness. These characteristics might include:

- Number and material of cover plate(s).
- Heat transfer medium (air, liquid) and flow rate.
- Freeze protection technique.
- Absorber coating type.
- Absorber plate and conduit material, gauge and integrating technique.
- Insulation material effectiveness.

Reference [47] gives useful information and discussion.

2.8.2 Storage Size

Criterion. The thermal capacity of the thermal storage system shall not adversely effect overall system efficiency.

Evaluation. Review drawings and specifications. Examination of storage volume and heat capacity of storage media, collector array area and efficiency, frequency of periods of no collectable solar radiation, temperature requirements of equipment supplied by solar energy, number and type (hot or cold) of units and load. Justification must be made in design for abnormally undersized or oversized storage.

Commentary. Storage may not be provided, see Requirement 2.5. Storage size affects collection efficiency, temperature stability of the system and cycling of equipment (especially absorption chillers). Too small storage results in waste of collectable solar energy. Too large storage can result in unacceptably-high losses or too low termperatures to load.

The size, or even the presence or absence of storage, depends on the system design. Typical storage sizes in the National Solar Demonstration Program for residential applications are predominantly between 10 and 20 Btu/° F/ft² (200–400 × 10³ kJ/° C-m²) of collector area, although some systems have more than 70 Btu/° F/ft² (1400 × 10³ kJ/° C-m²).

Reference [21], page 10, states that for residential space and water heating systems, storage capacity should be about 10 to 15 Btu/° F/ft² (200 to 300 × 10³ kJ/° C-m²) of collector surface.

The 10 to 15 Btu/° F/ft² range, though typical, does not apply in cases such as: solar assisted heat pumps (2–3 times this amount is needed), seasonal or annual storage systems, solar powered chiller systems, systems so small in relation to load that collector output is used immediately.

2.8.3 Fluid Flow Rates

Criterion. Heat transfer fluid flow rates shall be compatible among the various subsystems with regard to capacity and heat transfer rates. Heat exchangers and other devices shall be sized to effectively transfer energy from one subsystem to another.

Evaluation. Review drawings and specifications. Examination of required flow rate ranges of all components in a loop of system configuration, parallel or series arrangement of components.

Commentary. Overall system efficiency can suffer due to specification of equipment in the same loop requiring different flow rates. Equipment sizes and arrangements (in series or parallel) should be chosen considering compatibility of flows and heat transfer rates.

2.8.4 Auxiliary Equipment Selection

Criterion. Auxiliary energy equipment shall be selected and integrated into the H/C/HW system to minimize the use of depletable energy by the system.

Evaluation. Review drawings and specifications. Energy Efficiency Ratings (EER's) of all equipment shall be stated. Justification shall be made for the selection of auxiliary energy source. Arrangement of auxiliary equipment relative to load and solar energy equipment will be closely examined. In particular, source temperature for heat pumps shall be specified and justified.

Commentary. Parallel solar/auxiliary heat pumps may not be efficient in cold climates. In this arrangement, the heat pump uses outside air as a heat source when the solar portion of the system cannot supply the load. However, since the heat pump coefficient of performance and capacity is reduced at low source temperature, this arrangement is not always advantageous.

Two basic methods of augmenting a solar heated absorption chiller have been used: an independent auxiliary electric chiller or the use of fossil fuel to provide the heating energy for the absorption chiller in the absence of solar heat. One major consideration is the peak load on the electric utility at times of peak cooling power requirements, which indicates oil back-up. Independent electric chillers provide for increased reliability in case of absorption chiller failure

2.8.5 Load Temperature Requirements

Criterion. Component interaction shall be such that the system is able to meet higher-temperature load requirements before lower temperature loads are satisified when higher temperature energy is available and a higher temperature load exists.

Evaluation. Review drawings, specifications, system configuration and control logic.

Commentary. Cooling applications usually require higher temperatures than water and space heating systems. As an example, the efficiency of an absorption chiller decreases with decreasing hot water firing temperature, so a combined cooling and hot water system should supply the hottest solar-heated water to the chiller and lower-temperature water to the water heating system.

2.9 Alternative Energy Limit Approach.

Requirement. The building, including passive solar components, and the mechanical H/C/HW system, including active solar and auxiliary energy systems, shall be designed to minimize the use of depletable energy. The system analysis criteria set forth in this section may be used as a basis to demonstrate compliance. Alternatively, subsystem and component criteria described in Requirements 2.4 through 2.8 may be used.

Commentary. If the criteria in sections 2.4 through 2.8 are followed, it is assumed that the depletable energy use of the mechanical system will be acceptably low. To ensure low levels of depletable energy used on that basis, however, requires the assumption of a "standard" solar energy system design, which may not encourage innovation. Also, sections 2.4 through 2.8 deal only with the mechanical system design to meet a given load and do not address load reduction by means of passive solar design of the building. Therefore, this section 2.9 may be followed, at the option of the designer, to allow flexibility in design of the building and mechanical system while keeping depletable energy use below a limit set by the applicable authority.

2.9.1 Depletable Energy Limit.

Criterion. A depletable energy limit for the H/C/HW system shall be established by the applicable authority and shall not be higher than the BEPS [2] level (when finally promulgated) for the particular building type and location, and fuel type.

A separate energy limit may be stated for each system type in the case of independent systems, or a single limit may be stated for a combined system. The limit shall be expressed in terms of annual energy per unit gross floor area of fully conditioned space Btu/ft²/year (J/m²/year). A separate energy limit may be established for each energy source (e.g. electricity, oil, natural gas, wood). The energy limit shall apply to depletable energy sources as supplied to the site.

Evaluation. The energy limit must be established considering weather conditions at the site including, as a minimum, solar radiation and ambient temperature. U.S. DoE Building Energy Performance Standard (BEPS) [2] energy budgets adjusted for system type (scope of coverage) may be used as a basis, although solar energy systems are believed to be capable of much lower depletable energy use then required by the levels stated in the BEPS, NOPR [2] which can be met without the use of passive or active solar energy systems.

Commentary. In actual practice the depletable energy limit may be proposed by the designer and approved by the applicable authority.

The energy limit for domestic hot water systems must be stated as a ratio to gross floor area of fully conditioned space to provide uniformity and to avoid confusion in the case of combined systems.

It is recognized that specification of an energy limit at the site does not take into consideration the thermodynamic efficiency of mining or harvesting depletable energy sources, converting them, and/or transportation to the site. The applicable authority, however, can account for these factors by placing a separate energy limit on each type of energy source.

2.9.2 Depletable Energy Use.

Criterion. Passive solar components and active solar energy techniques shall be employed to the extent necessary to achieve annual depletable energy use below the limit established in Criterion 2.9.1. Calculations of depletable energy use of the H/C/HW system shall be based on operating conditions and/or hot water consumption established by the applicable authority.

Evaluation. Review analytical methods, drawings, specifications, component test data and calculations. The calculation of annual depletable energy use shall be based on analytical predictions or correlations derived from simulations using hourly values of solar radiation, ambient temperature and system load for at least one day a month including operating energy requirements and heat losses, and H/C/HW system and component performance characteristics. Otherwise, it shall be based on experimental data for similar solar energy systems in similar buildings in the same climatic area. System performance shall be based on post-stagnation collector performance data. It is desirable that the prediction of system performance reflect the cumulative degradation in components resulting from environmental deterioration or system wear.

The energy use calculation shall be used on operating conditions provided by the applicable authority including occupancy schedule, temperature set points for day/night and summer/winter, and ventilation schedule. Emergency Building Temperature Restrictions [53] are one example of legislated operating conditions. Energy records of comparable buildings may be used to substantiate calculated energy use.

Commentary. The energy limits discussed here do not specifically include energy for lighting purposes, however, it is desirable to consider the beneficial effect of natural lighting in reducing annual energy requirement for lighting.

Experimental verification of complete system performance or actual usage data for similar projects may not be available; therefore, analytical simulation methods employing empirical subsystem or component performance can be used to calculate the performance over the full range of operating conditions.

All systems that provide the functions of heating and/or cooling require a building thermal load analysis to determine the energy demand on the mechanical equipment. This analysis can vary from simplified methods such as described in Chapter 43 of the ASHRAE Systems Handbood [22] and based on the modified degree-day method for heating and the equivalent full-load hour method for cooling, to sophisticated computer programs such as NBSLD [55] which perform dynamic simulation of hourly thermal loads for each building zone for an entire year. Reference [56] provides a summary of computer programs available for heating and cooling thermal load determination. Refinements to the simplified energy calculation procedures [57] are currently being developed to include elements deemed essential to the accuracy of the calculation procedure. The choice of a particular method used to calculate building thermal load depends on the specific application. Residential buildings containing two or less zones and not utilizing passive solar components can usually be evaluated using the simplified proceures; however, larger, multiple-zoned buildings and buildings having passive solar components should utilize the more comprehensive methods. The building thermal load analysis should be capable of predicting seasonal buildings heating loads to an accuracy of 10 percent (when the uncertainty of air infiltration is excluded) and seasonal cooling loads to an accuracy of 20 percent when compared to predictions using the most refined procedure available.

The annual thermal performance of all H/C/HW systems can be evaluated using a variety of methods after the respective energy demands are determined.

Simplified methods, such as the f-Chart method [33], varying from handbook calculation procedures [44, 58] to interactive computer programs [59] are suitable for many smaller

mechanical solar energy systems. The f-Chart method is a correlation to liquid and air active solar systems for space heating and hot water, hot water only, and space heating only. The f-Chart method is not suitable for use with:

- Passive components.
- Tracking collectors.
- Space cooling systems.
- Heat pump.
- Multi-zone heating systems.

Anticipated advances in the interactive computer version, FCHART, are expected to increase the list of system types that can be modeled. Operating energy for pumps, blowers, and controls is not calculated by the method and must be estimated separately.

SOLCOST [60] is another simplified method of calculating system thermal performance. In addition to the systems that can be modeled by the f-Chart method SOLCOST is also applicable to heat pump systems, both solar-assisted and solar augmented, and for single and double axis tracking collectors. Like f-Chart, SOLCOST does not calculate operating energies for pumps, blowers and controls. Detailed simulation methods such as TRNSYS [11] are warranted for mechanical systems installed in large complex buildings or for systems not covered by the simplified procedures. A listing of computer programs for solar system thermal performance is available from the National Solar Heating and Cooling Information Center [61] and a more comprehensive summary of calculation procedures are described in Reference [62].

Although the thermal performance of buildings containing passive solar components such as direct-gain buildings can usually be calculated using the previously described building thermal load techniques, thermal network analysis techniques may be required for buildings having indirect-gain features such as Trombe walls. General purpose thermal analyzers such as SINDA [63] or specialized programs such as PASOLE [10] are available for these types of buildings. Hand calculation procedures such as the Solar/Load Ratio [6] method are also available. Reference [12] is a brief but comprehensive survey of passive solar building design computer programs. The choice of a calculation procedure for estimating solar energy system thermal performance depends on the application.

In recent experiments on solar HW systems at NBS [64], the predicted long-term performance using the f-Chart, SOLCOST and TRNSYS programs were all within 8 percent of the measured results. Similar efforts have been made to compare space heating system measured performance with f-Chart predictions using instrumented data from the National Demonstration Program [65, 66]. Based on these results, it is suggested that calculation procedures be selected to have an accuracy of 10 percent for HW systems and 25 percent for H/C/HW systems when compared to the most detailed calculation procedure available for the same thermal load input conditions.

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Chapter 3.—Mechanical

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Chapter 3.—Mechanical

3.0 Introduction

This chapter presents performance criteria for the mechanical and some constructional aspects of solar energy systems. The mechanical requirements are related to active systems while the parallel for passive systems are considered constructional as well as mechanical. For simplicity, both are considered in this chapter. Criteria that pertain to passive systems are incorporated into sections throughout the chapter under applicable topics (for example, sealing of air systems) and are not limited to Requirement 3.4.

3.1 System Design Conditions

Requirement. The H/C/HW system and components shall be capable of being operated over the flow rate, pressure and temperature ranges and under structural conditions anticipated in actual service without significant impairment and shall conform to applicable local and nationally recognized codes and standards.

Commentary. It is desirable that the design consist of components that are covered by recognized standards, where

available, and are specified by the manufacturer to be suitable for the pressure, temperature and flow application. Available codes and standards are listed by ASHRAE [1]*. Underwriters' Laboratories currently has under development a set of standards for solar collectors that may be applicable.

Heat transfer through the system may use a number of different transfer approaches such as gravity (or thermosiphon) circulation, combined forced and gravity circulation, or forced circulation. Systems or applications that do not lend themselves to engineering analysis may require prototype tests or documented performance under in-use conditions. A standard practice for installation and service of solar heating systems (H) [2] and installation guidelines for solar hot water systems (HW) [3] have been prepared.

3.1.1 Solar Collectors

Criteria. The specification of solar collectors shall include maximum acceptable pressure drop, resistance to stagnation conditions and thermal stresses. Criteria involving thermal performance are covered in Requirement 2.4.

Evaluation. Review drawings, specifications, manufacturer's literature, test data and design calculations. Provisional tests described in test methods 7.2 (no-flow 30-day degradation) and 7.6 (thermal cycling) of NBSIR 78–1305A [4] are one means of assessing the effects of these conditions on collectors. ASHRAE 93–77 [5] provides coverage of collector pressure drop.

Commentary. Collectors must often withstand considerable thermal cycling and weathering conditions. Thermal performance may be reduced by the degradation of glazing, seals and absorber materials.

3.1.2 System Balancing.

Criterion. The energy transport system shall be designed with provisions for balancing of all specified design flows and be balanced after installation to assure that specified flow rates are achieved. This shall include collector array, storage and heat exchangers for all systems except HW systems with three or fewer panels or less than 50 ft^2 (4.6 m^2) of gross collector area.

Evaluation. Flow rates shall be adjusted to meet the requirements of Criteria 2.4.2, 2.5.3, 2.5.4, 2.6.3, 2.6.4 and 2.8.3. Two methods for balancing are Procedural Standards for Testing, Adjusting, and Balancing of Environmental Systems, NEBB [6] and National Standards for Field Measurement and Instrumentation, Total System Balance, AABC [7]. Review drawings, specifications, historical performance, previous test data and design calculations or testing.

Commentary. Flow rates can vary widely or even short circuit areas within collector arrays, storage assemblies and energy transport systems resulting in reduced performance.

Typically, liquid flow is about .02 gal/min-ft^2 (0.014 L/s-m^2) of collector. Reverse return piping configurations are self-balancing within certain limits. Balancing devices must be provided on each parallel leg of a direct return system. For air collectors, a flow rate of 2 ft^3/min-ft^2 (0.01m^3/s-m^2) of collector is typical.

Balancing dampers placed in ducts having excessive air flow rates is a common means of balancing air systems.

Flow rates and velocities for thermosiphon systems will vary dynamically and will not necessarily fall within stated ranges.

3.1.3 Insulation

Criterion. Insulation of collectors, piping, ducts thermal storage containers and heat exchangers shall be in accordance with recognized standards and methods.

Evaluation. Review drawings and specifications. Insulation design and installation shall be in accordance with ASHRAE [8], Chapter 19. Factory manufactured insulated ducts shall satisfy the requirements of UL 181 [9]. Fibrous glass ducts shall satisfy SMACNA requirements [10].

Commentary. Protection of exterior pipe and duct and storage container insulation is of great importance in preventing thermal losses. Joints in waterproof coverings, and some impermeable insulation, are particularly vulnerable to moisture intrusion into the insulation resulting in decreased R-value. Requirements for resistance to weathering and ultra-violet exposure are contained in Criteria 5.1.1 and 5.1.2, for thermal stability in 5.2.1 and for fire resistance in 4.4.3.

Insulation should be protected against compressive loads from pipe and duct supports and storage tanks. Some insulating materials such as cellular glass foam have high compressive strength and may be suitable for insulating all around and under earth supported storage containers. Most insulation materials do not have adequate compressive strength and may require additional supporting devices. Care should be taken that thermal shorts through supports and fittings are minimized. Insulation on undergound and unsheltered above ground components must be well waterproofed and sub-surface drainage provisions are highly recommended. Construction in high water-table areas may be impractical. Concrete or other storage mass on grade should have perimeter insulation either vertically along the foundation wall or horizontally under the storage mass, from the perimeter inward for a distance of 1 to 2 ft (.3–.6 m). Such insulation may be placed outside the foundation wall to increase the volume of the insulated thermal mass, but only if well protected from physical damage and weathering, and be impervious to moisture absorption. ASHRAE [8], Chapter 19, and Reference [11] contain guidance.

3.1.4 Structural Deflection

Criterion. Under the effect of deflections caused by the loads defined in Criterion 4.6.1, in addition to the anticipated creep deflections, the system as a whole or any component, connection or support thereof, shall not suffer permanent damage which would require replacement or repair, or which would impair its intended function during its service life.

Evaluation. Evaluation of documentation of data for design, tests and installations. Evaluation and/or testing of components and elements where deemed essential. Determination of compliance with generally accepted standards, and engineering and trade practices, where applicable.

The criterion is deemed satisfied if it can be demonstrated that deflections caused by the specified loads can be accommodated by suitable details or adequate flexibility.

Commentary. The intent of this criterion is to provide for the proper functioning of the system under service loading conditions without breakdown or permanent impairment beyond levels comparable to conventional heating and cooling systems.

Loads lower than required ultimate loads should not cause large, irrecoverable deformations. The deflection of conventional elements supporting the system elements should not exceed the limits of conventional engineering standards for the appropriate materials and for nonconventional elements the deflection should not exceed the limitations specified in Section 13.2.4 of Reference [13].

*Numbers in brackets [ ] indicate references at the end of this chapter.

Reference [14] gives a range of limits on deflection depending on circumstances that may be used for guidance in assessing compatibility. Safety concerns such as broken glazing and hazardous fluid leaks that may be caused by excessive deflections are covered in Criteria 4.6.1, 4.3.3, and 4.2.3.

3.2 Liquid Systems

Requirement. the subsystems and components of liquid systems shall be designed as to flow rates, temperatures, pressures, mechanical stresses, material properties and heat transfer liquid characteristics to provide proper and efficient performance.

Commentary. In liquid systems, maximum pressure and temperature are primarily a function of fluid properties and relief valve settings, along with the properties of the materials that comprise system components. Fluid compatibility is an important consideration and is covered in Requirement 5.3. See 6.2 and 6.3 for requirements for system maintenance, servicing and monitoring. Illustrations of recommended design practices are contained in [1, 3, 3].

3.2.1 Piping Design

Criterion. Pipe sizing shall be in accordance with accepted design practice or recognized methods and volocities shall not exceed the values listed in Tables 3 and 4 in Section 11 of the Appendix. Anchorage shall be provided where necessary. Support shall be provided to prevent piping from deflecting beyond acceptable limits and to maintain a slope for positive drainage.

Evaluation. Review drawings, specifications and design calculations for compliance with applicable local and national codes and standards.

Commentary. Since the size and energy requirements of pumps are a function of the system flow resistance, pressure drops should be kept as low as practical. Fittings such as bends, tees, globe valves, reducers or other obstructions to flow should be minimized or simplified by careful arrangement of piping runs. For long runs, smooth turns with soft temper pipe or large radius elbows should be considered. Accepted practices for plumbing design are discussed in standard plumbing guides [15, 16]. Velocities are given in Tables 3 and 4 in Section 11 of the Appendix for the materials listed to prevent erosive wear.

A thermosiphon water heating system is an example where pipe sizing is essential as hot water circulation results from the change in density of the fluid with temperature. Movement of a heat transfer fluid by natural convection is achieved by relatively low pressure differentials and low pressure drops are essential. Design considerations and equipment performance data are available in References [17, 18, 19, 20].

Adequate anchorage and support are necessary in order to prevent damage to the piping, insulation or building surfaces from sagging, vibration and thermal cycling. Support and anchorage systems are illustrated in Reference [21]. Supports for horizontal runs should be at eight foot (2.4 m) intervals for drawn copper tubes, six foot (1.8 m) for annealed copper tube, twelve foot (3.7 m) intervals for threaded pipe, and one to two foot (.3–.6 m) intervals for rigid plastic pipe.

See also Chapter 5, especially 5.1, 5.2 and 5.3 for additional concerns including non-metallic piping and coupling hoses.

3.2.2 Leak Testing

Criterion. The portions of installed H/C/HW systems that contain pressurized liquid heat transfer fluids and are directly connected or are not directly connected to the potable water supply shall not leak when exposed to designated pressures.

Evaluation. Review of specifications and testing. The portions of the H/C/HW systems that contain pressurized liquid heat transfer fluids and are directly connected or are not directly connected to the potable water supply shall be leak tested at pressures not less than 1½ times their design working pressure for a minimum of 15 minutes, when filled with a recommended testing fluid. Those portions of the system designed to operate at atmospheric pressure shall be filled with a recommended testing fluid and tested for a minimum of 30 minutes. Those portions of installed H/C/HW systems that are directly connected to the potable water supply system shall be tested in accordance with applicable local and nationally recognized codes and standards. Pipes and tanks shall be leak tested before enclosing, backfilling or insulating. The test pressure shall be applied for the period of time necessary to inspect for leakage. The temperature of the liquid shall be within 5° F (3° C) of the initial ambient conditions. Provisional tests for evaluating the leakage and pressure resistance of solar collectors are described in test method 7.12 of NBSIR 78–1305A [4].

Commentary. In most applications, the leak testing should be done with the specified heat transfer fluid. Glycol mixtures and oils have lower surface tensions than water and will leak through normally watertight connections. In addition, use of water in systems later filled with oils or other immiscible liquids could lead to fluid deterioration or corrosion due to residual water. If the fluid temperature is significantly lower than that of the ambient conditions, sweating may result and proper examination will be difficult. In addition, the use of hot liquids can result in the swelling of packings and joint materials, thus, concealing leaks. Provisions should be made at the highest point or points in the system to permit venting of all air in the piping during the filling operations. See also Criterion 3.2.6. In applying the pressure, caution should be exercised so that excess pressure is not applied to the system. Protection of certain components such as expansion tank(s), air vent(s) and pressure gauge(s) and capping of pressure relief devices should be considered to avoid damage of these components during pressure testing.

3.2.3 Liquid Quality

Criterion. The systems shall have strainers, filters or other means to collect particulate matter that could impair the flow of the heat transfer fluid and result either in a reduction of system efficiency or deterioration of system components beyond acceptable limits.

Evaluation. Review drawings and specifications.

Commentary. The piping in some solar collectors and heat exchangers may have small cross sections in which blockage by dirt, scale, pieces of gasket material, pieces of packing, or other foreign matter in the heat transfer fluid could occur. The buildup of sludge may be the result of decomposition of the heat transfer liquid, reactions with additives within the liquid itself or reactions of the heat transfer fluid with piping materials or extraneous impurities such as pipe dope, solder flux, cutting oils or general system dirt. A strainer with a brass or stainless steel screen should be installed ahead of the pump to remove foreign matter that might damage the pump, clog collector or heat exchanger passages or cause galvanic corrosion in the system. The change in pH of some heat transfer fluids due to their decomposition at elevated temperatures is of great concern. See Criteria 5.2.1, 5.3.1 and 6.2.1.

To aid in preventing sludge, the system piping should be thoroughly cleaned and flushed prior to the introduction of the antifreeze mixture. Problems can develop when liquids such as "hard" water are used. See also Criteria 6.1.5 and 6.2.1.

3.2.4 Thermal Expansion of Fluids

Criterion. Adequate provisions for the thermal expansion of heat transfer fluids and thermal storage fluids that can occur over the service temperature range shall be incorporated into the system design.

Evaluation. Review drawings, specifications and design calculations. Expansion tanks shall be sized in accordance with Chapter 16 to ASHRAE Handbook/Systems [16].

Commentary. Water expands about 4 percent in volume when heated from 40° F to 200° F (4° C to 93° C). Other heat transfer fluids will have different coefficients of volumetric expansion. Means should be provided in the system design to contain this additional fluid volume without exceeding the relief pressure of the system resulting in venting of fluid. Provisions for expansion of fluids should be located in all loops in which thermal energy may be added to or removed the fluid and that may be isolated by valves.

3.2.5 Drainage and Filling

Criterion. Fill and drain devices shall be provided for the flushing, filling and periodic recharging of the system and to facilitate maintenance and repair of liquid systems. In systems employing toxic or combustible fluids, such devices shall be in compliance with Criteria 4.2.2 and 4.2.4.

Evaluation. Review drawings, specifications and maintenance instructions.

Commentary. In systems using toxic or combustible liquids, it may be desirable to design fill and drain devices so that only skilled maintenance personnel can service the system.

See Criteria 6.2.1 and 3.2.3 for further discussion of maintaining the quality of heat transfer liquids.

Water wall units, barrels, columns and other collector/storage assemblies may require draining and filling provisions for the individual liquid containers.

3.2.6 Entrapped Air

Criterion. When liquid heat transfer fluids are used, the system shall provide suitable means for air or gas removal from the piping and liquid containment system.

Evaluation. Review drawings and specifications.

Commentary. Entrapped air in piping and collectors can impede the flow of liquids through piping, reduce heat transfer effectiveness and otherwise reduce overall system efficiency. The freezing of exterior uninsulated air vents has been known to occur and create trapped air conditions in solar piping systems. Air vents are typically installed in the high points of the system and above the air eliminator. Automatic float vents must be mounted vertically and the cap must not be tightened.

3.2.7 Vacuum Relief

Criterion. Closed storage tanks, expansion tanks and piping located at elevations above the system served shall be protected against collapsing when subjected to vacuum. Such components shall be designed to withstand negative pressures or have vacuum relief protection.

Evaluation. Review drawings and specifications.

Commentary. Possible collapse of tanks and piping from being subjected to negative pressure is an important design consideration [21]. If vacuum relief valves are used, it is important to protect them from freezing. See also Criterion 3.6.2. (These valves are also used in drain down systems to permit drainage by admitting air at atmospheric pressure.)

3.2.8 Thermal Expansion of Materials

Criterion. This system components and assemblies shall be designed to allow for the thermal expansion and contraction and the flexing of plumbing and fittings that will occur over the service temperature range.

Evaluation. Review drawings, specifications and calculations.

Commentary. Piping, solar collectors and other components may experience changes in dimensions as a result of temperature changes. Such changes can result in excessive stresses within the piping, piping supports and anchorages, structural elements, pumps, and solar collectors if means are not incorporated in the system design to allow for the thermal movement. These problems are especially severe in long pipe runs and pipes with connecting lines. Movement due to thermal changes can also result in inadvertent dissimilar metals contact with other components or building elements, leading to possible corrosion problems. See also Criterion 3.2.1.

Expansion coefficients for commonly used materials are given in Tables 5 and 7 of Appendix Section 11.

3.2.9 Valves

Criterion. Valves shall be specified and located to provide proper and efficient system performance and be in accordance with applicable local and nationally recognized codes and standards. Valves shall be specified and set to avoid system or components damage.

Evaluation. Review drawings and specifications for proper design application and code compliance.

Commentary. Improper application, installation, malfunction and failure of valves has caused significant problems in solar energy demonstration projects.

Valves may be either manual or motor operated. Motor operated valves that control the draindown cycle of a draindown type solar energy system are covered in 3.6.2. Motor operated valve installations should be designed for fail-safe operation in the event of power failure. Solenoid valves may also present problems due to incomplete closure.

Globe valves should not be used as isolation (shut-off) valves because of the restriction they introduce. Gate or ball valves are preferable for shut-off. Square head cocks, ball or globe valves are commonly used as balancing valves. Gate valves are unsuited for balancing. Temperature and pressure relief valves and vented backflow preventors should be set so as to avoid system damage and should not be located in such a way that they can discharge near personnel, electrical components and other vulnerable items. See also Criterion 4.3.1. Because of the low flows generated in thermosiphoning, check valves used to prevent such thermosiphoning should be mounted carefully to assure closure. The use of control valves with visual position indicating devices is encouraged.

2.1.10 Pumps

Criterion. Pumps shall be specified to provide proper and efficient performance. Selection and installation shall be in accordance with the requirements of the Hydraulic Institute [23] and local and nationally recognized codes and standards where applicable.

Evaluation. Review drawings, manufacturer's literature and specifications for compliance with Hydraulic Institute Standards.

Commentary. Pump selection in accordance with the heat transfer fluid is important with respect to viscosity, specific heat and specific gravity. Sizing of pumps should consider additional static head during filling operations. In a well designed system, the energy consumption of the pump(s) should not exceed one to six percent of the energy collected by the solar energy system annually.

Bronze or stainless steel pumps should be used in open systems to prevent corrosion. Cast iron pumps should be used with glycol/water heat transfer fluids in closed systems. Galvanized pumps should not be used

with glycol solutions. Specific coverage of materials/heat transfer fluid degradation is given in 5.3.1.

In draindown systems, the pump must be a certain distance below the minimum water level in the receptor tank to retain prime and provide adequate positive suction head. Running air-bound for more than ten seconds may damage the pump.

3.3 Air Systems

Requirement. The subsystems and components of air systems shall be designed for capacity, temperatures, mechanical stresses, materials properties and flow rates to provide proper and efficient performance.

Commentary. See 6.2 and 6.3 for requirements for system maintenance, servicing and monitoring. Illustrations of recommended design practices are contained in [1, 2, 3].

3.3.1 Duct Design

Criterion. The sizing and specification of ducts, duct joints, dampers, air movers and other air handling components shall be in accordance with recognized standards. Installation shall comply with National Fire Protection Association (NFPA) Standards 90B, 31 and 54 [24]. Velocities shall not exceed the limits specified below.

Evaluation. Review of plans and specifications. Design of all heating and cooling duct systems shall be in accordance with recommendations as applicable in ASHRAE Fundamentals, Chapter 31 [8], the Air Conditioning Contractors of America (ACCA) [25] and/or the Sheet Metal and Air Conditioning Contractors National Association (SMACNA) [19]. See Criterion 4.4.3.

Commentary. Ducts should be designed for the shortest practical run and elbows should be kept to a minimum. Constrictions should be avoided whenever possible. The use of turning vanes should be considered at duct bends to reduce pressure losses. Recommended air velocities for main trunk ducts, air collector manifold ducts and air collector riser ducts fall in the range of 700–900 ft/min (3.6–4.6 m/s) [19, 26]. The absolute pressure of the air in the collectors should be slightly negative and as close to atmospheric as possible to minimize leakage. This usually requires the collectors to be on the suction side of the air mover.

Air flow through ducts, filters, heat exchangers, collectors and other flow restrictions will establish the total pressure loss, which should be kept to a minimum in order to reduce blower operating cost. Blowers sized near the center of their performance curves and the use of belt-driven fans will allow for "tuning" flexibility in air flow; however, sizing should also consider efficiency of operation. Standards for design, sizing, construction and installation of ducts used with solar energy systems are covered in Sections 3 and 7 of Reference [19].

3.3.2 Sealing of Air Systems

Criterion. The following sealing requirements shall be used for the various components of air systems. Restrictions on the percentage of air leakage for various components are given in Criterion 3.3.4. Requirements for sealing according to high pressure duct standards does not imply that these components will function at high pressures.

(a) Primary solar duct system (PSDS) (duct system between the collectors and thermal storage and the ducts making connection to the space distribution system; this does not include the manifold-to-collector connection): The PSDS shall be sealed in accordance with Seal Class A of SMACNA High Pressure Duct Construction Standards [27] or otherwise constructed in such a manner to provide equivalent air tightness. Fibrous glass ducts shall be sealed in accordance with SMACNA Fibrous Glass Duct Construction Standards [26] and any applicable conditions of listing for Class 1, UL 181 ducts [9].

(b) Space distribution duct system (SDDS): The SDDS shall be sealed in accordance with Seal Class B, C, or D of SMACNA Low Pressure Duct Construction Standards [28] for the appropriate pressures where losses may be considered non-detrimental. This occurs where losses are to heated space and the components are not used to transport heat during the cooling season. In cases where leakage is detrimental or to unheated spaces, the SDDS shall be sealed in accordance with Seal Class A. In either case, construction that will provide equivalent airtightness shall be allowed in lieu of the sealing requirements.

(c) Thermal storage: Thermal storage shall be constructed of or lined with low permeability materials and sealed or otherwise fabricated to limit air leakage. This is not intended to apply to storage which is directly coupled to heated spaces as commonly done in passive applications. Sealing shall include joints in thermal storage, duct and access openings.

(d) Collector arrays and other components: Collector arrays and other manufactured components such as air handling units, heat exhangers and filters shall be assembled and sealed in accordance with manufacturers' instructions. Sealing shall include all joints between manufactured components and ducts. Equivalent airtightness shall be provided for site-built collector arrays.

(e) Passive air transporting assemblies exposed to the outdoors or semi-conditioned spaces shall be tightly constructed in accordance with energy conservation guidelines to control air infiltration and leakage [29, 30, 31, 32, 33].

Evaluation. Review drawings and specifications. Airtightness of equivalent construction shall be demonstrated by documentation of satisfactory long-term performance under in-use conditions or testing in accordance with Criterion 3.3.4.

Commentary. These requirements are beyond standard practice for small scale conventional HVAC installations. However the prevalence of air leakage in many demonstration projects and evidence of detrimental effect on thermal performance dictate these sealing levels for all air solar systems.

(a) PSDS: Sealing to Class A levels should limit PSDS leakage to 1 percent of system operating air flow. All-metal flexible ducts may not be satisfactorily airtight for solar applications without extensive sealing. Flexible canvas connections will probably have too much leakage to be satisfactory in the PSDS. Checking for leakage and sealing leaks are best accomplished during the process of field assembly before the installation is covered by other construction. Sealing as required above includes connections to all ancilliary units such as storage and blowers, but does not include manifold-to-collector connections.

(b) SDDS: Sealing of SDDS to the recommended levels should limit air leakage to 5 percent of system operating air flow for Class B, C or D sealing and to one percent for Class A.

(c) Thermal Storage: Thermal storage using metal as the airtight barrier may be sealed in accordance with Seal Class A and should achieve air leakage rates of one percent or less system operating air flow. Thermal storage using plastic may be appropriate for similar treatment. Construction involving wood, masonry or other porous materials may call for other methods, but techniques which would make the container watertight while simultaneously being able to withstand all service temperatures would seem appropriate. The objective of such sealing should be to limit leakage to 1 to 5 percent of system operating air flow.

Concrete should be considered potentially porous and may require

lining and sealing to bring air leakage within acceptable limits. Problems associated with shrinking, warping and cracking should be considered when detailing storage containers made of wood.

d. Collector arrays and other components: In designing collectors, air handling units, heat exchangers, etc., for solar applications, designers should pay particular attention to details of construction and field installations that will minimize air leakage. Airtightness of manufactured as well as site-built units may be addressed through numerous techniques including basic product configuration and materials selection as well as factory installed gaskets, felts, mastics etc. Careful attention to the collector-to-manifold connection detail will result in decreased leakage. Reference [34] discusses the effect of air leakage on system performance.

(e) Passive air transporting assemblies: Since air pressures in passive systems are essentially those generated by natural buoyance, good construction practices used for the control of infiltration should provide acceptable airtightness. Attention to the quality of construction for leakage control is very important, however, because the surface areas involved in passive air transporting assemblies are sometimes very large and allow many opportunities for leaks.

3.3.3. Damper Leakage

Criterion. Volume control dampers and back draft dampers in the PSDS shall comply with SMACNA Solar Installation Standards [19] and shall have resilient blade edges, such as felt, or otherwise constructed to insure tight cutoff of the air stream.

Evaluation. Review drawings and specifications to determine that correct damper type is specified.

Commentary. Damper leakage has a major effect on the performance of the system. Analysis of some operating systems has shown a 40 percent system performance loss due to leaky dampers [35]. Leaking back draft dampers have allowed cold night air to circulate over DHW coils and cause freezing. Leaking should be limited to 2 to 5 percent on critical dampers, particularly those which serve to isolate the collector loop from the rest of the system. Carefully designed, constructed and installed dampers should be capable of meeting this level of performance. Details of damper design are as important in assuring tight cutoff over an extended service life as the materials used. Adequate sealing can be achieved using felt, vinyl, foamed plastic and other materials. Specially designed "low leakage" dampers may be required. Many seal materials are especially prone to deterioration after a period of use. Access ports should be provided for inspection and periodic maintenance.

See Criterion 6.2.2 for access requirements. Lightweight back-draft dampers used in passive applications, i.e. Trombe walls, are discussed in Criterion 3.4.1.

3.3.4 Air Leak Testing

Criterion. Specification for installations with more than 1500 ft² (139 m²) of total active collector gross area shall contain provisions for testing in accordance with Chapter 10 of SMACNA High Pressure Duct Construction Standards [27]. A minimum of 25 percent of each of the following portions of the system for each category (unheated or non-detrimental loss) shall be arbitrarily selected and tested. Leaks shall be corrected to restrict leakage to the percentages of total system design air flow rate, as indicated below. If losses from ducts and storage are into the heated space and these portions of the system are not used during the cooling season, the losses shall be considered non-detrimental.

	Unheated spaces	Nondetrimental losses
Primary solar duct system (percent)	2	2
Space distribution duct system [1] (percent)	2	10
Thermal storage [2] (percent)	2-10	10
Collector array (percent)	15	N/A

[1] Systems exempt from this requirement are defined in Criterion 3.3.2b.
[2] Varies according to material of construction. See Criterion 3.3.2c (Commentary).

Evaluation. For active system, leak testing shall be performed in accordance with SMACNA High Pressure Duct Construction Systems [27] as applicable.

These threshold leakage limits are based on the achievable levels noted in Criterion 3.3.2 for each portion of the system.

Commentary. Higher leakage rates for the PSDS in non-detrimental loss situations are not allowed because control of energy flows in the solar system is of critical importance. Uncontrolled leakage, even to heated spaces, may result in inefficient utilization of thermal storage and thus, higher auxiliary energy use.

In order to perform leakage tests, it may be necessary to make provisions for blanking dampers at various locations in the system.

In small installations, not governed by this requirement, it may be desirable to conduct simple leak tests by operating the system (with outlets appropriately covered over) and feeling or listening for points of leakage or introducing smoke from a smoke bomb or other chemical source and making a visual inspection.

Correct duct design can significantly impact air leakage (see Criterion 3.3.2). References [34, 36] discuss certain aspects of air leakage in air systems.

For passive systems, a method of checking for gross leakage is to conduct a careful visual inspection at night with strong light sources inside the building. Leakage paths will be revealed by the presence of visual openings. Another technique that may be useful for determining building tightness is the fan pressurization or depressurization procedure [37]. Tracer gas decay and air bag techniques might also be useful. Section 301.4 of Reference [30] gives quantitative information for air leakage rates for some building components and includes a standard test method for air leakage.

Differences between the above values for loss rates and those in the commentary of 3.3.2 reflect the difference between what is achievable (1%, 5%) and what may be considered a reasonable minimum (2%, 10%).

3.3.5 Air Quality

Criterion. Adequate means shall be provided to prevent the accumulation of dust, dirt or water or gases that could result either in a reduction of system efficiency, deterioration of system components, or discomfort of building occupants.

Evaluation. Review drawings and specifications.

Commentary. The gravel used for rock bed storage with air systems should be selected for size and freedom from dirt and dust. The use of smooth and washed material and of filtered air is desirable. Health requirements for air quality are given in Criterion 4.1.4.

ASTM C-33, "Specification for Concrete Aggregate," gives some guidelines that are helpful for quality control of gravel.

To facilitate rock bed washing to remove drain water that may have leaked into the storage container, or to remove condensed moisture, it may be desirable to construct rock storage containers with water resistant interior surfaces and drainage provisions. Drains should not be the normal water trap type because the water will probably be evaporated by the heat from storage, thereby destroying the trap and allowing sewer gases to escape. Better arrangements might simply employ a removable plug or value in the bottom corner of the rock bed.

In air collectors, performance reduction due to internal dirt accumulation from the system may be a significant problem. In collectors where air flow is in contact with a glazing, normal dirt build up from air drawn from occupied spaces could cause a deterioration of heat transfer ability and spectral properties of the absorber. High temperatures could bake on such deposits. Filtering of such air flow may be desirable.

A similar situation may exist in passive systems with air circulation (Trombe walls, air thermosiphons, etc.) where dirt deposits may occur on absorber or glazed surfaces. Because of the low air velocities involved, filtration may be impractical and access for cleaning should be considered.

3.4 Building solar (passive) components

Requirement. Proper and reliable techniques and devices shall be provided to distribute, control and prevent the loss of passively collected solar energy.

Commentary. References [38, 39, 40] provide a full discussion of the technical aspects of passive solar design.

3.4 Energy Transport and Distribution

Criterion. Mechanical devices, when used, in conjunction with passive solar components for energy transport and distribution shall provide proper and reliable performance.

Evaluation. Review drawings and specifications.

Commentary. Inadequate or inefficient energy distribution systems have been reported as one of the most common design faults in passive projects in the demonstration program.

Passive systems rely primarily upon natural means of energy flow. However, some designs work more effectively when supplemented by devices that enhance and/or control this movement. The concern includes location, sizing and details of devices including powered means of distributing thermal energy as well as controlling excessive temperatures (perhaps by exhausting excessive heat).

Of particular concern are vent and damper devices that permit convective air flow, prevent thermosiphoning and exhaust hot air to prevent overheating or to induce ventilation.

Thermocirculation control vents should avoid undue restriction to air flows and provide airtight closure against backdraft. Lightweight (1 to 1.5 mil) plastic film one-way dampers have demonstrated adequate performance in Trombe wall applications. The vent opening with which they operate must also be well constructed to assure a tight fit. A backing of wire mesh or other means may be required in larger vent openings or when strong drafts are anticipated to prevent suction of the film into the openings. Typically the size of these vents are approximately 1 percent of the Trombe wall area (this percentage being for the lower vents with upper vents of equal size). Reference [38] provides a full discussion of the effects of vent size on thermal performance.

A number of areas of potential mechanical inadequacy should be noted:

(a) Lightweight backdraft dampers may be fragile and of limited reliability. Such components should be accessible for inspection and repair.

(b) Overheat vents may be located in remote positions and be operated only on a periodic basis. Such vents should be accessible for inspection and cleaning to assure effective opening and closure.

(c) Thermally activated operators such as freon cylinders and liquid pistons should be selected for reliable service and installed in a manner which will allow periodic inspections.

(d) Installations of heat pipes and thermic diode assemblies should be done with a recognition of the need for future inspection and possible removal for testing or recharging.

3.4.2 Movable Insulation

Criterion. Manual or automatic movable insulation shall be designed and installed for proper perimeter sealing and reliable manipulation, operation and storage.

Evaluation. Review of drawings and specifications, especially for details of fit and closure of insulation at the perimeter of glazed openings.

Commentary. There are three general categories of movable insulation applications; manual, thermally driven and motor driven. Some applications combine movable insulation with shading and/or reflection devices. To be effective, surface mounted insulation must make a tight and well-sealed cover for the aperture to prevent drafts behind the insulation panel which will render it ineffective. Night insulation is likely to improve performance more than double glazing if a tight seal is achieved. The higher the R-value of the insulation, the tighter the air seals it should have. Unless the edges are adequately sealed, an R-factor greater than five is questionable [39]. Some of the techniques used to provide effective seals include channels or slots in jambs and sills, magnets, weights, and friction fit.

Of particular concern is the potential for binding, racking and inadequate closure of the large area coverage devices. Also, there have been problems with blowers and suction equipment in some applications utilizing pelletized or granular movable insulation materials. Condensation between tight fitting insulation and glazing has been a problem. See Criterion 4.3.3 for fire hazards of insulation.

For further discussion including guidelines and assessment methods, see References [37, 39].

3.5 Control System

Requirement. The control system shall be designed to operate the solar and auxiliary H/C/HW system in a proper and efficient manner.

Commentary. See Criteria 2.7.1 through 2.7.5. Control systems have been found to be a major source of operational difficulties in Federal demonstration programs as described in the National Solar Data Network [41]. Reference [42] also gives guidelines for control systems and components.

3.5.1 Inhabited Space Temperature Control.

Criterion. Each space conditioning system shall be capable of providing occupied space temperature regulation by at least one adjustable control capable of adjustment within a minimum range from 55° F to 75° F (13° C to 23° C) where used to control heating only and 70° F to 85° F (20° C to 30° C) where used to control cooling only and 55° F to 85° F (13° C to 30° C) where used to control both heating and cooling.

Evaluation. Review drawings and specifications.

Commentary. Controls may be automatic or manual. This is intended to include manual adjustment of devices such as wood stoves used as auxiliary or back-up. Localized controls for building heating and cooling are discussed in Reference [1]. See also Section 2.2.2 for requirements for auxiliary heating systems size.

3.5.2 Domestic Hot Water Temperature

Criterion. The temperature control for the combined solar and auxiliary energy source shall be capable of adjustment over the range of temperatures acceptable for the intended use.

Evaluation. Review of drawings and specifications. Review mechanical design for compliance with Criterion 4.3.4.

Commentary. Small residential DHW tanks are typically equipped with a thermostat capable of controlling heating in the temperature range of 120° F to 160° F (49° C to 66° C). Temperature control devices used with solar energy

systems must be compatible with safety requirements and may require the capability to cool the discharged water as does a tempering valve. Controls and valves should fail-safe to a position that would prevent scalding of a hot water user (see Criterion 4.3.4).

3.5.3 System Temperature and Pressure limit Control

Criterion. Controls shall maintain the H/C/HW system within the temperature and pressure operating limits of the equipment specified in the design. See also 2.3.1 and 4.3.4.

Evaluation. Review drawings and specifications.

Commentary. Control provisions may be required for the dumping of heat when temperatures approach unacceptable levels. Under such conditions, deterioration of components may occur and/or system function may be impaired due to such factors as boiling, vapor locks, cavitation, degradation of insulation and seals and unacceptable expansion of fluide or materials. Bleeding in of cold water to replace hot water in storage is one means of achieving this control. For safety in use provisions, see Requirement 4.3.

In systems that are not capable of withstanding thermal shock created by filling hot collectors with cool fluids, control subsystems may be required to protect the system from cold filling. Such controls would limit filling to non-insolation periods.

Thermal shock and cycling stresses can be severe over the life of many system components and both mechanical and control designs of the system should optionally minimize these effects. Some collector types such as evacuated glass tubular collectors may be especially sensitive to these stresses. Provisions for thermal shock resistance of components and materials are given in Criterion 5.2.3.

3.5.4 Temperature Sensor Installation

Criterion. Temperature control sensors shall be specified to be installed in a manner as to provide proper system control. See Criterion 2.7.1.

Evaluation. Review drawings, specifications and system diagrams.

Commentary. Problems of sensors giving erroneous readings of system operating conditions have been experienced because of heating or cooling in the immediate vicinity of the sensors due to extraneous heat flows and improper physical placement of the sensors. Degraded performance, incorrect calculation of system performance, or system failure by freezing can result from such erroneous readings. Problems have occurred with sensor installations for storage containers as well as collector components.

The sensor should be in direct contact with the measured object or substance. Heat transfer pastes may be used to increase contact areas. Sensors for sensing fluid temperatures should be immersed directly in fluids or in direct contact with the containment device. Insulation of sensors from extraneous heat flows can increase the accuracy of the readings obtained from them.

Location of sensors based on their influence on system thermal performance is specified in Criterion 2.7.1. Reference [43] gives guidance in the correct installation of sensors and probes.

3.5.5 Auxiliary System Control

Criterion. Provisions shall be made in the control system to allow separate operation of the auxiliary system.

Evaluation. Review drawings, specifications and control system.

Commentary. Installations with integrated solar and auxiliary control systems have caused the auxiliary heating system to become inoperative when the control failed on the solar side. Such failure leaves the building without any heat.

Separate control provisions are also desirable with integrated solar cooling control systems but failure of such controls will not result in a level of hazard comparable to failure of the heating system. In most systems, it is desirable that controls be designed so that the solar components and auxiliary components will operate both jointly and independently.

3.5.6 Tracking Collector Controls

Criterion. Control devices and drive mechanisms of tracking collectors shall be capable of maintaining the focus of collectors on the daily path (or reflection) of the sun within design limits. For tracking collectors that cannot tolerate stagnation, control devices shall be capable of moving the collectors off-focus during no-flow periods or other protective measures shall be provided.

Control devices shall be specified to automatically stow the collectors if the wind velocity exceeds the specified limits; otherwise, the collectors shall be designed to withstand maximum record wind speeds at that location.

Evaluation. Review of past performance data, drawings and specifications.

Commentary. Malfunction of sensors and associated circuitry, elongation and slippage of cables, shearing of gears, and binding of rotational elements have resulted in improper tracking and reduced performance of the collector array.

3.5.7 Control Wiring

Criterion. Design of control wiring, for exterior use, shall be suitable for weather exposure or protected from weathering. Control wiring shall be selected and installation specified to prevent damage and breakage of wiring.

Evaluation. Review drawings and specifications.

Commentary. Control wiring should be in general compliance with Section 725 of the National Electric Code [44]. All wires and cables should be supported along runs and electric cable should be securely anchored to junction boxes. Some control devices may require shielded control wires to prevent electromagnetic interference. Wire runs should be soldered (using rosin flux) to obtain the most accurate signal transmission. Some devices require protection from soldering termperatures.

3.6 Freeze Protection

Requirement. System components shall be protected from or tolerant of damage by freezing of heat transfer liquids at the lowest ambient temperatures that will be encountered in actual use.

Commentary. Various methods of freeze protection are available including the use of freeze-inhibited fluids such as glycol solutions and oils, warm water circulation and drain down. Antifreeze solutions and oils are incompatible with many standard seal materials. Studies of the freeze associated problems are detailed in Reference [45].

3.6.1 Antifreeze Concentration

Criterion. Systems using antifreeze solutions shall have an adequate concentration of antifreeze to prevent freezing at the coldest ambient temperatures expected to occur in the geographic location for which they are installed.

Evaluation. Review specifications and weather data.

Commentary. At the approach of cool weather, the antifreeze content should be checked for proper concentration. System leaks and improper solution make-up may result in inadequate concentrations. For this reason, the use of automatic water only make-up techniques are not recommended. See Criteria 6.1.5 and 6.2.1 and Requirements 4.1 and 4.2. Reference [45] provides detailed recommendations for antifreeze systems.

3.6.2 Draindown, Drainback Systems

Criterion. Systems using automatic drain down for freeze protection shall provide for complete and timely drainage of components exposed to freezing conditions by the proper combination of sensing and control mechanisms, valves, vents, pipe slopes, flow and pressure control.

Evaluation. Review drawings and specifications.

Commentary. Reference [20, 45] provide detailed recommendations for draindown systems. Draindown systems require control provisions to provide venting for draining and refill (see Criterion 3.2.7) and may require special provisions to prevent corrosion of system components during these operations. For this reason, pumps for open systems using water as the heat transfer liquid should be either bronze or stainless steel. Pumps in closed systems may be cast iron. See Criterion 3.2.10.

Automatic air vents, vacuum relief valves and drain down valves should be insulated to protect them from freezing. The rate of draindown should be such that ice blockages do not form in the process of draindown. It is important that draindown systems be designed and installed so that all lines are pitched to drain a minimum of ¼ inch per foot (21 mm/meter) since roof deflection can counter this by as much as 1/10 inch per foot (8 mm/meter) and that lines are adequately supported and that joints are leaktight. In air assisted draindown systems, moisture laden warm air may be drawn from storage into exterior components. If this is not prevented, the moist air can freeze a control valve or create blockage in the exposed collector loop resulting in more severe freeze problems.

Fail-safe freeze protection methods are desirable since, in the event of power failure, freeze protection methods involving pumps, heaters and valves that require electric power will be inoperative.

Draindown systems are frequently designed to drain at an outdoor temperature of about 38° F (3° C) and to refill at about 42° F (6° C). Such set points may be used but with the penalty of not collecting useful energy when solar radiation is available at the time of cold ambient temperatures. This problem can be avoided by initiating drain down based on the collector absorber plate temperature. The temperature sensor initiating drain down should be located on the component having the smallest thermal time constant. Collector panel time constants are available from the ASHRAE test [5]. However, the water pipe time constant would have to be calculated based on its heat capacity and insulation R-value.

The hardness or mineral content of the water used in drain down systems should be evaluated for the potential build-up of scaling products in piping, valves or collector passages. See Criterion 3.2.3.

The collector loop holding tank or the expansion tank should be properly located with respect to the system pumps and should be placed in a warm space. Water level indication should be marked on the storage tank clearly distinguishing between the appropriate water level during normal operation and level at drainback to allow adequate capacity for drainage. The control valves should be properly located, be air and water tight, and fail safe in a manner that assures system drainage.

3.6.3 Power Operated Protection

Criterion. Systems using the circulation of warm water or other methods that use electrical power for freeze protection shall have provisions for back-up protection of the system in the event of power failure. The method and degree of automation of back-up protection shall be related to the probability of concurrence of power failure with freezing conditions and the presence of operating personnel.

Evaluation. Review drawings and specifications.

Commentary. Continuous circulation of heat transfer fluid should not be used for freeze protection due to the excessive energy loss this causes. Pulse or intermittent warm water circulation or heat tapes may be justified in very mild climates where freezing temperatures are infrequent.

Back-up protection methods should be selected for the level of potential risk that is projected. If, for example, records indicate freezing will occur once every 20 years, the probability of this happening concurrently with a power failure and with no one present to manually drain the system is probably acceptably low and reliance on simple manual drain methods would be justified. For small HW systems, manual methods might be considered acceptable for somewhat more frequent freezing recurrence intervals. Larger systems would probably warrant consideration of more automated back-up provisions such as automatic drain down or possibly even stand-by electrical generation. Back-up stand-by power is probably most feasible where it is being considered for other back-up reasons as well. Reference [46] contains a detailed discussion of freeze protection for warm climates.

3.6.4 Freeze Tolerant Designs

Criterion. Components that will experience freezing conditions (based upon 20 year extreme weather data) and are not provided with specific freeze protection techniques shall be capable of withstanding freezing conditions and perform reliable after exposure to such conditions.

Evaluation. Review drawings and specifications. Freeze tolerance of collectors shall be tested in accordance with test method 7.6 of NBSIR 78-1305A [4].

Commentary. Stresses in collector assemblies caused by differential thermal expansion and contraction and to freezing of heat transfer fluids, if any, can cause permanent damage; distortions, dislocations and bursting of collector components. Care is necessary to insure that all components exposed to freezing conditions, not just collectors, be freeze tolerant. Also, differential controllers should not allow pumps to start when the upper part of the collector warms and melts while the lower part is still blocked with ice. Water wall units, drums, etc., normally thought to be protected may be exposed to freezing conditions during extreme conditions, i.e. when building is shutdown in the winter. Under ordinary operation conditions, these water walls would be protected by auxiliary back up.

Designs which utilize vacuum insulation for protection can freeze if this vacuum is lost due to leakage or for other reasons. Freeze tolerant designs should be tested for reliability. A proposed test for evaluating the freeze resistance of solar collectors under in-use conditions is described in test method 7.6 given in NBSIR 78-1305A [4].

Chapter 3.—References

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Chapter 4.—Safety and Health

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4.1 Contamination Hazards

Requirements. No material, form of construction, fixture appurtenance or item of equipment shall be employed that will support the growth of microorganisms or introduce toxic substances, impurities, bacteria or chemicals into potable water and air circulation systems in quantities

sufficient to cause disease or harmful physiological effects.

4.1.1 Protection of Potable Water

Criterion. Potable water shall not come in contact with materials that affect the taste, odor or physical quality and appearance of the water in an undesirable manner.

Evaluation. Review of plans and specifications. The quality of the water shall be in compliance with the National Interim Primary Drinking Water Regulation [1].*

Commentary. This criterion is not intended to preclude using dyes suitable for ingestion as a means for the detection and warning of leaks in the system.

4.1.2 Separation of Circulation Loops

Criterion. Potable water systems shall be separated from circulation loops of systems utilizing non-potable heat transfer or thermal storage fluids by a minimum of two physically separated walls or interfaces between the potable water supply and the non-potable liquid or shall be protected in such a manner that equivalent safety is provided. Alternative protection shall be provided in a manner acceptable to the applicable authority(ies) having jurisdiction.

Evaluation. Review drawings and specifications. Alternate levels of protection shall be directly related to the toxicity potential of the heat transfer fluid used. For example, a suggested guideline for levels of protection is currently being examined by ASME.[1]

Commentary. It is very difficult for the system designer to assess the safety of the heat transfer fluids that are currently on the market. It is also very difficult for the designer to determine the safeguards that must be taken to ensure safe system operation. Data are available in the literature that rank various heat transfer liquids on the basis of their relative toxicity.[2] These data do not indicate the cut-off points at which various degrees of protection must be taken; however, consensus standards (in development) [1] consider these relationships for solar applications. This problem is compounded by factors such as: (1) the use of additives to modify fluid properties; (2) the possible formation of harmful decomposition products, e.g. by thermal degradation; (3) dilution of the heat transfer fluid in the potable water stream, should failure occur, will help to reduce the level of toxicity hazard; (4) the fact that liquids are generally available in varying grades of chemical purity; (5) the possibility that the system will be refilled in the future with a hazardous liquid; and (6) the possibility that the circulation in a closed loop system for prolonged periods of time will even result in the contamination of potable liquids, e.g. by metal ion buildup. Thus, one must consider the attributes of the actual fluid as used in the system.

[1] The following guidelines, which relate degree of toxicity to the extent of protection provided, are drawn from a preliminary draft standard prepared by the ASME Solar Energy Standards Committee and may be superceded by future standards issued by ASME.

Single wall* separation is acceptable when used with tap water suitable for drinking or a heat transfer fluid with a probable oral lethal dose (human) above the level of 15 g/kg which contains a suitable indicator.**

Single wall* separation with two independent additional methods of protection*** is required then used with a heat transfer fluid with a probable oral lethal dose (human) between 5 and 15 g/kg which contains a suitable indicator** or for a fluid with a probable oral lethal dose of above 15 g/kg which does not contain a suitable indicator.**

Double wall* separation with one additional level of protection*** is required when used with a heat transfer fluid with a probable oral lethal dose between 5 and 15 g/kg which contains no suitable indicator.**

Double wall* separation assembled so as to provide a visual or physical detection of a leak in either wall to the atmosphere, is required with a heat transfer fluid with a probable oral lethal dose of 0.5 to 5 g/kg or that contains any substance known to be carcinogenic, mutagenic, tetratogenic or to bioaccumulate in humans or laboratory animals.

No heat transfer fluid which exceeds the toxicity level of a probable oral lethal dose of .5 g/kg shall be used.

*The materials used for separation walls must be compatible with the heat transfer fluid used so as to retard corrosion. Materials in contact with the potable water shall comply with the applicable plumbing code requirements for water piping. The performance, including corrosion resistance, of a double wall assembly shall be no less than that of double wall copper with each wall equivalent to type L water tubing (per ASTM B88 [2]). Each wall within an assembly shall be capable of withstanding the maximum working pressure and temperature of the unit.

**A suitable indicator is defined as any chemical indicator (color, taste or smell) that clearly announces the presence of the heat transfer fluid when the concentrations of fluid in the domestic hot water is 0.55 grams/liter or greater. A suitable indicator is one that is effective for the expected lifetime of the fluid and must not affect the potability of the water (in case of leakage).

***Additional levels of protection:

(a) Copper walls.

(b) Control of pressure by designing the system so the higher pressure is on the potable water side or other equivalent method.

(c) Electrical or mechanical detection of a leak.

[2] Toxicity ratings of commercial substances from two widely acknowledged sources, Gosselin [3] and Durham [4] are available. These have been summarized and tabulated in a convenient manner for many materials commonly used in solar systems in Reference [5]. Gosselin has developed classes as follows:

Toxicity rating or class	Probable oral lethal dose (human)	
	Dose	For 70 kg person (150 lb)
6 Super toxic	Less than 5 mg/kg	A taste (less and 7 drops).
5 Extremely tox	5–50 mg/kg	Between 7 drops and 1 tsp.
4 Very toxic	50–500 mg/kg	Between 1 tsp. and 1 oz.
3 Moderately toxic.	0.5–5 g/kg	Between 1 oz. and 1 pt.
2 Slightly toxic	5–15 g/kg	Between 1 pt. and 1 qt.
1 Practically non-toxic.	Above 15 g/kg	More than 1 qt.

Although the above references to toxicity level use the phrase "probable oral lethal dose (human)" assignment of a rating to a particular material is usually based on data obtained in laboratory animals. Human toxicity data should be used to determine the toxicity level where available. Using human data, ethylene glycol is at the probable oral lethal dose (human) level of 0.5–5 g/kg and using rat tests, propylene glycol falls at a level above 15 g/kg.

4.1.3 Backflow Prevention.

Criterion. Backflow of non-potable fluids into the potable water systems shall be prevented in a manner approved by the applicable authority.

Evaluation. Review drawings and specifications. Inspect assembled systems.

Commentary. Pollution of the potable water supply can occur by way of backflow caused by back pressure and/or backsiphonage within an inadvertent cross connection between the potable supply and non-potable fluid in the system.

Piping arrangements, backflow prevention and/or air gaps are commonly used to prevent contamination of potable water systems. A check valve is *not* a substitute for an approved backflow preventor and should not be used in its place. Reference [6] provides discussion as well as evaluation of some of the many backflow prevention devices available.

4.1.4 Contamination of Air.

Criterion. Materials which come in contact with air shall not affect the odor or biological quality of the air in an occupied space in an undesirable manner.

* Numbers in brackets [ ] indicate reference at end of this chapter

Evaluation. Review drawings and specifications.

Commentary. Special consideration should be given to the presence of fungus, mold or mildew in air handling systems since such microorganisms are often allergenic. Filtering of air streams to reduce dust which may carry such microorganisms are desirable. Such provisions in passive systems with low air velocities may be impractical. Rock containing asbestos should not be used due to the potential carcinogenic hazard. Cleanliness of the rock storage medium is further covered in Criterion 3.3.5.

There is growing concern over the possible occurrence of harmful air pollutants in tightly sealed buildings. Release of radioactive radon gas in particular has been associated with some masonry and gypsum products such as those that may be used in large quantities in passive solar components or in rock storage bins. [7, 8, 9]. Release of formaldehyde gas to an air stream from ureau formaldehyde insulation or cements could be associated with heated air carrying components such as storage units or collectors.

Protection of air in occupied spaces from noxious fumes may be accomplished by the use of suitable, non-corrodible heat exchangers which maintain an absolute pressure in the secondary side higher than in the primary side.

4.1.5 Growth of Fungi.

Criterion. Components and materials used in the H/C/HW systems that come in contact with air being supplied to a conditioned space or with potable water and that operate under conditions that promote the growth of fungi, mold or mildew shall not support such growth.

Evaluation. The materials shall be capable of withstanding exposure to fungus as defined by either Method 10 of UL 181 [10] or Appendix D, Section E, of the MPS 4900.1 and 4910.1 [11, 12]. Review environmental and design operation conditions.

Commentary. Fungi can feed on some organic materials and generally thrive in warm, moist environments. The potential for fungus growth in a rock storage container which becomes damp due to the failure of waterproofing membrane around underground or exterior containers or other causes could be a substantial problem requiring periodic maintenance. Use of a fungicide in such maintenance could introduce another potential airborne hazard and, therefore, other methods may be preferable.

The formation of condensation is a related problem that is also a concern. Condensation may occur on materials when used for cooling storage in air systems as well as on aperture glazing and between glazing and movable insulation.

4.2 Control of Hazardous Substances.

Requirements. The use of hazardous substances within the solar energy system shall be controlled in such a manner to prevent any unreasonable risk or danger to the occupants, building or surrounding area.

Commentary. See the Terminology section for the definition of "hazardous substances" and the indicated reference providing guidelines to regulations regarding such substances.

4.2.1 Toxic Fluids.

Criterion. The use of toxic fluids shall comply with the Federal Hazardous Substances Act [13] and the requirements of the applicable authority. (See definition of "toxic" in Terminology section.)

Evaluation. Review specifications.

Commentary. Toxic fluids are those having the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface [13]. A compilation of the toxicity characteristics of materials used in solar systems has been prepared [5]. When evaluating the toxicological properties of fluids, special consideration should be given to the effect of a system failure on the occupants. The evaluation should include the effects from contacting both the liquid directly and the vapor given off by the liquid.

The toxicological effects of the fluid should be evaluated at the elevated temperatures expected during system operation as well as at ambient temperatures. Characteristics of the complete fluid mixture must be considered in determining toxicity. For example, the addition of inhibitors and/or buffers to antifreeze/water mixtures or to water may affect toxicity characteristics.

4.2.2. Identification of Hazardous Fluids.

Criterion. Systems using heat transfer fluids or thermal storage fluids that are designated as toxic or flammable by the supplier or the applicable authority, shall be identifiable, and drains and other designated fluid discharge or fill points in the solar system should be labeled with a warning identifying and summarizing the hazardous properties of the fluid, instructions concerning the safe handling of the fluid, safe means of disposal and emergency first aid procedures.

Evaluation. Review drawings, specifications and labeling (size, color, etc.) for compliance with the Federal Hazardous Substances Act [13].

Commentary. The original fluid containers will frequently be discarded after the system is charged which could result in no record of the fluid's properties being retained. The system drain is the point at which the owner or service personnel are most likely to contact the heat transfer fluid and permanent labeling should be retained at that point. Identification may be provided by attaching a tag containing the required information such as may be supplied by the heat transfer fluid manufacturer.

4.2.3 Detection of Hazardous Fluids

Criterion. Means shall be provided to indicate a failure of the fluid transfer system (e.g. leakage, pump failure or activation of relief valves) and the provision of warning when leaks occur if heat transfer fluids or thermal storage fluids that require special handling are used. The extent of warning (i.e. whether solely maintenance personnel or all of the occupants of a building) shall be determined on the basis of the degree of hazard presented by the fluid used and the type of occupancy.

Evaluation. Review drawings and specifications. Test detection and warning system(s), i.e. visibility of a dye or operation of warning device.

Commentary. It is common practice to relate toxicity and flammability ratings to the level of hazard created at ambient temperatures. Heat transfer fluids which do not present a hazard at ambient temperatures may be hazardous at the temperatures developed in the system. These substances may be treated in a manner similar to antifreeze and gases when providing for tell-tale indicators. For instance, antifreeze agents, such as ethylene glycol, may be treated with non-toxic dyes which distinguish them clearly.

4.2.4 Disposal of Hazardous Fluids

Criterion. Systems utilizing other than air or potable water as a heat transfer fluid or thermal storage fluid shall provide for the catchment and/or harmless removal and disposal of these fluids from drains, recharge points, vents or points of probable leakage (i.e. leakage from components that would not normally be expected to last the life of the system) as approved by applicable authority.

Evaluation. Review drawings and specifications and local disposal regulations.

Commentary. The discharge of toxic, corrosive, combustible or explosive fluids into sewers can create serious health and safety hazards both within the community and at a considerable distance along watercourses into which the sewers discharge. Safe disposal of these fluids requires, among other things, the consideration of the fluid composition, its concentration and frequency of discharge, and the nature of the sewage treatment and disposal system available to the site. In some instances, catchment of this discharge and removal to the specialized treatment facilities may be the only acceptable disposal method.

Under such conditions, adequately sized and protected catch basins must be provided.

The leakage of toxic fluids into the ground could contaminate ground water. In addition, leakage of some heat transfer fluids can damage roofing, sealants and other building materials. The leakage of combustible fluids may pose a fire hazard when exposed to external ignition.

4.3 Protection From Physical Hazards

Requirement. The H/C/HW systems shall not create a hazard to people greater than those found in conventional buildings.

4.3.1 Pressure and/or Temperature Relief Devices

Criterion. Pressure and/or temperature relief devices shall be provided in each portion of the system where excessive pressure and temperatures can develop and shall be set to open at not more than the maximum pressure and temperature for which the system is designed.

Evaluation. Review drawings and specifications and/or determine that methods, devices and materials to be used are approved by a recognized testing and evaluation agency as being suitable for the proposed use.

Commentary. Care should be taken in the design and layout of the fluid transport system to prevent conditions in which locally excessive pressures or temperatures are developed as a result of flow restrictions or air locks. Large pressure or temperature changes due to flow of vapors or boiling fluids should be considered in the selection and location of relief devices. Relief devices must be protected from freezing as conditions can occur when relief is needed and the relief valves are inoperable because they are frozen.

4.3.2 System Failure Prevention

Criterion. The control subsystem shall be designed so that, in the event of a power failure, or a failure of any of the components in the system, the temperatures and/or pressures developed in the H/C/HW systems will not present a danger to the occupants or damage any of the components of the system or the building.

Evaluation. Review drawings, specifications and design calculations.

Commentary. The excessive pressure and temperatures that can build up on collectors under "no-flow" conditions are an important consideration. Consideration should be given to the thermal shock which could occur when cool heat transfer fluids are introduced into collectors which have been exposed to solar radiation under "no-flow" conditions. Due to the possibility of large hydrostatic head pressures on tanks that may be greatly in excess of pressures elsewhere in the system, care should be taken in the selection of the location of safety devices. In systems which are designed for maximum temperatures less than the maximum no-flow temperature (see Appendix, Section 1) it is essential that some means of protection such as energy dumping be provided. System protection for failure at low temperature conditions is covered in Requirement 3.6, Freeze Protection.

4.3.3 Glazing Materials

Criterion. Glazed solar components with slopes less than 45° from the horizontal and which are lower than 6 feet (1.8 m) above a walking surface for unrestricted traffic adjacent to the component shall be safety glazed or otherwise protected against impact of persons falling against the glazing. Application of glazing materials in solar components that otherwise might present a risk of injury to persons because of falling or blowing of broken pieces or shards shall consist of safety glazing or be protected against breakage or restrained from falling.

Evaluation. Review plans and specifications for glazing locations and characteristics. Review compliance certification documents or test in accordance with procedures specified in "Federal Mandatory Standard for Architectural Glazing Materials" [14] and "Performance Specification and Method of Test for Safety Glazing Materials Use in Buildings" [15].

Commentary. These criteria are intended to reduce the risk of injuries to people from accidental contact with solar glazing materials. It is intended that they be applied to glazing materials in solar systems only in those areas where there is a likelihood that people might accidentally come in contact with the glazing, such as installations on which children might climb or against which a passerby might fall or which is overhead and susceptable to breakage.

An additional concern is for glazing materials presenting a risk of injury to persons because of broken, sharp pieces or sheets that could fall from their mounting or be picked up and driven by wind.

Glazing considered by this criterion include those used as covers for flat plate solar collectors, as tubes in solar collectors, as solar reflectors, as roof or wall panels in passive installations and as storage containers which are routinely accessible.

Traditionally, greenhouse type structures have been considered to provide adequate protection against the hazard of persons falling against them. It is not the intent of this criterion to impose new requirements on greenhouses of conventional design when used for solar applications.

For tublar type collectors, safety glazing may be inappropriate and should be considered on the basis of their particular design. In such cases other means of protection such as screening, etc., may be required where installations fall under this criteria.

Where large expanses of glazing are used, as in passive installations, the Federal safety standard for architectural glazing materials [14] should be reviewed for its applicability with respect to physical location and arrangement of the glazing and exposure risk of persons nearby.

Potential safety hazards should be considered in areas exposed to frequent hail storms, falling limbs or other projectiles with regard to installation of skylights, clearstory windows and collector arrays. Where safety glazing is not employed, consideration should be given to provisions to restrain or deflect broken glass which may slide off elevated solar system components over entrances and locations of pedestrian and vehicular traffic ways. It is not the intent of this criterion to completely prevent punching or local cracking of nonstructural elements such as cover plates of collector panels under hail impact, but rather to control damage by keeping it at a level which would not create hazards by excessive shattering of glazed elements.

Film-type glazing materials for the outermost cover plates, if unsupported, may be unacceptable if they undergo large deflection under load, e.g. a person's hand pushing against the glazing may present an opportunity for exposure of the film (and the person's hand) to hot surfaces such as the absorber plate, see Criterion 4.3.5.

4.3.4 Scalding

Criterion. Domestic hot water systems shall limit the temperature of the hot water for personal use at the tap to 140°±5° F (60°±3° C) except where other limits are established by applicable authority. See Criterion 2.3.1.

Evaluation. Review drawings and specifications.

Commentary. This may be accomplished, for example, by the use of tempering or mixing valves or by the use controls such as a high temperature cutoff on the solar energy storage device (which may result in wasteful energy loss). If other than the mixing valves or high temperature cutoff are used, it should be demonstrated that the required safe temperature limit will not be exceeded. This should be done by calculation of the temperatures in the system as a function of time throughout three successive clear sunny days in mid-July with the ambient temperature assumed at design conditions. The calculations should include the effect of water draw rate, tank heat losses and typical collector efficiency values.

The major concern is not only for dangerously high temperatures but also for the sudden rise to such temperature. It is generally suggested that mixing or tempering valves are the most cost effective means for providing for protection from scalding. See also Section 615–6.2 of the MPS [11] for controls and safety devices for all tankless indirect water heater installations and for installations in housing for the elderly.

The +5° F margin is given to allow a reasonable margin of error for the design temperature capability that must be provided (see Criterion 2.3.1) and the temperature limitations of this section.

4.3.5 Surface Temperature

Criterion. Components of the H/C/HW systems that are accessible, located in areas normally subjected to public traffic and which are operated at elevated temperatures shall either be insulated to maintain the exposed surface temperatures at or below 140° F (60° C) at all times during their operation or be suitably isolated. Any other exposed areas that are operated at hazardous temperatures shall be insulated or identified with appropriate warnings.

Evaluation. Review drawings and specifications.

Commentary. The temperature commonly accepted in domestic hot water installations without special protection is 140° F (60° C).

4.3.6 Water Storage Hazards

Criterion. Water storage containers larger than 200 gal. (755 L or .755 m^3) and located in or immediately adjacent to occupied spaces shall be adequately protected from damage and structurally restrained in such a manner to prevent rupture or collapse into the occupied spaces.

Evaluation. Review drawings and specifications.

Commentary. Large volumes of stored water are a potential hazard whether heated or not. The flood of water that may result from ruptured tanks as well as the mass of the water-filled containers are of concern. These containers, individually or collectively, may fail due to impact, faulty fabrication or possibly corrosion. The safety hazard is greatly increased if the water is heated. See Criterion 4.6.1 for structural design considerations.

4.3.7 Snow and Ice

Criterion. Provision shall be made over entrances and locations of pedestrian and vehicular ways to restrain or deflect accumulated snow and ice masses which may slide off elevated solar system components.

Evaluation. Review drawings and specifications.

Commentary. Solar system components may often include smooth slippery surfaces located in elevated positions at steep angles. These elements may heat up rapidly and loosen masses of snow or ice which may slide off. Means should be provided to prevent a hazard to people or property. Methods such as deflectors, restraints, low friction materials or design of "safe fall" areas (pedestrian or vehicular routes located away from the building) should be considered. This criterion is not intended to apply to areas where snow and freezing conditions do not normally occur.

4.3.8. Lightning

Criterion. As applicable, lightning protection shall be provided in accordance with the NFPA No. 78 Lightning Protection Code [16].

Evaluation. Review of calculations, drawings, and specifications.

Commentary. Damage to control components and the potential of fire are major concerns for lightning protection.

If solar system piping is used as grounding for lightning protection, there must be a continuous electrical path to ground. Care must be taken that this does not short circuit dielectric isolation and thus result in corrosion problems if dissimilar metals are used in the system.

4.4 Fire Safety.

Requirement. The design and installations of the H/C/HW systems and their components shall provide a level of fire safety consistent with applicable codes and standards.

Evaluation. Review of drawings and specifications for conformance with the local and nationally recognized codes and standards for fire safety including but not limited to applicable sections of:

NFPA 89M [17]
NFPA 90A [18] and 90B [19]
NFPA 211 [20]
NFPA 54 [21]
NFPA 30 [22]
NFPA 31 [23]
NFPA 256 [24]
The National Electrical Code [25]
ASTM E84 [26]

In cases where sufficient engineering information is not available, testing to show compliance may be required. Potential heat, rate of heat release, ease of ignition, and smoke generation will be considered in assessing the potential fire hazards.

Commentary. It is the intent of the requirements to (1) prevent the use of materials, equipment and fluids which present a fire hazard greater than that allowed for conventional systems; (2) provide proper clearance and venting of heat build-up for those system components that operate at elevated temperatures; and (3) give consideration to the combustibility of materials adjacent to high temperature components in determining the clearance and/or insulation required. Special consideration should be given to the fire safety features of innovative system designs particularly those utilizing insulation in a way which may present a greater hazard than with conventional designs such as passive system thermal control elements. Special consideration should also be given to the use of combustible glazing materials, particularly when those materials are used in large quantities and/or exposed to the building interior either directly or through air passages.

The type of testing that should be performed to evaluate the influence of solar collectors on the fire resistance of roof assemblies is described in test method 7.13 of NBSIR 78–1305A [27]. Collectors mounted so that there is a space between the collectors and the roof covering and particularly when the collectors are parallel to the roof may reduce the fire resistance classification of the roof covering even though the collector is of noncombustible construction.

4.4.1 Liquid Flash Point

Criterion. The flash point of a liquid heat transfer fluid shall equal or exceed the higher temperature determined from A and B below:

A. A temperature of 50° F (28° C) above the design maximum flow temperature of the fluid in the solar system;

B. (1) A temperature 200° F (111° C) below the design maximum no-flow temperature of the fluid attained in the collector provided the collector manifold assembly is located outside of the building and exposed to the weather and provided that relief valves located adjacent to the collector or collector manifold do not discharge directly or indirectly into the building and such discharge is directed away from flames and ignition sources; or,

(2) the design maximum no-flow temperature of the fluid in all other manifold and relief valve configurations.

A. "liquid heat transfer fluid" is defined as the operating or thermal storage liquid including water or other liquid base and all additives at the concentration used under operating conditions. The flash point shall be determined by the methods determined in NFPA No. 321, "Basic Classification of Flammable and Combustible Liquids" [28]. Flammable liquids shall not be used, and in systems using a gaseous heat transfer fluid, a flammable gas shall not be used. The design maximum flow temperature *of the fluid* is defined as the maximum fluid temperature that will be obtained when the heat transfer fluid is flowing through the system. The design maximum no-flow temperature *of the fluid* is defined as the maximum fluid temperature that will be obtained when the heat transfer fluid is not flowing through the system. Generally, this temperature will occur in the collector when it is receiving its maximum level of solar radiation at maximum ambient temperature.

Evaluation. Review drawings, specifications, design calculations and test data for flash point and collector stagnation and operating temperatures. An acceptable way of determining the design maximum flow temperature is to limit temperatures of control devices or relief valves, or through theoretical or test analysis of the system. A method of determining the maximum no-flow temperature is by measuring the fluid temperature under stagnation conditions. The no-flow, 30 days test is presented in Section 10 of the Appendix. The design maximum no-flow temperature of the fluid is equal to the plate temperature at stagnation. It should be noted that this method is not valid for collectors with very low loss coefficients.

Commentary. Flash point values listed in manufacturer's literature are frequently typical values and may be determined by an open cup flash point test. Flash point values used should be based on actual measurement or certified minimum values determined by the required closed cup flash point test method [28].

The flash point of aqueous solutions of organic materials depends on the percentage of water in the mixture. In the case of ethylene glycol, a flash point does not exist for certain percentages of ethylene glycol with water. When these mixtures are boiled and vapors allowed to escape, the flash point of the mixture usually will be reduced, ultimately approaching that of the pure substance. Care should be taken that the flash point of the solution is based on the anticipated percentage of water during actual use of the liquid in the system and not necessarily on the percentage as installed. A study of solar heat transfer fluid flash points and flash point criteria is presented in Reference [29].

4.4.2 Combustible Liquids

Criterion. The storage, piping and handling of combustible liquids shall be in accordance with the Flammable and Combustible Liquids Code NFPA No. 30 [22].

Evaluation. Review specifications or code compliance.

Commentary. This criterion applies to those liquids which have met Criterion 4.4.1 for flash point. See also Criteria 4.2.2, 4.2.3 and 4.2.4.

4.4.3 Flame Spread Classification of Insulation

Criterion. The flame spread classification index for all insulation materials except those installed underground and outside the structure shall not exceed the following values:

Plastic foam	75
Other insulation materials	150*

Insulation materials used for duct liners shall meet the requirements of either NFPA 90A [18] or 90B [19], whichever is applicable.

Evaluation. The ASTM E84 [26] flame spread test method shall be the basis for evaluating the surface burning characteristics of the insulation materials. Where materials with facings are to be used, the surface burning characteristics of the faced materials shall be measured.

Commentary. No single test is sufficient to provide a full estimate of performance of a product in a fire. Plastic foams and loose fill insulation are difficult to evaluate in ASTM E84. The requirement of flame spread classification of 75 maximum for plastic foams will provide as much safety assurance as is possible with current test methods. Such a classification shall not be construed as the equivalent of "non-combustible." Many insulation materials, including those consisting of cellulose, plastic foam and fibrous glass (containing organic binder) are combustible materials which will burn and release heat, especially when exposed to continuous large fire sources.

4.4.4 Areas of Application of Insulation

Criterion. Materials used for thermal insulation shall be in accordance with Criterion 4.4.3 and may be applied to the following areas: walls, roofs, ceilings, floors, pipes, ducts, vessels and equipment exposed to the external environment.

Exposed plastic foam (untreated or fire-retardant treated), Kraft-asphaltic vapor barrier on mineral and organic fiber insulations, and non-fire-retardant treated loose fill insulation shall not be permitted in habitable areas unless fully protected from the interior of the building by a thermal barrier having a finish rating of not less than 15 minutes as determined by NFPA 251 [30]. Thermal barriers shall be installed in a manner such that they will remain in place for a minimum of 15 minutes under the same test conditions.

Installed insulation and vapor barriers shall not make contact with pipes or pumps containing hot fluids, motors, fans, blowers, and heaters, unless the insulation and/or the heat producing appliances are specifically designed and rated for that purpose.

Evaluation. Review drawings and specifications.

Commentary. Although a degree of material combustibility is allowed, the intent is to allow insulating materials which are not more combustible (or flammable) than existing construction and insulation materials, and to preclude any increased fire hazard due to the retention of heat from energy dissipating objects. Electric fixtures and circuit wires which are surrounded by substantial thermal insulation may be subject to overheating especially for circuits loaded at or beyond their rated capacity. In areas where occupants are likely to be engaged in normal activities, or in spaces in contact with the air

*The Consumer Product Safety Commission "Interim Safety Standard for Cellulose Insulation," Federal Register, Volume 43, No. 153, P. 35240, became effective on September 8, 1978 and supercedes these requirements for cellulose insulation where applicable. Modifications to this standard are under consideration by CPSC.

stream, the insulation should perform its intended function without the increased risk of ignition, rapid flame spread, and heat and smoke generation. Attention should be given to the requirements as they pertain to innovative insulation systems such as movable and fixed insulation installed as part of passive systems. Insulation in concealed spaces may be a particular fire problem due to its susceptibility to smoldering and its inaccessibility for firefighting.

4.4.5 Fire Resistance Requirements

Criterion. Penetrations through fire-rated walls, partitions, floors, roofs, etc., shall not reduce the fire resistance required by local codes and ordinances.

Evaluation. Review drawings and specifications. Testing to show compliance in accordance with NFPA 251 [30] and applicable standards.

Commentary. It is the intent of this criterion to (1) prevent the passage of system components through fire-rated assemblies from adversely affecting the fire endurance rating of the assembly in terms of premature collapse of structural elements and (2) ensure that proper techniques are employed in constructing these components so that adequate protection can be provided. Because of the potential fire hazard, use of building elements such as walls, attics, and crawl spaces as plenums may be subject to restrictions in NFPA 90A [18], 90B [19] and local building codes. Consideration may be given to the use of approved smoke activated fire dampers as a means of providing the required penetration protection in cases where building elements are used as air passages.

4.4.6 Self-Ignition of Combustibles

Criterion. Combustible solids used in solar equipment and adjacent combustible solids shall not be exposed to elevated temperatures which may cause ignition.

Evaluation. Review calculations, drawings and specifications. Testing to show compliance were necessary.

Commentary. Exposure of wood and/or other fibrous materials as well as other combustible materials over an extended period of time may result in the material reaching and surpassing its self-ignition temperature. Such conditions may exist, for example, within active collectors framed in wood or inside attic collectors. The most common accepted ignition temperature of wood is on the order of 392° F (200° C). However, studies have indicated that wood may ignite when exposed to a temperature of 212° F (100° C) for prolonged periods of time. The ignition temperatures of plastics may be above or below those of wood or fibrous materials. Clearances for HVAC equipment, ducting and piping are discussed in NFPA No. 89M [17] and 90B [19]. Where applicable, clearances specified by a nationally recognized testing laboratory may be used.

4.5 Installation Arrangement

Requirement. The location provided for solar components shall not increase the accident potential to a greater extent than would be expected for a conventional non-solar building.

Commentary. Some examples can be given of how the presence of solar components might increase accident potential: (1) reflected rays from the collector could be distracted to drivers on adjacent highways or annoying to the occupants of nearby buildings, and (2) the ground around a storage unit might settle, creating a hazard because of the uneven ground.

4.5.1 Identification and Location of Controls

Criterion. Main shutoff valves and switches should be conspicuously marked and placed in locations that are readily accessible to those personnel who would normally be expected to operate them in the event of an emergency. These valves and switches shall be located in the same manner as specified in 250.25 of NFPA 70 [24] for electrical panels.

Evaluation. Review drawings and specifications.

Commentary. In large buildings, accessibility would normally be limited to qualified personnel; however, in small buildings, accessibility for the tenants should be provided.

In addition, controls which should only be adjusted by skilled personnel should not be located in areas subjected to normal occupant access.

4.5.2 Emergency Egress and Access

Criterion. The design and installation of the H/C/HW systems shall not impair the emergency movement of occupants of the building or emergency personnel to an extent greater than that allowed by NFPA 101 [31] and applicable codes and standards.

Evaluation. Review drawings and specifications. Evaluate alternative means for provision of equal safety protection.

Commentary. If operable windows or exterior doors, required by many codes for sleeping areas, are eliminated for increased thermal control, such rooms and adjacent corridors should have listed smoke detectors which are interconnected and a door opening directly into a corridor that has access to two remote exits in opposite directions.

The location of solar equipment on a roof could reduce the usability of that roof for firefighting or egress. Solar system components located outside the building but near a means of egress could block the means of egress if a fire occurs.

4.6 Structural Safety

Requirement. The H/C/HW system shall provide a level of structural safety consistent with applicable codes and standards.

Commentary. This requirement deals with the ability of systems and elements to maintain their structural integrity under in-service and extreme conditions. Factors such as wind, snow, operating, seismic, and thermal restraint loads are considered. Typical failures that are to be avoided might include: the collapse of a frame supporting solar collectors due to wind, snow, or earthquake; the leaning or collapse of an underground thermal storage tank; the blowing off or fracture of a glass cover plate due to wind or thermal stresses.

Note.—This applies to all elements of a solar system, not just those with a function of providing support for some other element. In this regard, there is an important distinction made between conventional elements, those elements for which design and construction procedures are contained in existing building regulatory documents, and non-conventional elements, those elements for which such procedures are not available. Elements made of materials documented in existing building regulatory documents, such as structural steel, aluminum, timber, glass, masonry and concrete, that will be exposed to service conditions that are normally considered in such documents are examples of conventional elements. Newer materials such as a new alloy of aluminum, or conventional materials exposed to an unusual environment such as welded steel subjected to unusually high or low temperatures, or plastics subject to high and low temperatures are examples of non-conventional elements. Elements with a structural support function will generally be conventional.

4.6.1 Structural Resistance of H/C/HW Systems

Criterion. The elements and connections of the H/C/HW systems shall safely support all loads expected during the design life of the system without failure.

The structural resistance of conventional elements shall be determined in accordance with generally accepted engineering practices for the appropriate material [32, 33, 34, 35].

When common building materials cannot be judged by conventional

criteria because they are exposed to unusual service conditions such as high temperatures, or where new materials are used structurally, the guide performance criteria in section 13.2.4 of Reference [36] should be used to determine structural resistance.

The design load shall include the following loads and shall be taken from and combined in accordance with ANSI Standard A58.1 [37] and as noted:

1. Dead loads. Include the weight of heat transfer fluid contained in the component except when using dead load to resist uplift or overturning.

2. Live loads. Include all static and dynamic loads caused by the operation of the solar energy system and all appropriate maintenance loads. Surfaces that must support maintenance personnel shall resist a single concentrated load of 250 lbs (113 kg) distributed over a 4 square inch (258 mm^2) area at the most critical locations. Also include vehicular loads as stipulated by AASHTO [38] on elements at or below grade subjected to traffic.

3. Soil and water pressures on buried elements.

4. Wind loads. Account for any unusual shape or exposure factors in accordance with accepted engineering practice. Reference [39] includes information on wind loads on solar collectors.

5. Snow and ice loads. Include any unusual loads due to drifting or slide-off. Solar components shall resist the appropriate surcharges, as defined in reference [37]. Reference [40] provides information on ice loads on slender elements.

6. Earthquake loads. For components and connections which cannot be evaluated within the scope of the referenced provisions, the value of "Cp" (horizontal force factor) shall be taken as 1.0 Reference [39] includes information on earthquake loads.

7. Constraint loads. Those loads caused by temperature changes, shrinkage, moisture changes, normal functioning of the system, time-dependent changes within the materials of the system and by differential movement of the supporting structure and foundation settlement shall be taken as the most severe likely to be encountered during the service life.

8. The load from ponding of water on large horizontal surfaces shall be considered.

Evaluation. Review drawings, specifications, calculations and testing.

Commentary. It is expected that most aspects of structural design for solar installations will fall within the domain of conventional engineering practice and that existing codes and standards may be applied to such. The intent of this criterion is that conventional elements and systems continue to be designed in accordance with applicable building code documents. The performance criteria in Section 13.2.4 of Reference [36] are specified for use in those situations in which accepted engineering standards are not applicable. Considerable care is required in determining the structural resistance in such situations. For structural testing of flat plate collectors, a test method has been proposed in Reference [27] for the following tests: positive live loads, negative and combination wind loads, and longitudinal loads.

It is recognized that some elements will be designed using the ultimate resistance and factored loads while others will be designed using an allowable resistance and unfactored loads.

The loads presented are those expected to occur in the projected lifetime of the installation. Particular attention should be given to the load caused by the thermal cycling of the system, both under normal conditions and "no-flow" conditions.

The following paragraphs of commentary are numbered corresponding to the loads listed under the criterion:

(1) The design dead load of mass storage materials (water tubes, drum walls, etc.) may in some instances need to be considered on other portions of the structure (floors, partitions, etc.). These loads can be quite important, particularly in retrofit application.

(2) The design live loads for roofs constitute minimum loading requirements needed primarily for human safety while the building is undergoing maintenance. Resistence to these loads need not be required for collector panels that are mounted on roofs without forming an integral part of the roof if adequate access is provided for service and maintenance personnel. For collectors which form an integral part of the roof, resistance to the design live roof loads should be required, because the roof will need to be repaired from time to time and must support the workman making the repairs.

(4) Wind load pressure coefficients for flat plate collectors are presented in reference [41] and a tabulation of extreme wind speeds is contained in reference [42].

Wind loads due to the presence of solar systems may be more severe than those normally acting on buildings and require special attention especially in retrofitting an existing building.

(5) Rows of solar collectors protruding from a roof are similar to a snow fence and may significantly increase the amount of snow retained on the roof, requiring special attention especially in retrofitting an existing building. Reference [39] provides design guidelines.

(6) The value of "Cp" supplied for elements that are not specified by the referenced provisions is consistent with conservative values for elements appended to structures.

(7) The possibility of stresses being imposed by thermal expansión or contraction, wind movement, seismic loads, vibratory loads, or foundation settlement need to be considered. Thermal expansion and contraction effects should be evaluated for the extreme operating temperature range; note particularly, pipe thrusts at anchors and elbows. Solar components vary in their ability to withstand the effects on their performance of differential settlement. For example, a rock storage bin can probably settle a great deal without affecting its performance; however, a plumbing connection may be able to withstand very little differential settlement.

Time dependent changes within materials or the system should include consideration of materials degradation. Of particular concern may be deterioration of plastics and organic materials, corrosion and electrolytic action between dissimilar metals such as between a collector and its support. Materails degradation is further discussed in Chapter 5.

In some circumstances, such as collectors framed in wood or attic collectors, wood and other fibrous materials may be subject to sustained or cyclic elevated temperatures for extended periods of time (years). Under such conditions, strength reduction of structural members may be very significant and should be considered [43, 44]. Uneven heating of such structural members may cause racking or twisting during the normal course of the day. This should be accounted for in the design of the structure.

(8) Ponding is defined as the retention of water due to the deflection of horizontal surfaces. Measures to resist ponding include providing sufficient stiffness to prevent excessive deflections, providing slope to carry excess water away, providing drains to remove water or providing overflow locations to limit the depth of water.

Chapter 4.—References

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Chapter 5.—Durability/Reliability

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Chapter 5.—Durability/Reliability

5.0 Introduction

The performance requirements and criteria in this chapter deal with the ability of materials and components to maintain satisfactory long-term performance under in-service and extreme conditions. Factors such as the effect of external environment, temperature, chemical compatibility, and wear and fatigue are addressed. A general guide for the consideration of each requirement and criterion for the various materials and components is contained in Table 5.1. If documentation of satisfactory long-term performance under in-use conditions or engineering analysis is not available, the material or component must be evaluated. Table 5.2 lists standards for materials and components for which specific evaluation methodologies or standards are available. Evaluations for materials listed in Table 5.2 shall be performed unless documentation of satisfactory in-service performance is available. Supplemental tests to those listed in Table 5.2 may also be performed if it is

desirable to assess a requirement which is not addressed by the procedures listed in the table. Materials and components not specifically addressed by Table 5.2 should be evaluated according to the procedures outlined in this chapter and in the Appendix. There is also a general discussion of evaluation methods for this chapter in Section 2 of the Appendix. A test procedure for a complete collector panel assembly for 30 day, no-flow conditions is given in section 10 of the Appendix.

5.1 Effect of External Environment

Requirement. The H/C/HW systems and their various components shall not be affected by external environmental factors to an extent that will significantly impair their function during their design life.

5.1.1 Solar Degradation

Criterion. Solar components or materials shall not be adversely affected by exposure to sunlight in service to an extent that will significantly impair their function during their design life.

When components or materials are exposed to ultraviolet radiation, there shall be no signs of excessive deterioration of optical, physical or mechanical properties, or any other changes that would significantly affect the performance of the components in the system.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 3 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Organic materials may be particularly susceptible to degradation resulting from prolonged exposure to solar radiation. Ultimate failure of these materials is frequently caused by physical impact, wind flutter, etc. components of particular concern include cover plates, coatings, sealants, gaskets, absorber surfaces, collector heat traps, exposed coupling hoses, coatings or coverings of exposed insulation, devices for controlling entrance of sunlight (shutters, shades, drapes, blinds, etc.), reflectors and collector casing assemblies.

5.1.2 Moisture Degradation

Criterion. Solar components or materials shall not be adversely affected by exposure to moisture in service to an extent that will significantly impair their function during their design life.

Evaluation. When components or materials are exposed to moisture, there shall be so signs of excessive material degradation or reduction in insulation effectiveness that would significantly affect the performance of the components or the system.

Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. A provisional test described in test method 7.5 of NBSIR 78–1305A [1] can be used to assess rain penetration into a collector.* condensation or water vapor stability of materials can be determined by the method described in ASTM D2247–68 (1973) [2]. The use of an artificial weathering machine with a water spray cycle can also be used. Where adequate information is unavailable, methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Moisture can exhibit itself in several forms, e.g. rainfall, melting snow and ice, condensation or vapor. The intent of this criterion is to ensure adequate performance of components or materials that are exposed to moisture from the external environment or exposed to condensation in the collector interior. Some components, such as collector insulation, are usually intended to be used in low moisture environments; however, it is still possible for them to be periodically exposed to moisture from condensation. Such components would not usually be expected to meet the intent of this criterion if moisture exposure could not occur, e.g. in collectors that are hermetically sealed. Guidance for the waterproofing of exposed insulation both above and below ground is given in the HUD MPS section 607–2 [3], and also the ASHRAE Handbook of Fundamentals Chapter 17 [4]. Salts extracted by moisture from some types of insulation or from organic components may cause corrosion of other system components in close proximity. Chlorides or sulfates that may be leached are of particular concern in regard to metallic corrosion. This criterion is not intended to address the effect that water in the heat transfer fluid can have on system components which contact the fluid.

Efflorescence on the absorber surface of masonry walls such as greenhouse and Trombe walls can cause the deterioration of the absorber coating. Efflorescence is commonly caused by high mineral content in water used for the production of masonry units or the mixing of mortar and is activated by the presence of moisture in the wall.

5.1.3 Pollutant Degradation

Criterion. Solar components and materials that are exposed to regionally prevalent air pollutants such as photochemical oxidents (ozone), sulphur dioxide, nitrogen oxides or salt spray shall not be adversely affected to the extent that will significantly impair their function during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 4 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

The maxmium pollutant levels in the geographic areas where the system will be installed shall be used to determine the pollutant levels required for testing. The pollutant levels shall be obtained from the most recent edition of "Air Quality Data—Annual Statistics Including Summaries with References to Standards" [5]. If components are to be used in areas where they are exposed to very low pollutant concentrations, then the degradation test(s) for pollutants need not be conducted.

When components or materials are tested in accordance with the procedure outlined in Section 4 of the Appendix, there shall be no signs of excessive deterioration of optical, physical or mechanical properties, or any other changes that would significantly affect the performance of the components of the system.

Commentary. The effects of solar radiation in combination with air pollutants may also be an important consideration in the dry as well as wet condition. Factors of concern include surface erosion and consequent transmission loss of cover plate, deterioration of coupling hoses, exposed seals and corrosion of metallic elements.

A potential problem with collectors in industrial atmospheres is that pollutants in condensate solution may cause permanent etching of the cover plates, absorber surfaces and affected metallic components over a period of time. Such etching can permanently reduce optical properties and may cause deterioration of mechanical properties. When this possible condition exists, design consideration must be given to avoid the problem.

* Numbers in brackets [ ] indicate references at the end of this chapter.

5.2 Effect of Temperature

Requirement. Solar components or materials and building elements with which they interact shall be capable of performing their intended function for their design life when exposed to temperatures that can be developed in the system.*

5.2.1 Thermal Degradation

Criterion. When exposed to maximum service temperatures, solar components or materials shall not degrade to the extent that will significantly impair their function during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Evaluation may occur at the collector, component and/or material level.

When adequate information is unavailable for a collector, the "no-flow" aging procedure described in Section 10 of the Appendix shall be used to evaluate degradation. If the above test results indicate an outgassing problem, an outgassing test should be used to evaluate collector materials.

When adequate information regarding thermal stability of materials or other system components is unavailable, testing using the procedures outlined in Section 5 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

To evaluate outgassing of materials, the test method described in Appendix D of NBSIR 77–1437 [6] or other methods which can be shown to meet the intent of the criterion may be used.

Where adequate information is unavailable to evaluate the long-term performance of heat transfer fluids under in-use conditions, testing using either the methodology outlined in Section 5 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

When components or materials are tested in accordance with the procedures outlined in Section 5 of the Appendix, there shall be no signs of excessive deterioration of optical, physical or mechanical properties or any other changes that would significantly affect the performance of the components or the system.

Commentary. Organic components in the system may be particularly susceptible to thermal degradation under prolonged exposure. Organic collector components of particular concern include glazing, absorbers, absorptive coatings, heat traps, insulation, sealants, gaskets and collector casing assemblies. Storage containers, piping, ducts, storage liners and coatings composed of organic materials may also be affected. Organic materials may change shape or dimensions and may lose strength or become more brittle.

Outgassing of condensible volatiles from components inside the collector could lead to deposits on the underside of the collector glazing reducing glazing transmissivity or other changes in the optical properties of collector components. Materials that have been observed to outgas in operational systems are gaskets and sealants, absorptive coatings and insulation.

Of major concern is the breakdown of some heat transfer fluids at elevated temperatures (250° F to 300° F or 120° C to 149° C for some hydrocarbons and the glycols) resulting in corrosive by-products and formations which create scale and sludge within the system.

If not considered in the design, viscosity changes in heat transfer fluids may lead to pumping problems, such as excessive pumping power requirements or overheating due to heat transfer fluid thickening.

5.2.2 Thermal Cycling Degradation

Criterions. The H/C/HW systems, their various components and building elements with which they interact shall be capable of withstanding the stresses induced by thermal cycling for their respective design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Evaluation may occur at the collector, component or materials level.

When adequate information is unavailable to assess the effects of thermal cycling on collectors, the provisional test described in Section 7.6 of NBSIR 78–1305A [1] may be used.

When adequate information is unavailable to assess the effects of thermal cycling on materials or components, testing using the procedures outlined in Section 6 of the Appendix or other methods which can be used to meet the intent of the criterion shall be used.

After components or materials have been exposed to thermal cycling between their maximum and minimum service temperatures, there shall be no signs of excessive deterioration of optical, physical, chemical or mechanical properties or any other changes that would significantly affect the performance of the components or the system.

Commentary. This criterion is intended to identify potential problems that may occur as a result of differential thermal movement. Physical restraints (including support conditions) that will be imposed on the system in actual use shall be considered when testing is required.

Permanent dimensional changes caused by expansion or contraction can result from thermal cycling.

If thermal expansion or contraction is cumulative in system or subsystem design, the test must be designed to reflect this condition. Areas of concern include cover plate/frame, collector/support, collector/collector, collector/piping, reflective surface/substrate, piping, solder joints, coupling hoses, sensors, the bond of tubing or coatings to absorber plates, and warping or shrinkage of cover plate or absorber.

Standardized methods to evaluate the durability of phase change thermal storage materials due to temperature cycling have not been developed. Evidence of the ability of a phase change material to remain stable through a number of cycles representative of a specified portion of its design life would be useful.

5.2.3 Thermal Shock Degradation

Criterion. Solar components and materials shall be capable of withstanding the stresses induced by thermal shock for their respective design lives.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions, by engineering analysis or by review of plans and specifications.

When adequate information regarding thermal shock resistance of collectors is unavailable, the provisional tests in Section 10 of the Appendix or Section 7.4 (cold fill) of NBSIR 78–1305A [1] shall be used to evaluate degradation. Other tests which can be shown to meet the intent of this criterion may also be used.

After the thermal shock test, there shall be no signs of excessive deterioration of physical or mechanical properties or any other changes that would significantly affect the performance of the components, collectors or materials.

Commentary. The intent of the criterion is to determine the ability of the solar collector to withstand thermal shock caused by heavy rains falling on heated collectors and also to insure the reliability of solar collectors to withstand thermal shock induced through filling the hot collector with relatively cool heat transfer fluid during daytime start-up. It has been reported that cover plates have failed due to the thermal differential created in the glass

* Maximum and minimum service temperatures are defined in Section 1 of the Appendix.

by the rapid sliding off of snow cover, exposing cold collectors to the heat of solar radiation.

Other components such as relief valves, balancing valves, etc., may also be affected by cold start-up as may occur in drain down systems.

5.3 Effect of Chemical Compatibility of Components

Requirement. Materials used in the solar energy system, its various components and the building elements with which they interact shall have sufficient chemical compatibility to prevent corrosion, deterioration or wear that would significantly shorten their intended service life under in-use conditions.

5.3.1 Materials/Transfer Fluid Degradation

Criterion. Materials designed to be used in contact with heat transfer fluids or the fluids shall not be deteriorated or otherwise adversely affected by such contact to the extent that their function will be significantly impaired under in-use conditions during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis or testing.

Where adequate information is unavailable regarding metallic containment materials used with nonaqueous liquids or plastic containment materials, materials or components shall be tested using the methodology outlined in Section 7 of the Appendix or other methods which can be shown to meet the intent of the criterion. Evaluation methods for metallic containment materials used with aqueous liquids, rubber hoses and seals used in contact with liquids are provided in Table 5.2.

Commentary. This criterion is intended to address the compatibility of the heat transfer fluid and the materials and components in the energy transport system, i.e. collectors, piping, tanks, connectors, pumps, valves, heat exchangers and their related seals and gaskets. Metals and plastics are used in these applications. The heat transfer fluid may be water, aqueous-organic liquid solutions or organic fluids. All may contain various additives. Metals may be susceptible to corrosion in systems with aqueous or organic heat transfer fluids. See also discussion of problems created by the thermal degradation of heat transfer liquids in 5.2.1. Some plastic materials are sensitive to exposure to either aqueous or organic fluids. Corrosion of metals by heat transfer fluids could be a serious problem in solar energy systems. SAE Standard J447A (1964) [8] provides guidance in preventing corrosion. Experience indicates that tight closed loop systems help to minimize metallic corrosion by reducing the oxygen content of the transfer fluid.

Any use of inhibitors in heat transfer fluids should be keyed to the characteristics of all elements of the solar energy system which come in contact with the fluid including collectors, piping, connectors, tanks, pumps, valves, heat exchangers and their related seals and gasket. Inhibitors uses with non-toxic heat transfer fluids should be selected to comply with the fluid safety requirements of Requirement 4.1. Further discussion is included in Reference [9].

Although boiling can be prevented by pressurization, excessive temperatures can break down some constituents of the fluid to form organic acids. Buffers can counter the pH balance but only until they are exhausted. Changes in pH can be accepted but when the level is outside the allowable range, the transfer fluid or at least the butters must be renewed. This can be an acceptable maintenance requirement.

Thermal cycling may cause precipitation to occur which may lead to a build up of solids in pump seals and valve seats which may lead to malfunction.

When heat transfer fluids are used as absorbers, a bleaching of the fluid may significantly reduce system performance. See also Criterion 5.1.1.

Tables 3 and 4 in Section 11 of the Appendix are intended to provide general guidelines for the selection of metals or alloys for use in solar collectors. Various alloys of the same base metal may show significant variation in resistance to corrosion. Small concentration changes in a number of chemical elements may significantly change the corrosion behavior of a material at a specific temperature. A complete description of this behavior is not possible in this document. Generally unacceptable use conditions as stated should be avoided unless it has been demonstrated that the metal or alloy perform suitably in the anticipated use condition. Adequate performance is anticipated for normal operation in generally acceptable use conditions if these general guidelines are followed.

Since plastics are generally nonconductors, galvanic and electrochemical corrosion encountered with metals are nonexistent in plastic components. However, the physical and mechanical properties of some plastics can be affected significantly by heat transfer fluids. These effects are usually more pronounced at the elevated temperatures which accompany the heat transfer fluid in an operating solar system. Incompatibility can cause plastics to swell, delaminate, soften, crack, become brittle, lose strength, etc. The specific response is dependent upon the combination of polymer and heat transfer fluid. The Uni-Bell Plastic Pipe Association has developed a Handbook of PVC Pipe Design and Construction [10] which provides tables of the resistance of PVC pipe and elastomeric seals to reaction with or attack by the chemical agents. The information in it should be used as a guide only. Due to the complexity of some organic chemical reactions, additional long-term testing should be performed to determine performance of plastic components with fluids at elevated temperatures.

5.3.2 Dissimilar Metals Degradation

Criterion. Non-isolated dissimilar metals shall not be degraded to the extent that their function will be significantly impaired under in-use conditions during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 8 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used. Dissimilar metals used in contact with heat transfer or other fluids shall be tested to reflect this condition. Where protective finishes are normally provided, they shall be used on the specimens tested.

Commentary. The use of corrosion inhibitors and dielectric fittings that electrically isolate dissimilar metals is desirable. The use of dielectric fittings may conflict with electrical grounding or lightning protection requirements. The presence of pinholes in protective coatings may drastically accelerate corrosive action.

Attention should be paid to all elements of a solar system when considering compatibility of dissimilar metals. This should include energy transport system, structural support and connections, fabricated parts and roofing materials.

5.3.3 Compatibility of Adjacent Organic Materials

Criterion. Organic solids in contact with other organic solids or inorganic materials shall not be degraded to the extent that their function will be

significantly impaired during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 9 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Incompatibility can occur between organic materials and between organic materials and inorganic materials such as metals or phase change salts. Some sealants and gaskets are incompatible with plastic glazing materials. Plasticizer migration can result in discoloration, softening and other types of deterioration.

Inorganic phase change salts have been stored in plastic containers. Leakage in the containers can result from deterioration of the material caused by either mechanical (e.g. thermal expansion) or chemical incompatibility of the salt and plastic.

This criterion is not intended to address the compatibility of organic transfer fluids with adjacent materials covered in Criterion 5.3.1.

5.4 Effects of Wear.

Requirement. Components that involve moving parts shall, with normal maintenance, be capable of performing their intended function without excessive wear or deterioration for their design life.

5.4.1 Degradation by Wear

Criterion. Dampers, check valves, pressure regulators, pumps, control devices, collector tracking mechanisms, insulation movement mechanisms and assemblies, and similar components shall be capable of operating under in-use conditions without exhibiting wear or fatigue that would significantly impair their ability to perform their intended function over their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions, engineering analysis or testing using an experimental verification procedure which can be shown to meet the intent of the criterion.

Commentary. Inclusion of the heat transfer fluid during tests of components with moving parts may be necessary to met the intent of this criterion. Many of the components described in this criteria involve the use of conventional components in unusual applications. A record of satisfactory performance in conventional applications may not be sufficient to adequately predict performance in solar applications and careful evaluation is desirable. Components containing moving parts whose use rarely occurs, except for safety reasons such as pressure relief devices, vacuum breakers, etc., are of particular concern.

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TABLE 5.1a

COLLECTOR SUBSYSTEMS

Requirements	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
Criteria (Section)	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
COLLECTORS										
Cover Plates										
Glass	R	N.A.	O	R	R	R	N.A.	N.A.	N.A.	N.A.
Plastic	R	O	O	R	R	R	O	N.A.	O	N.A.
Absorber										
Metal	N.A.	R	N.A.	R	R	R	R	O	O	N.A.
Plastic	R	N.A.	N.A.	R	R	R	R	N.A.	R	N.A.
Absorber Coating	R	R	O	R	R	O	O	N.A.	N.A.	N.A.
Gaskets	O	R	R	R	R	R	R	N.A.	R	N.A.
Sealants	O	R	R	R	R	R	R	N.A.	R	N.A.
Coupling Hoses	O	O	O	R	R	R	R	R	R	N.A.
Insulation	O	R	N.A.	R	R	O	N.A.	N.A.	R	N.A.
Case Assembly (i.e. box)	R1/	O	R	O	R	R	N.A.	R	O	N.A.
Reflectors	R	O	O	O	R	O	N.A.	N.A.	N.A.	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

1/ Organic case assembly materials only

TABLE 5.1b

ENERGY TRANSPORT SUBSYSTEMS

	5.1 Effects of External Envrionment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
ENERGY TRANSPORT										
Pipes										
Metals	N.A.	N.A.	O	N.A.	O	O	R	R	N.A.	N.A.
Plastic	O	N.A.	O	R	R	O	R	N.A.	R	N.A.
Ducts/Plenums										
Metals	N.A.	O	O	N.A.	O	O	N.A.	O	N.A.	N.A.
Plastic	O	N.A.	O	R	R	O	N.A.	N.A.	O	N.A.
Heat Transfer Fluid	O	N.A.	N.A.	R	N.A.	N.A.	R	R	R	N.A.
Pumps	N.A.	N.A.	N.A.	R	N.A.	N.A.	R	R	O	R
Blowers	N.A.	N.A.	O	R	N.A.	N.A.	N.A.	N.A.	N.A.	R
Filters	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	O	O	O	N.A.
Insulation & Coating	O	R	O	R	R	O	N.A.	N.A.	R	N.A.
Expansion Tank	R 1/	N.A.	O 1/	O 1/	O 1/	O 1/	R	N.A.	R 1/	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

1/ For organic expansion tanks only

TABLE 5.1c

STORAGE SUBSYSTEMS

	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
STORAGE										
Container Units										
Inorganic	N.A.	R	O	N.A.	R	R	R	R	N.A.	
Organic	O	R	O	R	R	R	R	N.A.	O	N.A.
Liners	N.A.	O	N.A.	R	R	N.A.	R	R	R	N.A.
Insulation	O	R	O	R	R	R	N.A.	N.A.	O	N.A.
Gaskets & Sealants	O	O	O	R	R	R	R	N.A.	R	N.A.
Storage Medium										
Liquid	N.A.	N.A.	N.A.	R	R	N.A.	N.A.	R	R	N.A.
Solid	N.A.	R	O	N.A.	R	N.A.	N.A.	R	R	N.A.
Phase Change Mtl.	O	N.A.	N.A.	N.A.	R	R	N.A.	N.A.	R	N.A.
Heat Exchangers	N.A.	N.A.	N.A.	R	R	R	R	R	N.A.	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

TABLE 5.1d

CONTROL SUBSYSTEMS

	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1.
CONTROLS										
Control Units	N.A.	N.A.	N.A.	R	R	R	N.A.	N.A.	N.A.	R
Sensors	O	O	O	R	R	R	O	N.A.	N.A.	N.A.
Regulators	N.A.	N.A.	N.A.	R	R	R	N.A.	N.A.	N.A.	R
Valves	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	R	R	O	R
Dampers	N.A.	N.A.	O	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	R
Tracking Devices	N.A.	O	O	R	R	R	N.A.	O	O	R
Movable Insulation	O	O	O	O	O	O	N.A.	N.A.	O	R

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

TABLE 5.2

Materials or Components	Evaluation Procedures
Sealants and gaskets for flat plate collectors 1/	ASTM D3667
Seals and gaskets for use in contact with liquids 1/	ASTM D3832
Sealants and gaskets for concentrating collectors 1/	ASTM D3771
Seals and gaskets for use in air/heat transport 1/	ASTM D3903-80
Cover materials for flat plate solar collectors	ASTM E765-80 ASTM E782-81
Rubber hoses	ASTM D3952-80
Insulation for solar collectors	Appendix of NBSIR 79-1908
Metallic containment materials for use with liquids	ASTM E712-80 ASTM E745-80
Absorptive materials	ASTM E744-80 ASTM E781-81

1/ Required for active systems only. Seals for passive systems should meet requirements for building joint seals.

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Chapter 5—References

1. *Provisional Flat Plate Solar Collectors Testing Procedures*, First Revision, NBSIR 78-1305A, National Bureau of Standards, Washington, DC, June 1978, PB 283-721.[1]
2. *Standard Method for Testing Coated Metal Specimens at 100 Percent Relative Humidity*, ASTM D2247-68 (1973).[2]
3. *HUD Minimum Property Standards, One and Two Family Dwellings*, No. 4900.1, U.S. Department of Housing and Urban Development, Washington, DC, 1973.[3]
4. *ASHRAE Handbook of Fundamentals*—1977.[4]
5. *air Quality Date—Annual Statistics Including Summaries with Reference to Standards*, EPA-450-2-78-040.[5]
6. *Solar Energy Systems—Standards for Rubber Seals*, NBSIR 77-1437, National Bureau of Standards, Washington, DC, March 1978, PB 281-114.[1]
7. *Standard Specification for Rubber Seals Used in Flat-Plate Solar Collectors*, ASTM D3667-78, 1978.[2]
8. *Prevention of Corrosion of Metals*, Society of Automotive Engineers, Standard J447a, 1964.[6]
9. *State-of-the-Art Study of Heat Exchangers used with Solar Assisted Domestic Hot Water Systems*, F. E. Metz and M. J. Orloski, NBSIR 78-1542, June 1978, PB 287-410.[1]
10. *Hand Book of PVC Pipe Design and Construction*.[7]

[1] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.
[2] American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
[3] Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.
[4] American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.
[5] U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Monitoring and Data Analysis Division, Research Triangle Park, NC 27711.
[6] Society of Automotive Engineers, Inc., Two Pennsylvania Plaza, New York, NY 10001.
[7] Uni-Bell Plastic Pipe Association, 2655 Villa Creek Drive, Suite 164, Dallas, TX 75234.

Chapter 6.—Operation and Servicing

6. Introduction
6.1 Manuals and Instructions
6.1.1 Installation instructions
6.1.2 Operation and maintenance instructions
6.1.3 Maintenance plan
6.1.4 Maintenance hazards
6.1.5 Flushing of liquid system
6.1.6 Protection
6.1.7 Normal operation of occupant
6.2 Maintenance and servicing
6.2.1 Heat transfer liquid quality
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6.2.3 Servicing of H/C/HW systems
6.2.4 Maintainability of building and site
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References

Chapter 6.—Operation and Servicing

.6.0 *Introduction*

the installation, operation and servicing phases are most critical to the performance of solar energy systems. There has been consistent evidence that faulty actions during these phases are a primary cause of poor performance, accelerated deterioration and system damage. the difficulties of mandating performance criteria for installation, operation and maintenance is acknowledged; however, it is essential that owners and installers be provided with appropriate instructions for their systems and that good practice methods are followed.

This chapter complements and extends certain provisions in Chapter 3 such as: system balancing, 3.1.2; liquid quality, 3.2.3 draining and filling, 3.2.5; and freeze protection in general, 3.6. An initial checkout must verify that the system is installed correctly and that it functions properly in all modes of operation including proper flow rates. It is important the adequate information and access a high level of performance and to anticipate problems.

6.1 Manuals and Instructions

Requirements. A manual shall be provided containing instructions for the installation, operation and maintenance of the N/C/HW systems and/or components. The extent of detail of the manuals shall be consistent with the need for descriptive information to properly operate and maintain the system.

Commentary. This manual may consist in whole or in part of a series of instruction sheets provided by the various system or component manufacturers. It may be s single manual, or installation instructions may be separate from operation and maintenance. Complex installations should be provided with comprehensive manuals. A packaged hot water system conversely may require only a simple manual. The simplest passive system may warrant no more than an attached informative label or tag.

6.1.1 Installation Instructions

Criterion. Instructions shall be provided which describe the installation and removal (when required) of each solar energy system component in step-by-step fashion with appropriate detail.

These instructions shall describe the interconnection requirements of the various systems and components and their interface requirements with the building and site.

the instructions shall be available at the installation site or from normally accessible sources.

Evaluation. Review installation instructions.

Commentary. It is not the intent of this criterion to require the provision of complete, detailed system installation specifications. For active systems, such specifications would normally be project specific and part of the procurement process. Construction drawings and specifications may be required for passive and other site built systems.

Reference [1]* provides guidelines for installing, operating and servicing solar HW systems. Reference [2] provides standard practice of installation and service of solar space heating systems (H) for one-and two-family dwellings.

6.1.2 Operation and Maintenance Instructions

Criterion. Operation instructions shall be provided which describe operation in all modes, including start-up and shutdown under normal and emergency conditions. Description of important temperature, flow and pressure information for check points throughout the system shall be given. The maintenance manual shall provide a system schematic diagram and describe required periodic maintenance and detailed information for selected repair procedures such as removal and replacement of cover plates.

Evaluation. Review maintenance and operating instructions.

Commentary. for most active systems, flow diagrams and wiring diagrams should be included. In any system where preformance requirements are dependent upon specific maintenance procedures these should be tabulated. The manual should specify acceptable methods of cleaning glazed surfaces.

6.1.3 Maintenance Plan

Criterion. The manual shall include a comprehensive plan for maintaining the specified performance of the H/C/HW systems for their design service lives.

Evaluation. Review of maintenance plan.

Commentary. This criterion is applicable to both active and passive systems in new as well as existing buildings. The plan should include all the necessary ordinary maintenance, preventive maintenance and minor repair work, and projections for equipment replacement and

*Numbers in brackets [ ] indicate references at the end of this chapter.

maintenance of heat transfer fluid quality as appropriate. Periodic changing or cleaning of strainers and filters is one example of ordinary maintenance. Cleaning, repairing or replacing of cover plate materials should also be included.

6.1.4 Maintenance Hazards

Criterion. The manual shall provide prominently displayed warning against hazards that could arise in the maintenance of the system and shall fully describe the precautions that should be taken to avoid these hazards.

Evaluation. Review the maintenance instructions.

Commentary. Some systems contain toxic and/or combustible materials that could result in ill effects to maintenance personnel or result in fires, explosions or toxic fumes when repairs involving soldering or welding are undertaken. See Criterion 4.2.4 for handling and disposal of toxic fluids.

Hot pipes or valves and discharge points should be identified.

6.1.5 Flushing Liquid System

Criterion. The manual shall provide instructions for initial flushing as required and periodic flushing (cleaning), if required, of the liquid passages.

Evaluation. Review drawings, specifications and operation manual.

Commentary. Metal filings, flux, solder, silt and other contaminants should be flushed out of the system prior to operation. Water should not be used to flush systems that use hydrocarbon or silicone heat transfer fluids. Systems using oil as the heat transfer fluid should be flushed with a cleaner which is soluble with the solder flux used and then thoroughly dried before filling with the oil. Flux within the system may be caught in crevices. At this point, with elevated temperature, any moisture would rapidly oxidize the adjacent metal. See also Criterion 3.2.2.

6.1.6 Protection

Criterion. The instruction shall provide information for protection of the system during installation and maintenance.

Evaluation. Review installation and maintenance instructions.

Commentary. Collectors, controls and other components may require special protective measures during installation and shutdown for maintenance such as covering of collectors to prevent breakage of glazings and to prevent stagnation. Caution should be exercised in the selection and use of temporary coverings to avoid permanent damage of glazing such as etching and staining, and adhesive materials which may become difficult to remove.

6.1.7 Normal Operation by Occupant

Criterion. Instructions shall be written to inform the occupant of the minimum actions required for the normal operation of the solar energy system including the probable heat gains or losses dependent on occupant actions.

Evaluation. Review operation instructions.

Commentary. Required occupant activity such as operating movable insulation, shades or controls may be critical, especially for some passive installations. Required manual operations should be minimized and the occupant should be advised of the consequences of energy gained or lost and potential system or building damage (e.g. water freezing) for actions taken on a daily and seasonal basis including times of building vacancy.

6.2 Maintenance and Servicing

Requirement. The H/C/HW systems shall be designed, constructed and installed to provide sufficient access and appurtenances for general maintenance and convenient servicing.

6.2.1 Heat Transfer Liquid Quality

Criterion. Provisions shall be made to maintain the quality of the heat transfer liquid at a level that does not significantly impair its heat transfer function, reduce its compatibility with adjacent materials or reduce freeze protection.

Evaluation. Review specifications and monitoring of the heat transfer liquid for pH, buffering level, viscosity and concentration.

Commentary. Experience from demonstration programs indicate the importance of heat transfer liquids and their quality in preventing freeze-ups and corrosion, and for general system performance. When make-up water is of such a quality that excessive corrosion is known to exist, a suitable water treatment system as recommended by the Water Quality Association Industry Standards S–100–75 and S–200–73 should be provided [3]. The chemical composition of the heat transfer liquid should be maintained (perhaps by periodic replenishment of additives) at levels adequate to prevent unacceptable deposits on the heat transfer surfaces, corrosion of the surfaces with which the heat transfer liquid comes in contact, or loss of freeze resistance. Antifreeze solutions may lose their freeze protection capability over time due to deterioration in the addition of "make-up" water. Provisions for sampling the heat transfer liquid should be available. See Criteria 3.2.3 and 3.2.5 for maintenance related devices and Reference [4] for the influence of heat transfer fluid properties on thermal performance.

Heat transfer liquids should be tested and replaced at intervals suggested by the manufacturer. Some sources recommend checking water/glycol mixtures twice a year. See also Critrion 6.1.3. Water in unprotected steel drums or other metal containers in water storage walls should be deionized or distilled and buffered to reduce corrosion (pH>8 or <12 for steel).

6.2.2 Access for Systems Maintenance

Criterion. All individual items of equipment and components of the H/C/HW systems which may require periodic examination, adjusting, servicing and/or maintenance shall be accessible for inspection, service, repair, removal or replacement without dismantling of an adjoining major component or building element.

Evaluation. Review drawings and specifications.

Commentary. Accessibility as a function of component life is an important consideration. Individual collectors in an array should be replaceable or repairable without disturbing non-adjacent collectors in the array or other access provisions should be made. Cover plates and roof glazing, especially those susceptable to degradation by environmental exposure and hazards such as damage by falling hail, limbs, etc., should be readily accessible for repair or replacement without special skills or tools and without readily available materials. Provisions for recoating of Trombe walls and cleaning of glazing and spaces between glazing and wall should be considered. Access to collector glazings which require periodic recoating may be necessary.

Access to storage units may be necessary. Rock storage and liquid storage in both active and passive systems may require access for cleaning or replacement. Isolation valves may be necessary for the repair or replacement of system components. Dampers require access for maintenance, monitoring, adjusting and balancing. Information on access provisions is provided in Reference [5].

6.2.3 Servicing of H/C/HW Systems

Criterion. The H/C/HW systems shall be capable of being serviced with a minimum amount of special equipment by the appropriate existing trades (HVAC, plumbing, etc.) using a service manual.

Evaluation. Review drawings, specifications and service instruction manuals.

Commentary. The complexity and design of certain components may require their removal and replacement to accomplish repair of the system. Routine servicing of many systems may not require special personnel and equipment.

6.2.4 Maintainability of Building and Site

Criterion. The H/C/HW system shall not impair accessibility for or add significantly to the practical maintainability of the building or site.

Evaluation. Review maintenance plans, site plans and building and solar system drawings.

Commentary. Building materials adjacent to solar equipment should not be exposed to elevated temperatures that result in adverse physical, chemical mechanical or thermal changes causing additional maintenance problems or such materials should be selected to withstand these effects.

6.2.5 Maintainability of Roof Surfaces

Criterion. The installation of collectors and other solar energy components on the building roof should not reduce the ability of the roof covering to restrict the entrance of moisture and weather and be resistant to deterioration.

Evaluation. Review drawings and specifications.

Damage or other adverse conditions might occur during servicing as well as installation and measures to protect the roof should be taken.

Commentary. The presence of solar equipment on roofs my lead to numerous potential problems:

a. Reroofing in future years may be complicated by collectors mounted close to the surface, by supports, and pipe and wiring penetration.

b. Numerous penetrations of roof membranes mean greater maintenance problems and potential leakage.

c. Some heat transfer fluids will attack certain roofing materials, and leakage from the system may present problems of roof degradation and deterioration.

d. The growth of fungi (mold and mildew) is possible when collectors are applied to a roof surface. If the collectors are in contact with the membrane or held away from the membrane to allow for drainage, the shaded area can support the growth of a fungus leading to roofing deterioration. Special design considerations should be included to avoid this problem.

e. Hot collector surfaces and other heated components closely adjacent to the roof surface can cause softening of the roofing materials leading to deterioration.

f. The presence of solar equipment, its position relative to the roof and the various supports and penetrations used may increase the collection of debris such as branches and leaves, and required additional maintenance attention.

g. The ice and melt water that may occur due to the presence of solar equipment requires attention to the adequacy of roof moisture barriers under adverse conditions and avoidance of details likely to promote the accumulation of large quantities of ice, or likely to be damaged by the weight of expansive action of ice.

h. The foot traffic generated by solar system maintenance personnel may cause deterioration of the roof system.

6.3 System Monitoring

Requirement. Provision shall be made for system monitoring in accordance with the specifications of the operation and maintenance manual.

6.3.1 Checkout

Criterion. On completion of installation, the system operation shall be checked for adequate performance of all components as well as the system as a whole.

Evaluation. Inspection and testing shall be performed on the installation to verify that the system and components are capable of operating as specified in the design and the manuals defined in Requirement 6.1.

Commentary. Monitoring means may involve sensors and indicators or may be as simple as inspection.

Controls should be checked in operation to determine that components operate at the proper set points, that pumps and fans start and stop properly, and that fail safe devices work. Failure or improper operation of sensors and controls have caused many problems. It is recommended that means be provided during installation to allow temperatures and flow rates to be checked during operation of the system. Poor design and improper installation of components is a major cause of system malfunction. A large proportion of mechanical failures become apparent within a short period of operation. Incorrectly wired controls, improper control set points, improper component location, reversed components, improper sensor installation, etc., are examples of faulty design and/or installation.

It is important to check distribution systems to assure that all spaces intended to receive heating and cooling in the design receive it in the actual installation. This is particularly important with passive systems.

6.3.2 Minimum Operating Information

Criterion. Provisions shall be made to indicate to the user when the collector loop and/or the auxiliary energy system is operating.

Evaluation. Review drawings, specifications and operating instructions.

Commentary. A minimum level of information is essential to the user to assure that the solar system is functioning as intended. Monitoring means may involve sensors and indicators or may be as simple as observation and awareness of appropriate radiant temperatures and air movement.

6.3.3 Access for System Monitoring

Criterion. Appropriate access shall be provided for checking essential system parameters.

Evaluation. Review drawings and specifications for the placement of fittings and indicators of essential system parameters.

Commentary. Adequately located test fittings and indicators will permit system monitoring and expedite the maintenance and repair of equipment. Access for sensors and other techniques for monitoring parameters such as temperature, pressure and critical voltages are of concern in this provision.

Chapter 6.—References

1. *Installation Guidelines for Solar DHW Systems in One and Two Family Dwellings*, HUD-PDR-407, U.S. Department of Housing and Urban Development, April 1979.[1]

2. *Standard Practice for Installation and Service of Solar Space Heating Systems for One and Two Family Dwellings*, ASTM/ANSI E683-79, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 1979.

3. *Industry Standard for Household, Commercial and Portable Exchanger Water Softeners*, S-100-75 and *Recommended Industry Standards for Household and Commercial Water Filters*, S-200-73, Water Quality Association, 447 East Butterfield Road, Lombard, IL 60148, 1974.

4. Chang, C., Singh, H., Chopra, P., *Influence of Solar-Fluid Properties on Thermal Performance Based on Nominal and Measured Values*, ANL/SDP-TM-79-6, SOLAR/0904-79/70.[2]

5. *Uniform Mechanical Code*, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601, 1973.

[1] Superintendent of Documents, Government Printing Office, Washington, DC 20402.

[2] Technical Information Center, P.O. Box Oak, Ridge, TN 37830

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Section 1. Temperature Conditions

Many of the criteria given in Chapter 5 and this Appendix contain references to the maximum or minimum service temperatures in specifying the temperature at which testing should be performed. The *maximum service temperature* is the maximum temperature at which a system and its components are designed to operate, either with or without the flow of heat transfer fluid. The *minimum service temperature* refers to the minimum temperature at which a system and its components are designed to operate, with or without the flow of heat transfer fluid.

The minimum service temperature to which a component in the system will be exposed will generally occur when (1) the collector is not exposed to solar radiation, (2) the heat transfer fluid is not flowing through the system, and (3) the ambient temperature is at its lowest level. The no-flow condition mentioned above assumes the flow of the heat transfer fluid will be stopped when no useful energy can be removed from the collector to avoid pumping out heat energy. However, if the flow of fluid is not stopped at night, the minimum service temperature of some components may occur as nocturnal radiation and/or evaporative cooling takes place.

The maximum service temperature to which the collector and components that are in intimate contact with it will be exposed, will generally occur when the collector is receiving its maximum level of solar radiation at maximum ambient temperature and the heat transfer fluid is not flowing through the collector (design maximum no-flow temperature). Other components, such as those in the storage system will generally reach their maximum temperature when the collector is receiving its maximum level of solar radiation at maximum ambient temperature and the heat transfer fluid is flowing through the system (design maximum flow temperature). This temperature may be determined by limiting the temperature of control devices or relief valves or through theoretical or test analysis of the system. The design maximum no-flow temperature that will occur at various locations in the collector can be calculated by use of an analytical model and appropriate environmental conditions. Typical examples of this type of information are shown in Figures 1 through 4.

Figures 1 through 4 are intended to provide assistance in establishing the maximum no-flow temperature of critical components for four "typical" flat plate collector designs. Glazing and absorber plate temperatures are plotted as a function of ambient temperature for exposure to a solar radiation flux of 340 Btu/ft² hr (1070 W/m²). Data are shown for single and double covers and absorber surfaces of flat plate collectors assuming two types of cover glass materials (a typical window glass material and a more transparent glass material with a low iron oxide content) and two types of absorbers (spectrally flat and selective black absorber coatings). The calculations were performed with a transient thermal analysis computer program using finite difference techniques [1].* The calculations were based on the following assumptions:

(1) a glass cover plate thickness of ⅛ in. (0.32 cm); (2) air space thickness of ⅜ in. (0.95 cm) between the two glazings and between the absorber surface and the inner glazing; (3) zero edge and back losses; (4) incident solar radiation is normal to the collector; and (5) the following properties of the glass glazing:

	Conventional glass	Low iron oxide glass
Absorptance	0.06	0.02
Extinction Coefficient	0.07 per in. (2.76×10^{-3} per mm).	0.20 per in. (7.87×10^{-3} per mm)
Index of Refraction	*1.52	1.52
Thermal Conductivity	0.589 BTU/ft.h.°F (1.019 W/m.°C).	0.589 BTU/ft.h.°F (1.019 W/m.°C)
Transmittance	0.86	0.90
Emittance	0.86	0.85

*Numbers in brackets [ ] indicate reference at end of this chapter.

It should be noted that the exposure conditions represent typical maximum conditions and that a higher solar radiation flux can be experienced under some atmospheric conditions or by the use of external reflectors. It is recommended that the temperature of critical components be experimentally established for a particular collector design whenever possible.

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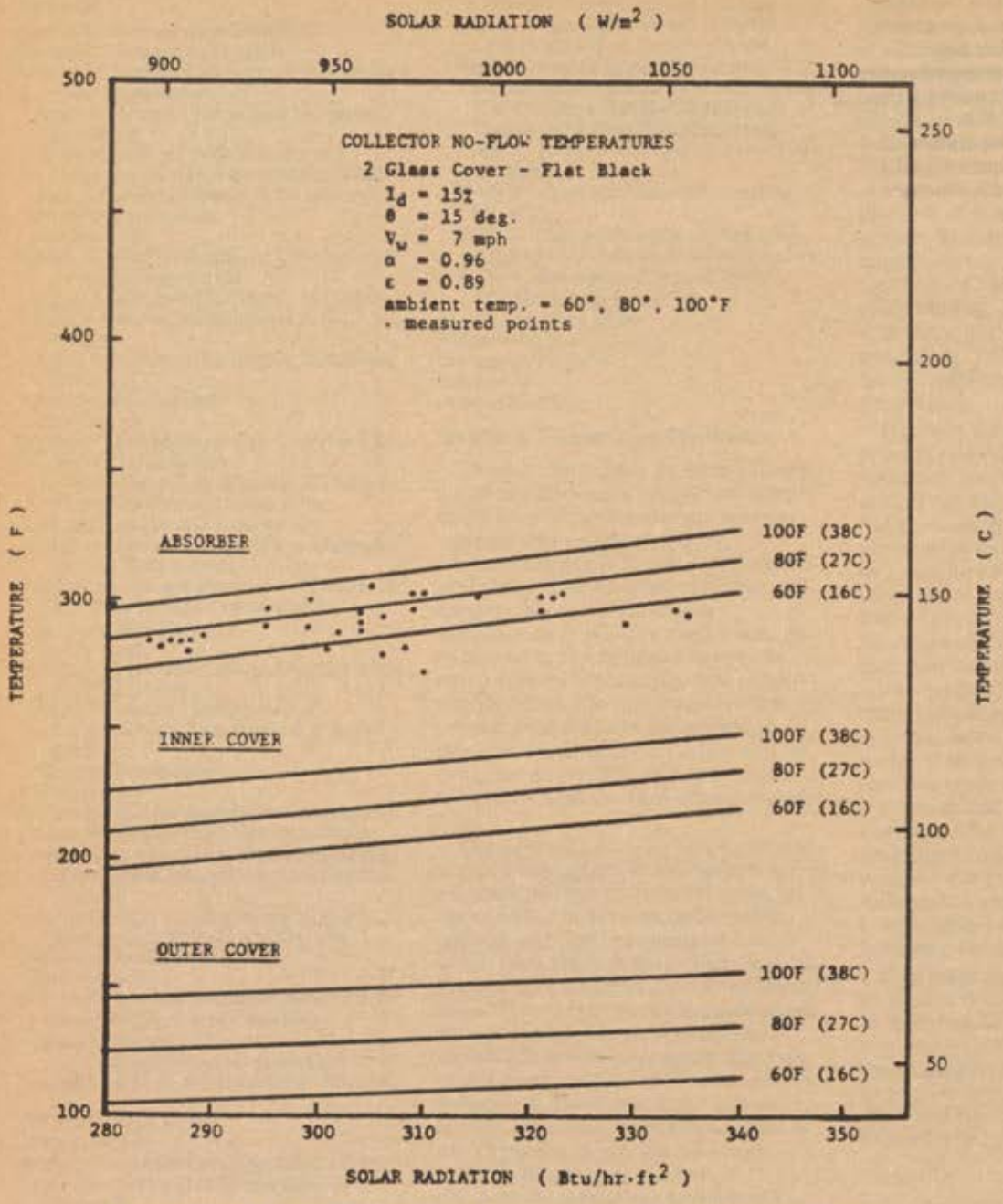


Figure 1 No Flow Temperatures at Various Locations in a Collector with a Flat Black Absorber and Two Glass Cover Plates.

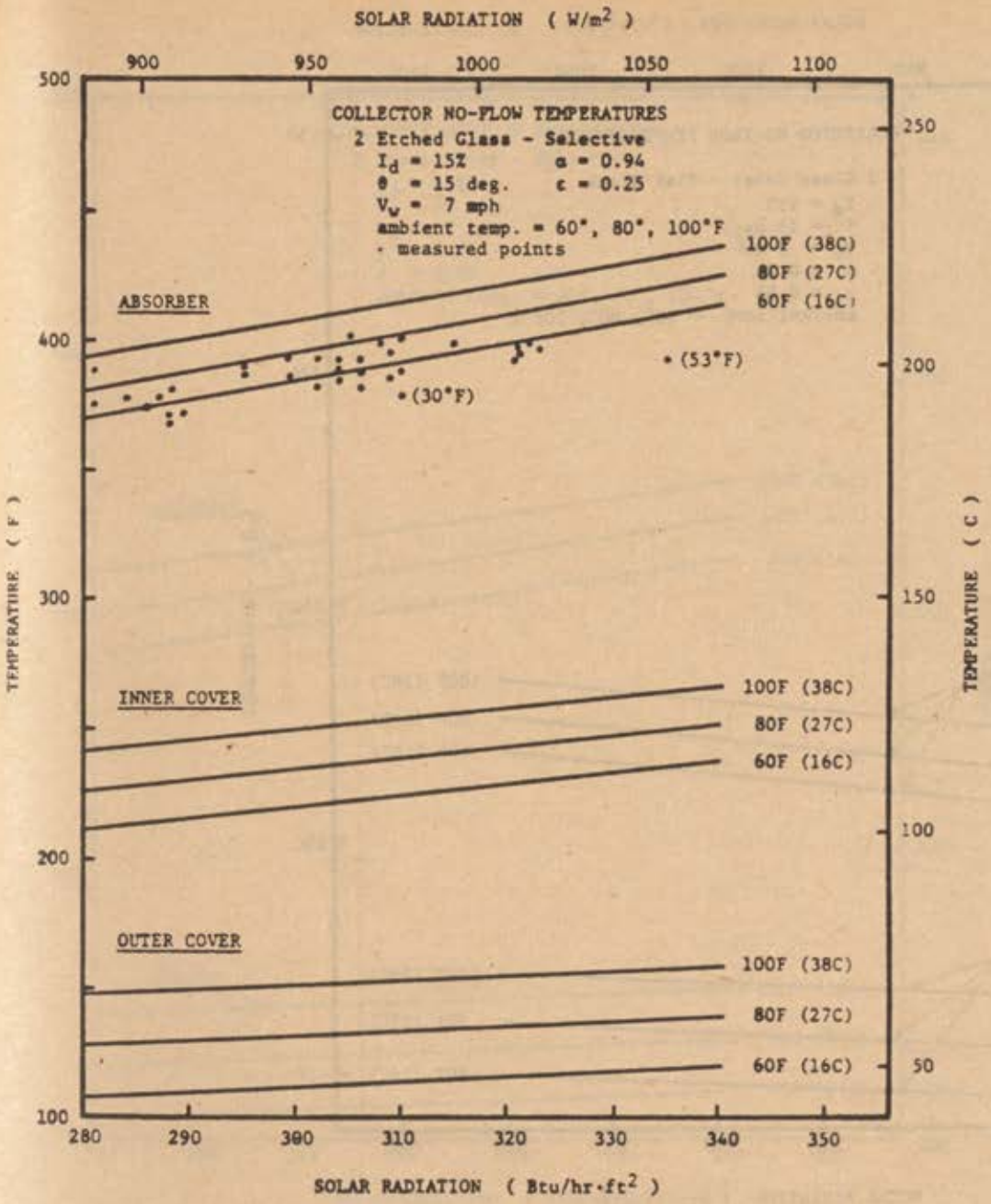


Figure 2 No Flow-Temperatures at Various Locations in a Collector with a Selective Absorber and Two Glass Cover Plates.

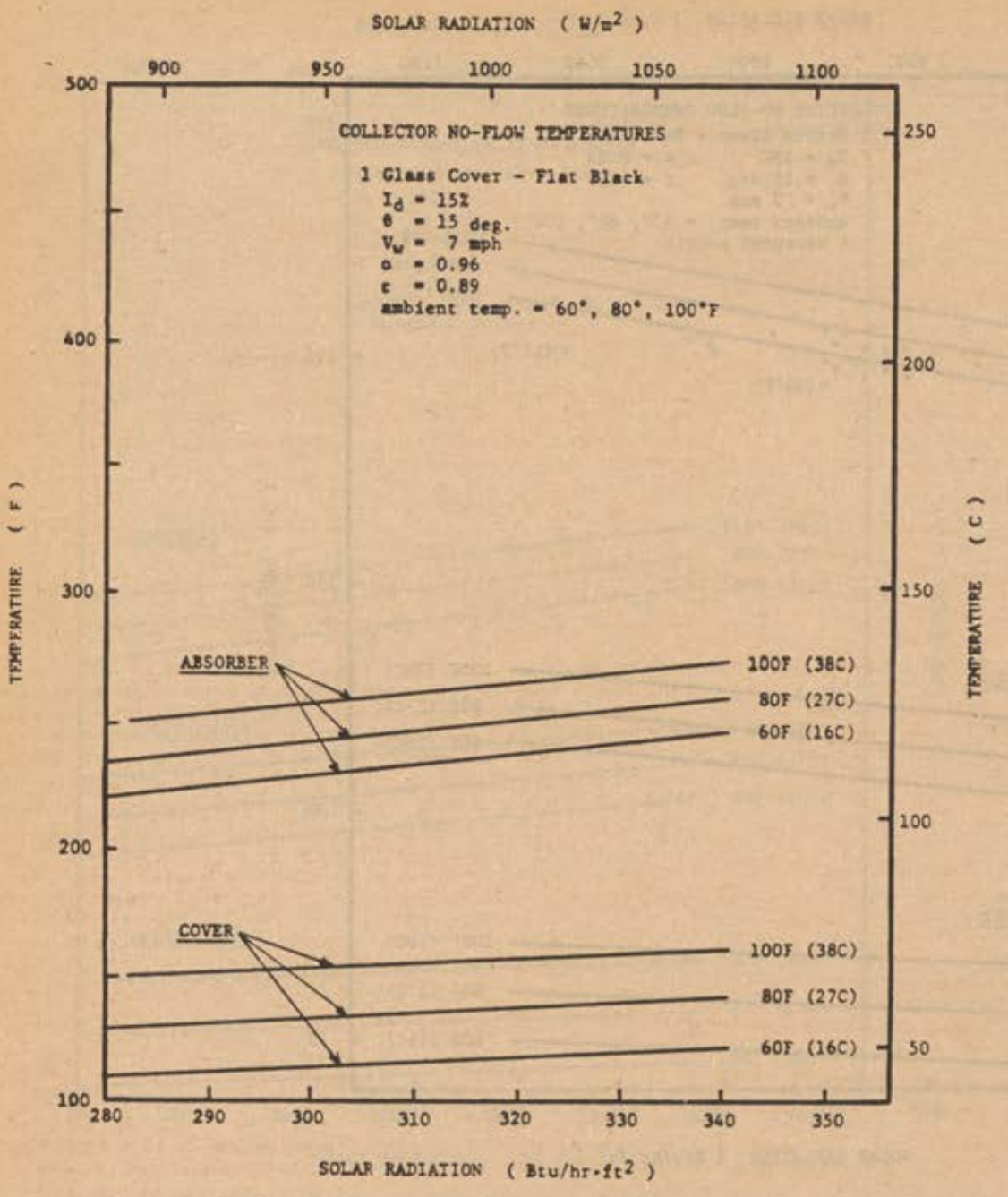


Figure 3 No Flow-Temperatures at Various Locations in a Collector with Flat Black Absorber and One Glass Cover Plate.

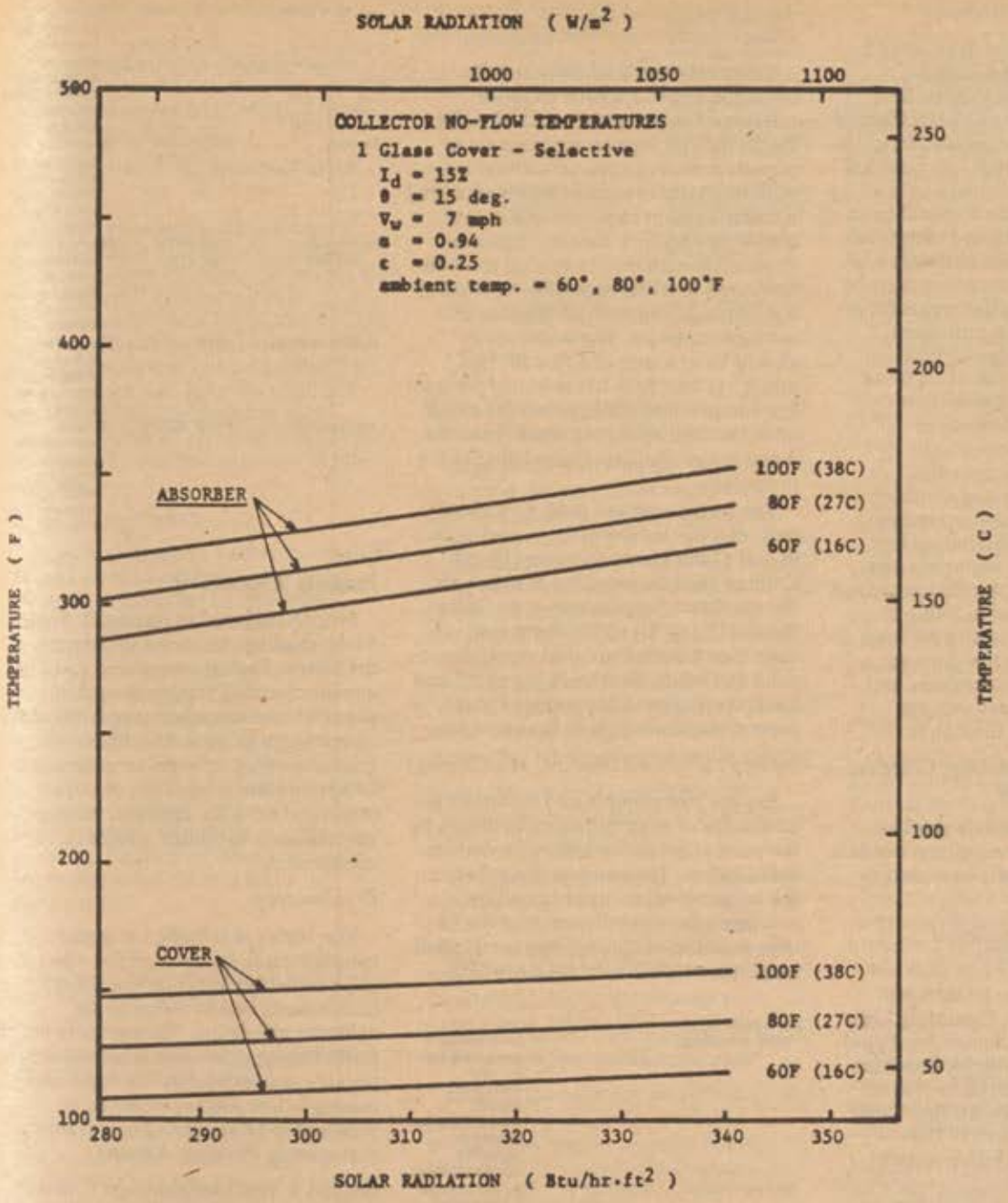


Figure 4 No Flow-Temperatures at Various Locations in a Collector with a Selective Absorber and One Glass Cover Plate.

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Section 2. Evaluation Methods

The evaluations given in Chapter 5 and Sections 3 through 9 of this Appendix are intended to provide a means of measuring the deterioration of materials which would occur during use. Deterioration of materials is a measure of their durability. Deterioration is a result of exposure of the material to an environment which causes changes in its properties. To screen materials and to assess durability, properties must be measured before and after exposure to an environmental aging procedure. Assessment of properties should include: visual inspection of surfaces plus measurement of appropriate optical, physical, mechanical or chemical properties. Important properties will depend upon the application and the type of material. Tables 1a–1c identify the properties which must be measured before and after aging for various materials and components. Methods to perform typical property tests are listed in Table 2. Other test methods may also be used, if necessary, to document performance. Recommended aging procedures and property assessment methods are included in Sections 3 through 9.

Section 3. Test Methodology: Criterion 5.1.1 Solar Degradation

Components or materials shall be tested using at least one aging procedure and appropriate property assessment methods (Table 1a).

Aging Procedure 1 (Simulated Laboratory Exposure)

Acceptable exposure procedures include ASTM G26–77, Operating Light Exposure Apparatus (Xenon-Arc Type) With and Without Water for Exposure of Non-Metallic Metals, [2] or ASTM D2565–75, Operating Xenon Arc-Type (Water Cooled) Light and Water Exposure Apparatus for Exposure of Plastics [3].

Expose components or materials to simulated solar radiation. With the Type A or AH apparatus, the exposure periods shall be 1400 hours. With the Type B or BH apparatus, the exposure periods shall be 1900 hours. The exterior surfaces of components which are exposed to rainfall in service shall be subjected to a water spray. The exposure cycle should be 90 minutes of light only, followed by 30 minutes of light with water spray. For components not exposed to moisture under normal operating conditions, the water spray shall not be included in the procedure.

Aging Procedure 2 (Outdoor Exposure Using Concentrated Natural Radiation)

Using concentrated natural solar radiation machines such as those referenced in paragraph 4.3.2 of ANSI Z97.1–1975 [4] expose components or materials to concentrated natural solar radiation until they have received a total incident radiant exposure of 5.4×10^5 Btu/ft² (6.0 GJ/m²). Exterior surfaces exposed to moisture in service shall be subjected to water spray for a period of 8 minutes during each 60 minutes of sunlight exposure. The water spray should be at a rate of 1.75×10^{-2} gal/min.ft² (1.18×10^{-2} L/s.m²) +20 percent. For components not exposed to rainfall under normal operating conditions, the water spray shall not be included in the procedure.

The test specimens shall be framed and off-mounted between ¼ and ½ in. (6 and 12 mm) from the target board. Cooling shall be provided to maintain the specimen temperature at not more than 59° F (33° C) above the upper specimen temperature that would be achieved when identically mounted and backed specimens are exposed at a normal incident angle to the same sun.

Aging Procedure 3 (Natural Weathering)

Expose components and materials to 12 months of solar radiation outdoors by the most appropriate againg procedure listed below. The average daily flux of the solar radiation, as obtained by averaging the daily fluxes over the 12 month period of outdoor exposure, shall be at least 1300 Btu/ft² (14.8 Mj/M²).

Cover materials (flat plate collectors).	ASTM E782–81	Standard practice for exposure of cover materials for solar collectors to natural weathering under conditions simulating operational mode.
Absorber coatings	ASTM E781–81	Standard practice for evaluating absorptive solar receiver materials when exposed to conditions simulating stagnation in solar collectors with cover plate(s).
Exterior paints (not absorber coatings).	ASTM D1006–73.	Standard recommended practice for conducting exterior exposure tests of paints on wood.
Exterior paints (not absorber coatings).	ASTM D1014–66 (reapproved 1973).	Standard method of conducting exterior exposure tests of paints on steel.
Adhesive joints	ASTM D1828–70. ANSI Z197.24–1973.	Standard recommended practice for atmospheric exposure of adhesive bonded joints and structures.
Plastics	ANSI/ASTM D1435–75.	Standard recommended practice for outdoor weathering of plastics.
Non-metallic materials.	ANSI/ASTM G7–77A.	Standard practice for atmospheric environmental exposure testing of non-metallic materials.
Pipeline coatings	ASTM G11–72	Standard test method for effects of outdoor weathering on pipeline coatings.
Any material	ASTM G24–73	Standard recommended practice for conducting natural light exposures under glass.

Property Assessment

Properties listed in Appendix Tables 1a–1c shall be measured to determine the effect of aging procedures on visual appearance and important optical, physical or mechanical properties of the components or materials. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Commentary

The tests are intended to permit estimations to be made of the effect of solar radiation in degrading collector components and in reducing the collector efficiency. The exposure period for the aging procedure is considered to provide approximately the same total energy below 400 nm as would be received in 12 months of actual solar exposure in Phoenix, Arizona.

Section 4. Test Methodology: Criterion 5.1.3 Pollutant Degradation

Aging Procedure 1 (Resistance to Ozone)

Coupon specimens of components shall be exposed for 21 days to an ozone atmosphere of 50+5 pphm/volume in a test chamber of 73.4+3.6° F (23+2° C). An ozone test chamber is described in ASTM D1149–77, "Rubber Deterioration—Surface Ozone Cracking in a Chamber (Flat Specimens)" [5]. Specimens should be stressed to simulate service conditions.

Aging Procedure 2 (Resistance to Salt Spray)

Coupon specimens of components shall be exposed for 21 days in accordance with ASTM Method B117–73, Salt Spray (Fog) [6].

Aging Procedure 3 (Resistance to SO_x and NO_x)

Coupon specimens of components shall be supported vertically in a closed chamber having openings for gas inlet and outlet and maintained at a temperature of 73.4 + 3.6° F (23 + 2° C) for a period of 21 days. An amount of (SO_x or NO_x) equivalent to 1 percent of the volume of the test chamber shall be introduced into the chamber each working day. A small amount of water is to be maintained at the bottom of the chamber.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on important optical, physical, mechanical or chemical properties. In addition, the surfaces of the test specimens shall be visually examined for signs of deterioration such as cracking, blistering or dimensional changes using a microscope with an eyepiece micrometer at 20X magnification. Other properties may be used for assessment, as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to determine the resistance of components to airborne pollutants.

Section 5. Test Methodology: Criterion 5.2.1. Thermal Degradation.

Heat transfer fluids shall be tested using aging procedures 1 and 3. Other components and materials shall be tested using aging procedure 2. Property assessment methods listed in Table 1a–1c shall be performed before and after aging. Supplemental aging procedures are listed below and may be added where applicable. Section 1 of this appendix may be useful in determining the maximum service temperature.

Sealants	ASTM C792-75	Standard method of test for effects of heat aging on weight loss, cracking and chalking of elastomeric sealants
Rubber	ANSI/ASTM D454-53 (reapproved 1976)	Standard test method for rubber deterioration by heat and air pressure
Plastic	ANSI/ASTM D794-68 (reapproved 1977)	Standard recommended practice for determining permanent effect of heat on plastics
Plastic	ANSI/ASTM D1042-51 (reapproved 1978)	Standard test method for linear dimensional changes of plastics under accelerated service conditions
Plastic	ANSI/ASTM D1204-78	Standard test method for linear dimensional changes of nonrigid thermoplastic sheeting or film at elevated temperatures
Plastic	ANSI/ASTM D1299-55 (Reapproved 1971)	Standard test method for shrinkage of molded and laminated thermosetting plastics at elevated temperature
Plastic	ANSI/ASTM D1203/67 (reapproved 1974)	Standard test method for loss of plasticizer from plastics (activated carbon methods)

Aging Procedure 1 (Resistance of Fluids to Maximum Service Temperature)

Expose the heat transfer fluids to their maximum service temperature for a period of 21 days. In some cases, this may require the use of an autoclave. The fluids shall contain turnings of the metal to be used in service in quantities of 10 g of metal turnings to 100 cc of fluid. Aeration shall be provided in fluids to be used in "open" systems. Fluid aeration need not be included for "closed" system usage. The test must be repeated separately for all metal materials that are present in the system.

Aging Procedure 2 (Resistance of Components and Materials to Maximum Service Temperature)

Components or coupon test specimens shall be subjected to heat aging for a period of 21 days at the maximum service temperature. Components and materials stressed in normal use should be stressed during the exposure.

Aging Procedure 3 (Resistance of Fluids to Minimum Service Temperature)

Expose the heat transfer fluids to their minimum service temperature for a period of 24 hours and remove and immediately examine for freezing.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on visual appearance and important optical, physical, chemical and mechanical properties of the components or materials. At the completion of aging procedure 1, the fluids shall be visually inspected for signs of undesired changes such as excessive precipitation or boiling. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

The tests are intended to permit estimations to be made of the effect of heat in degrading collector components and in reducing the system efficiency. Aging procedure 3 is intended to evaluate freezing of transfer fluids at the minimum service temperature. (See Criterion 3.6.1.)

Section 6. Test Methodology: Criterion 5.2.2 Thermal Cycling Degradation

Materials and components shall be subjected to the aging procedure and appropriate property assessment methods (Tables 1a–1c).

Aging Procedure 1 (Resistance of Components and Materials to Thermal Cycling)

Complete components or material test specimens shall be subjected to thermal cycling between the maximum service temperature and minimum service temperature for a total of 30 cycles. Each cycle shall consist of: 7.5 hours at the maximum service temperature; 0.5 hours at room temperature; 15.5 hours at the minimum service temperature; and 0.5 hours at room temperature.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of thermal cycling on visual appearance and on important physical, mechanical and chemical properties of the components or materials. Other properties may be used for assessment as appropriate. Properties must be measured for aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of thermal cycling in degrading collector components and materials.

Section 7. Test Methodology: Criterion 5.3.1 Materials/Transfer Fluid Degradation

Metallic containment materials used with non-aqueous liquids shall be tested using aging procedure 1 and plastic containment materials shall be tested using aging procedure 2. After aging, appropriate property assessment methods (Tables 1a–1c) shall be performed.

Aging Procedure 1 (Resistance of Metallic Containment Materials to Non-aqueous Liquids)

The apparatus for this test consists of heating tape with appropriate power and control systems, and a variable flow

pump with a reservoir for the heat transfer fluid.

The primary sample typically consists of a 36 in. (914 mm) length of tubing bent around an 8 in. (203 mm) diameter mandril so that each leg of the U-bend is of approximately equal length. Other specimen designs are permitted if they more closely approximate conditions of application. Care should be taken in making the U-bend so that fluid flow through the tube is not significantly restricted. The tubing sample is mounted with an inclination of the plane of the U-bend at about 45 degrees to horizontal during testing.

Secondary samples of similar or dissimilar metal tubing may be introduced in the loop. The test shall be carried out for a minimum period of 30 days. During the test, the temperature shall be maintained at the maximum service temperature.

Appropriate modifications including flow rate and degree of fluid aeration shall be included in the test. Protective coatings shall form a part of the test specimen if they are used in the actual system. Testing shall be followed by visual inspection. With appropriate modification, Standard TM-01-71, "Autoclave Corrosion Testing of Metal in High Temperature Water," [7] of the National Association of Corrosion Engineers for materials used in pressurized systems of ASTM D1384-76, "Corrosion Test for Engine Antifreezes in Glassware," [8] for materials used in systems at atmospheric pressure, may be used in the evaluation of metal coupons.

Aging Procedure 2 (Resistance of Plastic Containment Materials to Liquids)

Plastic containment materials shall be tested for 7 days at maximum service temperature in accordance with ASTM D543-67 (1978) [9] or ASTM D1239-55 (1971) [10]. The heat transfer fluid specified by the solar system manufacturer should be used. For organic based heat transfer fluids commonly used in aqeous solutions, the test reagents should include the concentrated heat transfer fluid and dilute solutions at concentrations similar to actual use.

Property Assessment

Following the test, the test specimens shall not show signs of pitting, crevices, erosion or exhibit other signs of general corrosive deterioration with the exception of discoloration.

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of chemical incompatibility of the heat transfer fluids and materials in the energy transport system. Data derived from these aging procedures and property assessment methods may be used as guidelines. Assurance of chemical compatibility of critical components may require additional long-term testing under conditions (temperature, pressure and flow rates) simulating actual use.

Section 8. Test Methodology: Criterion 5.3.2 Dissimilar Metals Degradation

Adjoining dissimilar metals used in contact with the transfer fluid should be tested using aging procedure 1. Adjoining dissimilar metals not used in contact with the transfer fluid should be tested using aging procedure 2. After aging, appropriate property assessment methods (Tables 1a–1c) shall be performed.

Aging Procedure 1 (Resistance of Metallic Containment Materials to Liquids)

Test specimens consisting of dissimilar metals in direct contact with one another shall be subject to the test as described in aging procedure 1 of Section 7.

Aging Procedure 2 (Resistance to SO_x and NO_x)

Test speciments consisting of dissimilar materials in direct contact with one another shall be subject to the test as described in aging procedure 3 of Section 4.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of corrosion on non-isolated dissimilar metals.

Section 9. Test Methodology: Criterion 5.3.3 Compatibility of Adjacent Organic Materials

Aging Procedure 1 (Compatibility of Adjacent Organic Materials)

Test specimens consisting of the dissimilar organic materials in direct contact with one another shall be exposed to the maximum service temperature for a period of 120 hours.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedure on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Section 10. No-flow 30-Day Degradation

Testing Procedure

Evaluation of changes in collector materials or performance due to environmental conditioning shall be determined in accordance with the test procedure described in ASHRAE Standard 93 (latest revision) either *before* and *after* or only *after* exposing the collector panel assembly to the Exposure Test described below. Both the *before* and *after* collector thermal performance tests (ASHRAE Standard 93) shall be performed utilizing the same test facility under similar climatic conditions.

Exposure Test

A. *Test specimen* shall consist of a complete air or liquid collector panel assembly.

B. *Pre-exposure preparation:*

1. *Air collector* duct openings shall be sealed to prevent cooling by convective air flow and the entry of dirt or precipitation. The collector shall be vented to prevent build-up of pressure.

2. *Liquid collectors intended for use in all systems* (with *or without draindown*) shall be completely filled with distilled water [1] following which the inlet shall be sealed and the outlet provided with a pressure relief valve set to a value between 0% and +10% over the manufactuere's recommended maximum operating pressure.

3. *Liquid collectors limited to use in systems that draindown when not operating* shall be completely filled with distilled water [1] following which the fluid shall be allowed to gravity drain

[1] Manufacturer's/designer's recommended fluid shall be used in those instances when they specifically prohibit the use of distilled water.

for 15 minutes with the collector mounted at a 45° tilt angle. The collector inlet shall then be protected to prevent entry of dirt or precipitation. The collector shall also be vented to prevent buildup of pressure.

C. *Exposure Conditions:*

1. Exposure conditions shall consist of 30 days of cumulative exposure to a minimum daily incident solar radiation flux of 1500 Btu/ft².day (17,000 kj/m².day) as measured in the plane of the collector aperture.[2]

2. The exposure conditions shall include at least one consecutive 4-hour period or two 2½ hour periods with a minimum instantaneous flux of 300 Btu/ft².day (946 W/m²). the exposure test is only concluded after the requirements in the table following paragraph D.3. have been met.

a. Collector orientation changes to maximize the solar radiation or supplementary reflectors may be necessary to obtain the 300 Btu/ft².hr (946 W/m²) insolation level at certain locations. However, the maximum peak flux shall not exceed 370 Btu/ft².hr (1165 W/m²) under normal sun-sky or simulator exposure conditions.

b. A reflector my be used if it has sufficient width and height to uniformly irradiate the collector aperture during the 300 Btu/ft².hr exposure period. Solar irradiance measurements shall be performed in the plane of the collector to verify that the irradiance does not vary by more than 10 percent over the collector aperture and that the minimum instantaneous flux requirement is met.

c. A transparent enclosure may be used to raise the ambient temperature around the collector. The enclosure material shall have a total solar transmittance of at least 0.85 and a spectral transmittance of at least 0.80 in the wavelength band from 0.3 to 0.4 um. If used, the pyranometer shall be mounted within the enclosure and within the plane of the collector for measurement of the solar irradiance.

D. *Thermal Shock/Water Spray Penetration:* This test is intended to induce the thermal stresses that would occur when rain impinges on a heated collector to determine the penetration of rain into the collector and the effect of such penetration or moisture condensation, if any, on collector performance.

1. *Period of test:* The test shall be performed three times during the 30-day esposure period; once during the first 10 days of the exposure period as defined in paragraph C.1. and once each during the second and third 10 days of the exposure period.

2. *Pre-test exposure:* The spray test shall be conducted after at least one hour of radiant exposure with a minimum solar irradiance of 270 Btu/ft².hr (850 W/m²) measured in the plane of the collector.

3. *Apparatus:* The test apparatus consists of three or more spray heads in a water supply rack. the water pressure for all tests is maintained at a minimum of 5 psi (34.47 k Pa) at each spray head and is equivalent to simulating a rain of about 12 inches per hour or a water flow rate of 50 gallons per hour per nozzle. the supply water temperature shall not exceed 86°F (30°C). a complete description of the apparatus and procedure is presented in NBSIR 78–1305A [12].

Specific Test Requirements and Options

Test Requirement	Solar Radiation (min.)	Ambient Temperature	Time	Other
30-days at	1500 Btu/ft².day	-	24-hr period	Liquid collectors shall be exposed filled for at least one of these days.
4-hour period or two 2-1/2 hour periods	300 Btu/ft².hr or 300 Btu/ft².hr with 1 hr. min. of 225 Btu/ft².hr preceding each 2-1/2 hr. period	80 F or minimum of 70 F if the solar irradiance is greater than 300 Btu/ft².hr (see NBSIR 78-1305A for options.)	Continuous irradiance for either 4 hours or two 2-1/2 hour periods. Exposure to occur after collector has boiled dry or been drained.	Reflector and/or enclosure may be used to reach required irradiance or temperature.
Water spray	One hr. minimum of 270 Btu/ft².hr to precede each application	Above freezing	Each application for 15 min. continuous period.	Supply water temperature of 86 F or less

E. *Data Requirements:*

1. The exposure conditions including hourly irradiation, ambient temperature, wind velocity and daily precipitation shall be recorded to enable determination of the average daily values. Irradiance and ambient temperature values shall be recorded every 30 minutes during the 4-hour 300 Btu/ft².hr (946 W/m²) minimum flux exposure period.

2. A regularly scheduled weekly visual inspection shall be made and a record of changes in the physical construction or appearance of the collector maintained.

3. The results of the pre-test and post-test thermal performance shall be plotted on the same graph for comparison purposes. A written description of observed changes in the physical or optical appearance of the collector shall be reported and substantiated with photographs where appropriate.

4. For collectors receiving only a post-test thermal performance measurement, the collector shall be completely disassembled and inspected for any evidence of functional impairment or material deterioration which could result in an abnormally short collector life when operated under normal service conditions. Evidence of material degradation will require documented experimental test data indicating the ability of the material to withstand and continue to function under the conditions commensurate with the application and design lifetime.

Commentary

The purpose of this test is to identify, in a relatively short time, potential problems with collector materials or construction resulting from prolonged exposure to natural environments.

[2] For collectors governed by paragraph B.2., the filled collector shall be exposed to at least one day with a minimum daily incident solar radiation of 1500 Btu/ft².day. If freezing conditions are anticipated, the collector may be drained after exposure to this day. The pressure relief valve and inlet seal shall be removed when the collector is drained of all fluid. The collector inlet shall then be protected to prevent entry of dirt or precipitation and shall be vented to prevent pressure buildup. The collector shall be exposed for a total of thirty cumulative 1500 Btu/ft².days (either filled or unfilled) as described above. The filled exposure day(s) may occur at any time during the 30-day exposure if so desired.

Recognizing that elevated temperature is one of the most damaging environments, solar irradiance and ambient temperature levels have been selected which represent typical summer conditions in most U.S. climatic regions. These conditions will produce the temperatures that the various materials used in solar collectors (cover plates, absorptive coatings, sealants, etc.) will experience in use. Until adequate laboratory test procedures are adopted to insure the ability to select reliable materials and designs, an assembly level test is considered to be necessary for evaluating collector reliability.

A 4-hour or two 2½ hour exposure periods with a minimum flux of 300 Btu/ft².hr (946 W/m²) is specified in the test method. During this exposure period, it is intended that the collector be exposed to the normal peak profile that it would see on a fixed mount facing south.

The test procedure does not include provisions for evaluating tracking concentrating collectors or collectors designed for use with external reflectors to enhance solar radiation. Modifications to the exposure apparatus may be necessary to accommodate these collectors.

This test method may be superceded when a consensus standard, similar to the test outlined herein, is approved and/or a nationally accepted collector certification program is in operation.

Section 11

See following tables.

BILLING CODE 4210-01-M

TABLE 1a -PROPERTY ASSESSMENT OF MATERIALS

COLLECTOR COMPONENTS

	Glazing		Absorber		Absorber Coating	Gasket[1]/ and Sealants	Coupling[1]/ Hoses	Insulation[1]/	Case Assembly (i.e. box)	Reflectors
	glass	plastic	metal[1]/	plastic						
Visual Inspection	X	X	X		X	X		X	X	
Optical Properties										
Solar Transmittance	X	X	X							
Solar Reflectance		X			X					X
Emittance			X		X					X
Mechanical Properties										
Tensile		X	X			X	X			
Flexure							X			
Impact	X	X								
Fatigue			X							
Burst or Rupture			X			X	X			
Physical Properties										
Dimensional Stability		X	X			X	X	X	X	
Hardness						X	X			
Chemical Properties						X	X	X		

[1]/ See Table 5-2 of Chapter 5

TABLE 1b PROPERTY ASSESSMENT OF MATERIALS

ENERGY TRANSPORT COMPONENTS

	Pipes		Ducts/Plenums		Heat Transfer Fluid	Pumps	Blowers	Filters	Insulation & Coating	Expansion Tank	
	metal	plastic	metal	plastic						metal	plastic
Visual Inspection	X	X	X	X	X	X	X	X	X	X	X
Optical Properties											
Solar Transmittance											
Solar Reflectance											
Emittance											
Mechanical Properties											
Tensile		X									X
Flexure		X									X
Impact											
Fatigue		X									
Physical Properties											
Dimensional Stability	X	X		X							X
Viscosity					X						
Chemical Properties											
pH					X						
IR Spectra					X						

TABLE 1c - PROPERTY ASSESSMENT OF MATERIALS

STORAGE COMPONENTS

	Container metal	Container plastic	Liners	Insulation	Gaskets & Sealants[1]	Liquid	Solid	Phase Change Mtl.[2]	Heat Exchangers
Visual Inspection	X	X	X	X		X	X		X
Optical Properties									
Solar Transmittance									
Solar Reflectance									
Emittance									
Mechanical Properties									
Tensile		X							
Flexure									
Impact									
Fatigue		X							
Physical Properties									
Dimensional Stability	X	X							
Viscosity						X			
Chemical Properties									
pH						X			
IR spectra									

[1] See evaluation methods in Table 5.2 of Chapter 5

[2] Methods to be developed

TABLE 2

LIST OF TEST PROPERTIES, TEST METHOD DESIGNATIONS AND TITLES

PROPERTY	TEST METHOD DESIGNATION NUMBER	TITLE
	VISUAL OBSERVATION	
Chalking	ASTM D659-74	Standard Method of Evaluating Degree of Chalking of Exterior Paints
Checking	ASTM D660-44 (Reapproved 1970)	Stanadard Method of Evaluating Degree of Checking of Exterior Paints
Cracking	ASTM D661-44 (Reapproved 1970)	Standard Method of Evaluating Degree of Cracking of Exterior Paints
Blistering	ASTM D714-56 (Reapproved 1974)	Standard Method of Evaluating Degree of Blistering of Paints
	OPTICAL PROPERTIES	
Solar Transmittance	ASTM E424-71 ANSI Z138.7-1973	Standard Test Method for Solar Transmittance and Reflectance (Terrestrial) of Sheet Materials
Solar Reflectance	ASTM E424-71 ANSI Z138.7-1973	Standard Test Method for Solar Transmittance and Reflectance (Terrestrial) of Sheet Materials
Emittance	ASTM E408-71	Standard Test Method for Total Normal Emittance on Surfaces Using Inspection-Meter Techniques

Emittance	ASTM E434-71	Standard Test Method for Calorimetric Determination of Hemispherical Emittance and the Ratio of Solar Absorptance to Hemispherical Emittance Using Solar Simulation
	PHYSICAL PROPERTIES	
Hardness	ANSI/ASTM D785-65 (Reapproved 1976)	Standard Test Method for Rockwell Hardness of Plastics and Electrical Insulating Materials
Hardness	ANSI/ASTM D2583-75	Standard Test Method for Indentation Hardness of Rigid Plastics by Means of a Barcol Impressor
Dimensional Stability	ANSI/ASTM D2122-76	Standard Method of Determining Dimensions of Thermoplastic Pipe and Fittings
	MECHANICAL PROPERTIES	
Tensile Strength	ANSI/ASTM D638-77a	Standard Test Method for Tensile Properties of Plastics
Tensile Strength	ANSI/ASTM D882-75b	Standard Test Method for Tensile Properties of Thin Plastic Sheeting
Tensile Strength	ASTM C297-61 (Reapproved 1970)	Standard Method of Tension Test of Flat Sandwich Constructions in Flatwise Plane
Tensile Strength	ANSI/ASTM D897-78	Standard Test Method for Tensile Properties of Adhesive Bonds
Tensile Strength	ANSI/ASTM D412-75	Standard Test Method for Rubber Properties in Tension
Loading or Compression Strength	ANSI/ASTM D695-77	Standard Test Method for Compressive Properties of Rigid Plastics

Loading or Compression	ANSI/ASTM D2412-77	Standard Test Method for External Loading Properties of Plastic Pipe by Parallel-Plate Loading
Flexure Strength	ANSI/ASTM C158-72 (Reapproved 1978)	Standard Method for Flexure Testing of Glass (Determination of Modulus of Rupture)
Flexure Strength	ASTM C393-62 (Reapproved 1970)	Standard Method of Flexure Test of flat Sandwich Constructions
Flexure Strength	ANSI/ASTM D790-71	Standard Test Method for Flexural Properties of Plastics and Electrical Insulating Materials
Fatigue	ANSI/ASTM D671-71 (Reapproved 1978)	Standard Test Method for Flexural Fatigue of Plastics by Constant Amplitude of Force
Burst or Rupture	ANSI/ASTM D1598-76	Standard Test Method for Time-to-Failure of Plastic Pipe Under Constant Internal Pressure
Burst or Rupture	ANSI/ASTM D1599-74	Standard Test Method for Short-Time Rupture Strength of Plastic Pipe, Tubing and Fittings
Burst or Rupture	ANSI/ASTM D2143-69 (Reapproved 1976)	Standard Test Method for Cyclic Pressure Strength of Reinforced Thermosetting Plastic Pipe

Table 3 Open System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Fluids

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions [1]
Aluminum	
1. When in direct contact with untreated tap water with pH <5 or >9.	1. When in direct contact with distilled or deionized water which contains appropriate inhibitors and does not contact copper or iron.
2. When in direct contact with aqueous liquid containing less electro positive metal ions, such as copper or iron or halide ions.	2. When in direct contact with distilled or deionized water which contains appropriate inhibitors and a means of removing heavy metal ions obtained from contact with copper or iron.
3. When specific data regarding the behavior of a particular alloy are not available, the velocity of aqueous liquid shall not exceed 4 ft/sec.	3. When in direct contact with stable anhydrous organic liquids.
4. When in direct contact with a liquid which is in contact with corrosive fluxes.	
Copper	
1. When in direct contact with aqueous liquid containing high concentrations of chlorides, sulfates or liquid which contains hydrogen sulfide.	1. When in direct contact with distilled, deionized or low chloride, low sulfate and low sulfide tap water.
2. When in direct contact with chemicals that can form copper complexes such as ammonium compounds.	2. When in direct contact with stable anhydrous organic liquids.
3. When in direct contact with an aqueous liquid having a velocity greater than 4 ft/sec. [2]	
4. When in direct contact with a liquid which is in contact with corrosive fluxes.	
5. When in contact with an aqueous liquid with a pH lower than 5.	
6. When the copper surface is initially locally covered with a copper oxide film or a carbonasceous film.	
7. When operating under conditions conducive to water line corrosion.	
Steel	
1. When in direct contact with untreated tap, distilled or deionized water with pH <8 or >12.	1. When in direct contact with distilled, deionized or low salt content water which contains appropriate corrosion inhibitors.

Table 3 (Contd.)

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions [1]
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.
3. When in direct contact with an aqueous liquid having a velocity greater than 6 ft/sec. [2]	3. When adequate cathodic protection of the steel is used (practical only for storage tanks).
4. When operating under conditions conducive to water line corrosion.	
Stainless Steel	
1. When the grade of stainless steel selected is not corrosion resistant in the anticipated heat transfer liquid.	1. When the grade of stainless steel selected is resistant to pitting, crevice corrosion, intergranular attack and stress corrosion cracking in the anticipated use conditions.
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.
Galvanized Steel	
1. When in direct contact with aqueous liquid containing copper ions.	1. When adequate cathodic protection of the galvanized parts is used (practical only for storage tanks).
2. When in direct contact with aqueous liquid with pH <8 or >12.	2. When in contact with stable anhydrous organic liquids.
3. When in direct contact with aqueous liquid with a temperature >55°C.	
Brass and Other Copper Alloys	
Binary copper-zinc brass alloys (CDA 2XXX series) exhibit generally the same behavior as copper when exposed to the same conditions. However, the brass selected should resist dezincification in the operating conditions anticipated. At zinc contents of 15% and greater, these alloys become increasingly susceptible to stress corrosion. Selection of brass with a zinc content below 15% is advised. There are a variety of other copper alloys available, notably copper-nickel alloys, which have been developed to provide improved corrosion performance in aqueous environments.	

[1] The use of suitable antifreeze agents and buffers is acceptable provided they do not promote corrosion of the metallic liquid containment system. The use of suitable corrosion inhibitors for specific metals is acceptable provided they do not promote corrosion of other metals present in the system. If thermal or chemical degradation of these compounds occurs, the degradation products shall not promote corrosion.

[2] The flow rates at which erosion/corrosion becomes significant will vary with the conditions of operation. Accordingly, the value listed is approximate.

Table 4 Closed System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Liquids

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions 1/
Aluminum	
1. When in direct contact with untreated tap water with pH <5 or >9.	1. When in direct contact with distilled or deionized water which contains appropriate corrosion inhibitors.
2. When in direct contact with liquid containing copper, iron or halide ions.	2. When in direct contact with stable anhydrous organic liquids.
3. When specified data regarding the behavior of a particular alloy are not available, the velocity of aqueous liquid shall not exceed 4 ft/sec.	
Copper	
1. When in direct contact with an aqueous liquid having a velocity greater than 4 ft/sec. 2/	1. When in direct contact with untreated tap, distilled or deionized water.
2. When in contact with chemicals that can form copper complexes such as ammonium compounds.	2. When in direct contact with stable anhydrous organic liquids.
	3. When in direct contact with aqueous liquids which do not form complexes with copper.
Steel	
1. When in direct contact with liquid having a velocity greater than 6 ft/sec. 2/	1. When in direct contact with untreated tap, distilled or deionized water with pH >8 or <12.
2. When in direct contact with untreated tap, distilled or deionized water with pH < 8 or >12.	2. When in direct contact with stable anhydrous organic liquids.
	3. When in direct contact with aqueous liquids of pH >8 or <12.
Stainless Steel	
1. When the grade of stainless steel selected is not corrosion resistant in the anticipated heat transfer liquid.	1. When the grade of stainless steel selected is resistant to pitting, crevice corrosion, intergranular attack and stress corrosion cracking in the anticipated use conditions.
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.

Table 4 (Contd.)

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions [1]
Galvanized Steel	
1. When in direct contact with water with pH <8 or >12.	1. When in contact with water of pH >8 but <12.
2. When in direct contact with an aqueous liquid with a temperature >55°C.	
Brass and Other Copper Alloys	
Binary copper-zinc brass alloys (CDA 2XXX series) exhibit generally the same behavior as copper when exposed to the same conditions. However, the brass selected shall resist dezincification in the operating conditions anticipated. At zinc contents of 15% and greater, these alloys become increasingly susceptible to stress corrosion. Selection of brass with a zinc content below 15% is advised. There are a variety of other copper alloys available, notably copper-nickel alloys, which have been developed to provide improved corrosion performance in aqueous environments.	

[1] The use of suitable antifreeze agents and buffers is acceptable provided they do not promote corrosion of the metallic liquid containment system. The use of suitable corrosion inhibitors for specific metals is acceptable provided they do not promote corrosion of other metals present in the system. If thermal or chemical degradation of these compounds occurs, the degradation products shall not promote corrosion.

[2] The flow rates at which erosion/corrosion becomes significant will vary with the conditions of operation. Accordingly, the value listed is approximate.

Table 5 Properties of Typical Cover Plate Materials 1/

Material / Property	Poly(vinyl fluoride)	Poly(ethylene terephthalate)	Polycarbonate	Fiberglass Reinforced Plastics	Poly(methyl methacrylate)	Fluorinated ethylene-propylene	Clear Lime Glass (Float)	Sheet Lime Glass	Water White Glass
% Solar Transmittance (for thickness listed below)	92-94	85	82-89	77-90	89	97	83-85	84-87	85-91
Maximum Operating Temperature °F (°C)	227 (108)	220 (104)	230-270 (110-132)	200 (93)	180-190 (82-88)	410 (210)	400 (204)	400 (204)	400 (204)
Tensile Strength psi (kN/m^2)	13000 (90,000)	24000 (170,000)	9500 (65,000)	15000-17000 (100,000-120,000)	10500 (72,000)	2700-3300 (19,000-21,000)	4000 (28000) annealed 10000 (69,000) tempered	4000 (28000) annealed 10000 (69,000) tempered	4000 (28000) annealed 10000 (69,000) tempered
Thermal Expansion Coefficient in/in/°F x10^{-6} (cm/cm/°C x10^{-6})	24 (41)	15 (27)	37.5 (67.5)	18-22 (32-40)	41.0 (73.8)	8.3-10.5 (14.9-18.9)	4.8 (8.6)	5.0 (9.0)	4.7-8.6 (8.5-15.5)
Elastic Modulus psi x10^6 (N/m2 x10^9)	.26 (1.8)	.55 (3.8)	.345 (2.38)	1.1 (7.6)	.45 (3.1)	.5 (3)	10.5 (72.4)	10.5 (72.4)	10.5 (72.4)
Thickness in (mm)	0.004 (0.1)	0.001 (0.03)	0.125 (3.17)	0.040 (1.0)	0.125 (3.17)	0.002 (0.05)	0.125 (3.17)	0.125 (3.17)	0.125 (3.17)
Weight lb/ft^2 (kg/m^2) For above thickness	0.028 (0.14)	0.007 (0.03)	0.77 (3.8)	0.30 (1.5)	0.75 (3.7)	0.002 (0.01)	1.63 (7.96)	1.63 (7.96)	1.65 (8.06)
Refractive Index	1.45	1.64	1.59		1.49	1.34	1.52	1.52	1.52

1/ These values were obtained from the following references:

Grimmer, D. P., Moore, S. W., "Practical Aspects of Solar Heating: A Review of Materials Used in Solar Heating Applications." LA-UR-75-1952, paper presented at SAMPE Meeting, October 14-16, 1975, Hilton Inn.

Kobayashi, T., Sargent, L., "A Survey of Breakage-Resistant Materials for Flat-Plate Solar Collector Covers," paper presented at U.S. Section-ISES Meeting, Ft. Collins, Colorado, August 20-23, 1974.

Scoville, A. E., "An Alternate Cover Material for Solar Collectors," paper presented at ISES Congress and Exposition, Los Angeles, California, July, 1975.

Clarkson, C. W., Herbert, J. S., "Transparent Glazing Media for Solar Energy Collectors," paper presented at U.S. Section-ISES Meeting, Ft. Collins, Colorado, August 21-23, 1974.

Modern Plastics Encyclopedia, 1975-1976, McGraw-Hill Publishing Company.

Douglas, R. B., "Integrated Solar Energy Collector Final Summary Report," LA 6143-MS, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, November, 1975.

Table 6 Characteristics of Absorptive Coatings[1/]

Property / Material	Absorptance[2/] α	Emittance ε	α/ε	Breakdown Temperature °F (°C)	Comments
Anodic Aluminum	.94-.96	.3-.8			May Be Influenced By Moisture
Black Chrome	.87-.93	.1	~9		
Alkyd Enamel	.9	.9	1		Durability Limited at High Temperatures
Black Acrylic Paint	.92-.97	.8-.90	~1		
Black Inorganic Paint	.89-.96	.86-.93	~1		
Black Silicone Paint	.86-.94	.83-.89	~1		Silicone Binder
PbS/Silicone Paint	.94	.4	2.5	662 (350)	Has a High Emittance for Thicknesses >10um
Flat Black Paint	.95-.98	.89-.97	~1		
Ceramic Enamel	.9	.5	1.8		Stable at High Temperatures
Black Zinc	.9	.1	9		
Copper Oxide over Aluminum	.93	.11	8.5	392 (200)	
Black Copper over Copper	.85-.90	.08-.12	7-11	842 (450)	Patinates with Moisture
Black Chrome over Nickel	.92-.94	.07-.12	8-13	842 (450)	Stable at High Temperatures
Black Nickel over Nickel	.93	.06	15	842 (450)	May be Influenced by Moisture at Elevated Temperatures
Ni-Zn-S over Nickel	.96	.97	14	536 (280)	
Black Iron over Steel	.90	.10	9		

1/ These values were obtained from the following references

G E. McDonald, "Survey of Coatings for Solar Collectors", NASA TMX-71730, paper presented at Workshop on Solar Collectors for Heating and Cooling of Buildings, November 21-23, 1974, New York City

G E. McDonald, "Variation of Solar-Selective Properties of Black Chrome with Plating Time", NASA TMX-71731, May 1975

S W Moore, J D Balcomb, J C Hedstrom, "Design and Testing of a Structurally Integrated Steel Solar Collector Unit Based on Expanded Flat Metal Plates", LA-UR-74-1093, paper presented at U S Section-ISES Meeting, Ft Collins, Colorado, August 19-23, 1974

D P Grimmer, S. W. Moore, "Practical Aspects of Solar Heating: A Review of Materials Use in Solar Heating Applications", paper presented at SAMPE Meeting, October 14-16, 1975, Hilton Inn.

S B Townes, "Integrated Solar Energy Collector Final Summary Report", LA-6143-MS, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, November 1975

G L. Merrill, "Solar Heating Proof-of-Concept Experiment for a Public School Building", Honeywell Inc., Minneapolis, Minnesota National Science Foundation Contract No C-870

D L Kirkpatrick, "Solar Collector Design and Performance Experience", for the Grover Cleveland School, Boston, Massachusetts, paper presented at Workshop on Solar Collectors for Heating and Cooling of Buildings, November 21-23, 1974, New York City

2/ Dependent on thickness and vehicle to binder ratio

Table 7

TYPICAL PROPERTIES OF SELECTED BUILDING MATERIALS FOR SOLAR APPLICATION*

	Absorptance	Emittance	Specific Heat Ambient Btu/(lb)(F) [J/(g)(K)]	Density lb/ft³ [Kg/m³]	Thermal Conductivity Btu·in/hr-(ft²-F [W/(m·K)]	Expansion Coefficient in/in/deg.F x 10^{-6} [cm/cm/deg.C x 10^{-6}]
MASONRY						
Brick (Glazed, white to cream)	0.26 to 0.35	0.92	0.22 [921]	130 [2080]	1.3 to 3.8 [0.19 to 0.55] 5 to 9 [0.72 to 1.30]	3.4 to 8.5 [6.5 to 15.3]
Brick (Common, light red to red)	0.52 to 0.66	0.93	0.22 [921]	120 [1920]	Same	Same
Brick (Salted purple to blue)	0.77 to 0.89	?	0.22 [921]	130 [2080]	Same	Same
Concrete, stone aggregate (Smooth, light)	0.60 to 0.65	0.88	0.16 [670]	120 to 140 [1920 to 2240]	0.9 to 12.0 [0.13 to 1.73]	5.5 [9.9]
Concrete, stone aggregate (Rough, light)	0.60 to 0.85	0.94	0.16 [670]	120 to 140 [1920 to 2240]	Same	Same
Concrete, stone aggregate (Pigmental, dark)	0.85 to 0.91	0.97	0.16 [670]	120 to 140 [1920 to 2240]	Same	Same
Stone (Light color)	0.35 to 0.54	0.36	0.21 to 0.25 [880 to 1050]	117 to 187 [1870 to 3000]	11 to 20 [1.59 to 2.88]	3.6 to 22 [6.5 to 39.6]
Stone (Dark color)	0.50 to 0.73	0.90	0.21 to 0.25 [880 to 1050]	117 to 187 [1870 to 3000]	Same	Same
Clay Floor Tile (Light color)	0.20 to 0.50	?	0.19 [800]	?	12 to 20 [1.73 to 2.88]	
Clay Floor Tile (Dark color)	0.50 to 0.80	?	0.19 [800]	?	Same	
METALS						
Aluminum (Polished)	0.10 to 0.40	0.03	0.21 [880]	171 [2740]	1404 [202.5]	13.9 [25.0]
Aluminum (Dull)	0.40 to 0.65	0.09	0.21 [880]	171 [2740]	1404 [202.5]	13.9 [25.0]
Copper (Bright)	0.18 to 0.40	0.07	0.09 [380]	556 [8910]	2688 [387.7]	9.2 [16.6]
Copper (Tarnished)	0.40 to 0.64	0.20	0.09 [380]	556 [8910]	2688 [387.7]	9.2 [16.6]
Iron (Oxidized)	0.80 to 0.92	0.94	0.12 [500] (212°F)	450 [7210]	384 [55.4]	6.7 [12.1]
Steel	See Table	See Table	0.12 [500]	489 [7830]	314 [45.3]	9.6 [17.3]
WOOD						
Hardwood		0.90	0.06 [2510]	21 to 70 [370 to 1120]	0.8 to 1.8 [0.12 to 2.6]	1.1 to 5.3 [2.0 to 9.6]
Softwood	0.60		0.4 to 0.7 [2510 to 2930]	22 to 46 [350 to 740]	0.7 to 1.1 [0.10 to 0.16]	Same
WATER						
Clear	**	?	1.00 [4.19]	62.4 [1.00]	4.1	Varies (Water expands about 4% in volume from 40 to 200°F)
Black (1/2% carbon suspension)	1.00	?	1.00 [4.19]	62.4 [1.00]	4.1	

* These values were taken from different sources, as referenced below, and are meant to serve as a guide only.

1/ "Handbook of Air Conditioning, Heating and Ventilating," Clifford Strock and Richard L. Koral, Industrial Press, Inc., New York, NY, Second Edition, 1965.

2/ "Handbook of Fundamentals," American Society of Heating, Refrigerating and Air Conditioning Engineers, New York, NY, ASHRAE 1977.

3/ "Building Construction Handbook," Chapter 2, McGraw-Hill Book Company, Third Edition.

4/ "Journal of Research of the National Bureau of Standards," Volume 6, page 1001.

5/ "Concrete Manual," Bureau of Reclamation, GPO.

** May vary with the water containment device.

Table 8 Examples of Typical Heat Transfer Liquid Properties[1/]

Property	Water	Glycols		Silicone Fluid	Hydrocarbons		Glycerine ("Glycerol") 60% Glycerine/Water
		50% Ethylene Glycol/Water	50% Propylene Glycol/Water		Aromatics	Paraffinic oil	
Freezing point, °F (°C)	32 (0)	-33 (-36)	-28 (-33)	—	-80 to 15 (-62 to -9)	15 (9)	-31 (-35)
Boiling point, °F (°C) (at atm. pressure)	212 (100)	230 (110) [387 (197) 100% glycol]	225 (106) [370 (188) 100% glycol]	None	358-640 (181-337)	700 (371)	230 (110)
Fluid Stability	Requires pH or inhibitor monitoring	Requires pH or inhibitor monitoring	Requires pH or inhibitor monitoring	Good	Good to Fair	Good to Fair	
Flash Point 2/ °F (°C)	None	None 3/ [232 (111) 100% glycol]	None [210 (99) 100% glycol]	450-600 (232-315)	132-405 (56-207)	300-455 (149-235)	None [350 (177) 99% glycerol]
Specific Heat Btu/(lb-°F)@73°F (J/kg-°K)@23°C	1.0 (4200)	0.80 (3300)	0.85 (3600)	0.34-0.48 (1400-2000)	0.36-0.50 (1500-2100)	0.43-0.63 (1800-2600)	0.80 (3300)
Thermal Conductivity Btu/(hr-ft^2-°F/ft)@100°F (W/m^2-k/m)@38°C	.363@32°F (6.2680°C)	.23 (4.3)	0.225 (4.19)	0.083 (1.4)	0.07 (1.3)	0.07 (1.3)	0.17 (3.0)
Viscosity cst@77°F (m^2/sx10^{-6})@25°C	0.9 (0.9)	3.4 (3.4)	5 (5)	20-50 (20-50)	8-50 (8-50)	1-60 (1-60)	7 (7)
Toxicity	Depends on inhibitor used	Moderate to high depends on inhibitor used	Slight depends on inhibitor used used	No unequivocal toxic effects are recognized	Moderate	Low	Slight
Lifetime Estimates	Depends on inhibitor used	Less than 2 years	Less than 2 years	More than 5 years	Ranges 1-20 years	On order of 10 years	More than 5 years

1/ These data are extracted from manufacturers literature to illustrate the properties of a few types of liquid that have been used as transfer fluids.

2/ It is important to identify the conditions of tests for measuring flash point. Since the manufacturers literature does not always specify the test, these values may not be directly comparable.

3/ One manufacturer of an inhibited ethylene glycol mixture (50/50 - 40/60 ethylene glycol/water) gives the following data: "Flash point COC ---- NONE
After 50% of initial volume evaporated --- 290°F"

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Technical Review Items

The following list of factors includes the major considerations used in the technical review of proposals in HUD's Cycle 5 Residential Solar Demonstrations. Used as a review form, each of the review items (beginning on page A-) was evaluated satisfactory, marginal or unsatisfactory and tracks the more detailed application form required of each of the grant applicants. An analysis and evaluation of these factors were used to determine if the proposed projects could be expected to perform reliably.

General Information

Type of Project:
Category 1 (Multi-family) ——
Category 2 (Single family) ——
Building Size: gross sq. ft. —— Net heated sq. ft. ——
Project Location —— Latitude ——
Nearest City ——
Type of Solar Energy System (check all applicable items)

	Active	Passive	If passive indicated	
Space heating	( )	( )	Sun tempered	( )
Space cooling	( )	( )	Direct gain	( )
Domestic hot water	( )	( )	Indirect gain	( )
	( )	( )	Isolated gain	( )

Type of Backup System
Most efficient system type ——
Most cost efficient fuel type ——
Is system over or under sized ——

Heating Conditions

Total Heating Degree Days —— DD/yr
Design Temperature —— °F inside —— °F outside
Winter UA Total ——
Annual Heating Loads (before solar) —— 10^6 Btu/yr —— Btu/DD/SF
Annual Heating Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr —— Btu/yr/SF —— Btu/DD/SqFt

Cooling Conditions

Design Temperature —— °F inside —— °F outside
Annual Cooling Loads (before passive) —— 10^6 Btu/yr
Annual Cooling Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr —— Btu/yr/Sq Ft

DHW Conditions

Total No. of People —— Gallons per person per day —— GPD/P
Cold Water Inlet Temperature —— °F
Distribution Temperature —— °F
Annual DWH Loads (before solar) —— 10^6 Btu/yr
Annual DHW Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr

Review Items

A. Energy Conservation

1. Are the design temperatures, relative humidity, thermostat settings, etc., compatible with energy conservation?
2. *Protection from outside temperature variation:*
a. Compact building form—minimum surface exposure
b. Use of earth-berming or underground structures
c. Use of utility spaces as buffers between living spaces and outside
d. Is the building envelope well insulated?
Walls
Ceilings and roof
Windows, storm windows
Doors, vestibules
Perimeter insulation of floor slab—basement insulation
Glass area (double panes or insulated glass)
e. Use of movable insulation
f. Use of time lag effects
3. *Protection from infiltration and wind:*
a. Use of site and vegetation as wind breaks (trees, slope, earth-berming, etc.)
b. Use of building orientation and form for protection from the wind (small exposure of building to wind; proper placement of windows and doors. Use of utility spaces as buffers)
c. Proper caulking and weatherstripping to minimize infiltration
d. Cut down winter wind, but allow summer ventilation
4. *Protection from summer overheating:*
a. Proper siting and orientation to minimize exposure to summer sun. Small east and west glass areas
b. Natural shading devices (vegetation, earth berms)
c. Use of overhangs, recessed windows and doors
d. Use of natural and induced ventilation
e. Summer shading, but solar access in winter
5. *Proper humidity level:*
a. Avoiding excessive humidity in summer
b. Avoiding excessive dryness
c. Proper use of vapor barriers
6. *Use of natural light for lighting:*
7. *Are the load calculations and results given clearly and correctly?*
a. Cooling
b. Heating
c. Domestic hot water
d. Time lag
e. Optional
8. *Are the relevant climatic data given for the site (or another similar site)?*
9. *Are the appliance and equipment energy efficient?*
10. *Is the backup system energy efficient? Is it properly sized?*

B. Passive Solar Heating

1. *Proper site and orientation for passive solar heating:*
a. South facing exposure
b. No winter shading
2. *Clear description of system and passive solar methods used* (sun tempering, direct gain, indirect gain, isolated gain. Elements such as Trombe wall, Sunspace, etc.)
3. *Glazing:*
a. Adequate such facing glazing area
b. Has heat loss through glazing been minimized? (e.g. double glazing, shutters, movable insulation)
4. *Direct gain systems:*
a. Will the interior surfaces absorb sunlight sufficiently well?
b. Have glare problems been minimized?
5. *Passive storage:*
a. Clear description of kinds of storage used—location, dimensions and storage capacity of each
b. Sufficient storage capacity (thermal mass)
c. Is the massive wall, floor, etc., sufficiently exposed to direct sunlight through the day in winter?
d. Massive walls and floors: Is the thickness too little, too much or just right?
e. Is the insulation located properly?
f. Water walls: Have leakage problems been addressed?
6. *Heat distribution:*
a. If system depends on natural convection and radiation, are these adequate? (Are the air flow distances small? Will the air flow along the desired paths?)
b. If blowers are used, will the operating energy used be small?
c. Thermosiphoning device: Is collecting surface at a lower height than the storage by a proper amount?
7. *Passive system controls:*
a. Are the controls properly designed, simple and reliable?
b. Degree of occupant participation required

8. *Protection from overheating:* Proper use of storage sizing, venting, shading devices

9. Will the system be easy to install and maintain? (e.g. glazing easily accessible for cleaning, accessible for maintenance, no inaccessible pipes)

10. *Backup for passive system*

11. *Other considerations:*

a. Use of proper building materials, sealants, etc.

b. Weather proofing and moisture proofing

c. Problems from expansion and contraction

d. Freeze protection

e. Safety features—freedom from fire hazards

f. Structural integrity

12. *Are the passive solar heating calculations and results given clearly and correctly?*

C. Passive Cooling

1. *Clear description of passive cooling methods being used* (natural ventilation, induced ventilation, night sky radiation, evaporative cooling, desiccant cooling or dehumidification, use of earth for cooling)

2. *Are the proposed cooling methods appropriate to the climatic region?* (e.g. evaporative cooling in hot, arid climates, desiccant cooling in hot humid climates)

3. *Have humidity and condensation problems been addressed?* (e.g. in rock beds used for cooling)

4. *Have sufficient details of the calculations been provided?*

D. Passive Solar Domestic Hot Water

E. Active Solar Heating, DHW, and Cooling Systems

1. *Collectors* (MPS S–515–2, S–615–2) [11]—

a. Collector manufacturer

b. Collector model number [Test data (refer to stagnation checklist)]

c. Transfer medium—
Type Water
Air
Other ——
If Other:
Specific Heat —— Btu/lb°F
Density —— lb/cu. ft.

d. Design total flow rate —— gpm or —— cfm

e. Design flow rate per net—Sq. ft. of collector (guidelines) —— gpm or —— cfm

Note.—Does flow rate include allowances for heat transfer fluid specific heat and density?

f. Total area (guidelines) gross —— SF
Net (aperture) —— SF

g. Collector type (flat plate, concentrating, etc.)

h. Tilt [S–615–2.1.2]

i. Orientation (0° = True South)

j. Type of freeze protection

k. Maximum percent shading

l. Provisions for stagnation

m. Number of covers

n. Cover plate material

o. Absorber plate material

p. Liquid passage material

q. Absorber coating material

r. Overall construction

s. Ease of replacement [S–615–1.1.10]

t. Access for maintenance, repairs

u. Mounting (flashing, wind, vandalism/accidents)

v. Snow hang up; blockage of breather vents

w. Provisions for fill/drain/venting

x. Flow balance (reverse return, balance valves, etc.)

2. *Storage [S–515–7, S–601–12]*—

a. Storage type—rock ——, water ——, other ——

b. Specific heat—rock ——, water ——, other —— Btu/lb°F

c. Density—rock ——, water ——, other —— lb/ft³

d. Total storage volume —— gal. or —— cu. ft.

e. Volume per net sq. ft. collectors (guidelines)— —— gal. or —— cu. ft.

f. Construction

g. Insulation

h. Pressure/vacuum protection

i. Corrosion protection

j. Connection locations

k. Provisions for fill/drain/vent

l. Access, location

3. *Back-up system [S–615–11]*—

a. Fuel type

b. Type of heating distribution system

c. Design temperature of heating supply air or water for peak load

4. *Heat Exchangers [S–615–12]*—

a. Load loop exchanger sizing

b. Collector loop exchanger sizing

5. *Systems*—

a. Flow diagram

b. Controls and control diagram

c. Pump fan sizing. Note: Does pump/pipe sizing include allowance for heat transfer fluid viscosity?

d. Piping/ductwork sizing, materials

e. Dampers, proper type, location

f. Expansion/contraction provisions [S–615–10.3; S–615–10.9]
(1) Piping
(2) System fluids

g. Drain down provisions [S–615–10.9]

h. Potable/non-potable separation [S–615–10.1.1]

i. Backflow prevention [S–615–10.1.3]

j. Scald protection for DHW (mixing valve, etc.) [S–615–10.1.3]

k. Valving [S–615–10.7]

l. Solar system operating energy use

m. Simplicity

6. *Solar Cooling System (If Any)*—

a. Type of solar cooling system

b. Cooling capacity, in relation to cooling load

c. Temperature of solar heater delivered to absorption chiller

d. C.O.P. of cooling system

e. Operating energy usage

F. Overall System

1. *Had adequate use been made of energy conservation to reduce the loads?*

2. *Are the total loads (in Btu/DD/Sq. Ft. or Btu/Yr. Sq. Ft.) acceptable?*

3. *Is there a sufficient contribution of solar heat to the living space?*

4. *Are the different parts of the system (passive solar, active solar, back up system, and the building) well integrated?*

5. *Is the operating energy use kept relatively small?*

6. *Simplicity of overall system?*

7. *Conformity with the HUD Minimum Property Standards, local codes, etc.*

Abbreviations

(Code Groups, Associations and Gov't. Agencies)

AABC Associated Air Balance Council
AASHTO American Association of State Highway and Transportation Officials
ACCA Air-Conditioning Contractors of America
AIA American Institute of Architects
AIAA American Industrial Arts Association
ANL Argonne National Laboratory
ANSI American National Standards Institute, Inc.
ARI Air-Conditioning and Refrigeration Institute
ASHRAE American Society of Heating, Refrigerating and Air-Conditioning Engineers
ASME American Society of Mechanical Engineers, Inc.
ASPO American Society of Planning Officials
ASSE American Society of Sanitary Engineers
ASTM American Society for Testing and Materials
AWWA American Water Works Association
BOCA Building Officials and Code Administrators International, Inc.
CABO Council of American Building Officials
CDA Copper Development Association
CPSC Consumer Product Safety Commission
DoE U.S. Department of Energy
EPA U.S. Environmental Protection Agency
FHA Federal Housing Administration
FSEC Florida Solar Energy Center
HUD U.S. Department of Housing and Urban Development
IAPMO International Association of Plumbing and Mechanical Officials
ICBO International Conference of Building Officials
ISES International Solar Energy Society
LASL Los Alamos Scientific Laboratory
NACE National Association of Corrosion Engineers

NAHB National Association of Home Builders
NASA National Aeronautics and Space Administration
NBS National Bureau of Standards
NCSBCS National Conference of States on Building Codes and Standards
NEBB National Environmental Balancing Bureau
NFPA National Fire Protection Association
NOAA National Oceanographic and Atmospheric Agency
NWTI National Wood Tank Institute (ceased operations, standards available)
ORNL Oak Ridge National Laboratory
SAE Society of Automotive Engineers, Inc.
SAMPE Society for the Advancement of Material and Process Engineering
SBCC Southern Building Code Congress International
SEIA Solar Energy Industries Association, Inc.
SERI Solar Energy Research Institute
SEREF Solar Energy Research and Education Foundation
SMACNA Sheet Metal and Air-Conditioning Contractors' National Association, Inc.
UL Underwriters Laboratories, Inc.

SI Conversion Units

Length
1 in = 0.0254 meter (exactly)
1 ft = 0.3048 meter (exactly)
Area
1 in^2 = 6.45 × 10^{-4} $meter^2$
1 ft^2 = 0.09290 $meter^2$
Volume
1 in^3 = 1.639 × 10^{-5} $meter^3$
1 gal (U.S. liquid) = 3.785 × 10^{-3} $meter^3$
Mass
1 ounce-mass (avoirdupois) = 2.834 × 10^{-2} kilogram
1 pound-mass (avoirdupois) = 0.4536 kilogram
Pressure or Stress (Force/Area)
1 inch of mercury (60° F) = 3.377 × 10^{-3} pascal
1 pound-force/$inch^2$ (psi) = 6.895 × 10^{-3} pascal
Energy
1 foot-pound-force (ft/lbf) = 1.356 joule
1 Btu (International Table) = 1.055 × 10^3 joule
1 Kilowatt-hour = 3.600 × 10^6 joule = 3.412 × 10^3 Btu
Power
1 watt = 1 × 10^7 erg/second
1 Btu/hr = 0.2929 watt
Temperature
$t_C = 5/9 (t_{oF} - 32)$
Heat
1 Btu.in/$h.ft^2$.°F = 1.442 × 10^{-1} W/m.K (thermal conductivity)
1 Btu/lbm.°F = 4.194 × 10^3 J/kg.K (specific heat)
1 langley = 4.184 × 10^4 J/m^2 = 1 cal/cm^2 = 3.69 Btu/ft^2

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[4] National Association of Corrosion Engineers, Box 1499, Houston, TX 77001.
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☐ Document describes a computer program; SF-185, FIPS Software Summary, is attached.

16. ABSTRACT (A 200-word or less factual summary of most significant information. If document includes a significant bibliography or literature survey, mention it here.)

This performance criteria, developed for the Dept. of HUD, is a baseline document for criteria and standards for the design, development, technical evaluation, and procurement of solar heating and cooling systems for residential buildings in accordance with the requirements of Section 8 of Public Law 93-409, the "Solar Heating and Cooling Demonstration Act of 1974." The document is intended to establish minimum levels of performance with regard to health and safety and the various aspects of technical performance. The criteria for health and safety put primary emphasis on compliance with existing codes and standards. The criteria on thermal and mechanical performance, durability/reliability and operation/servicing present performance requirements considered to be representative of acceptable levels. By the use of performance language in the document, it is believed that sufficient latitude has been provided to allow the innovation and flexibility that is essential for the stimulation of a viable solar industry at this time and in the future.

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Office of Surface Mining Reclamation and Enforcement

Small Operator Assistance Program; List of Laboratories Qualified To Perform Work

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

List of Laboratories Qualified To Perform Work Under the Small Operator Assistance Program

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

ACTION: Update and correction notice of laboratories qualified to perform work under the Small Operator Assistance Program.

SUMMARY: OSM is informing the public and State regulatory authorities of laboratories that have been qualified as of March 1981, for work under the Small Operator Assistance Program (SOAP). During the interim and under permanent regulatory programs, qualified laboratories will provide the *determination* of probable hydrologic consequences and *statement* of the results of test borings for eligible small operators. The *determination* and *statement* are two important permit application requirements. This notice is published pursuant to 30 CFR 795.17(a)(2).

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Region V:
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SUPPLEMENTAL INFORMATION: The laboratories listed below were qualified by OSM or State regulatory authorities as of March 1981 for work under the Small Operator Assistance Program (SOAP). This list updates and corrects the earlier list of qualified laboratories published in the **Federal Register** on January 23, 1981. The *determination* of probable hydrologic consequences of proposed mining and reclamation operations and *statement* of the results of test borings or core samplings are provided to eligible small operators under the SOAP. As defined in 30 CFR 795.17(a)(1), qualified laboratory is "a designated public agency, private consulting firm, institution, or analytical laboratory which can provide the *determination* or *statement* under this Program."

To qualify for work under the SOAP, laboratories have to satisfy conditions of personnel, experience, organization and facilities, and other criteria as set forth in 30 CFR 795.17(b). The laboratory qualification procedures consist of two phases: (1) Completion of an application form provided by the Office, and (2) an on-site inspection of laboratory personnel and facilities by the Office.

Two basic qualification categories are: 1. Prime contractors (for *determination* and/or *statement*) and; 2. subcontractors (for water quality and/or overburden and coal analysis). The prime contractors are qualified to provide hydrologic and geologic data collection and interpretative reports, and must be able to provide most of the services in-house. The subcontractors are qualified to provide analytical services to the prime contractors. In-house services must be provided by personnel employed full-time by the specific office of the laboratory requesting qualification. However, some services may be provided to the prime contractor by individual consultants (specialists) if their use has been approved by OSM during the qualification process. Lists of consultants will not be published in the **Federal Register.** Small business, women owned, minority owned, and certified 8(a) laboratories are indicated in the list.

The list of qualified laboratories will be published periodically in the **Federal Register.** Becoming qualified or being listed in the **Federal Register** does not guarantee contracts for work in the SOAP. Under procedures for Federal administration of the SOAP, contracts will be awarded to successful offerors to Request for Proposal (RFP) solicitations. RFPs will be issued periodically as the need arises. Qualified laboratories may compete for work in States other than those States in which they are located. States that administer the SOAP under interim or permanent regulatory programs may use this list of qualified laboratories, may use similar procurement procedures, and also may qualify laboratories.

Laboratories may be disqualified and dropped from the list of qualified laboratories for inadequate performance in contracts, conflicts of interest, or for changes in personnel, facilities or organization that cause the laboratory to no longer meet the requirements set forth in 30 CFR 795.17(b).

All laboratories will be qualified periodically.

Dated: June 17, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

List of Qualified Laboratories

Type of Contractor

P = prime contractor
S = subcontractor

Qualification Category

D = field data collection, water quality analyses, data compilation and interpretation, and report writing to produce a *determination* of the probable hydrologic consequences of mining and reclamation operations
D[1] = same as above except that water quality analyses will be subcontracted
S = field data collection, overburden and coal analyses, data compilation and interpretation, and report writing to produce a *statement* of the results of test borings or core samplings
S[1] = same as above except that overburden and coal analyses will be subcontracted
W = water quality analyses
O = overburden and coal analyses

Classes of Business

1 = small business under the Engineering Services size standards
2 = woman-owned business
3 = minority owned as defined in Public Law 95-507
4 = certified 8(a) by the Small Business Administration

Qualifying Agency

Laboratories qualified by State regulatory authorities are identified by a letter in front of laboratory name. All other laboratories were qualified by OSM.

a = qualified by Ohio Department of Natural Resources.

BILLING CODE 4310-05-M

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
	******MONTANA******						
EARTH SCIENCE SERVICES	EXECUTIVE BUILDING 1115 NORTH SEVENTH AVE.	BOZEMAN	MT	59715	P	D	1
ENERGY LABORATORIES	1107 SO.BROADWAY,P.O.BOX 595	BILLINGS	MT	59103	S	W O	1
GEO. SERVICES WEST	P. O. BOX 7182 - 520 NORTH PLATTE STREET	MISSOULA	MT	59807	P	S'	1
GEO. WEST, INC.	P. O. BOX 1252 - 119-1/2 N. BROADWAY	BILLINGS	MT	59103	P	S'	1
HKM ASSOCIATES	P.O. BOX 31318 EXECUTIVE PLAZA, AIRPORT, INDUSTRIAL PARK	BILLINGS	MT	59107	P	D'S'	1
NORTHERN TESTING LABORATORIES	600 SOUTH 25TH STREET, P.O. BOX 30615	BILLINGS	MT	59107	S	W	
OLSON-ELLIOTT & ASSOCIATES	P. O. BOX 1209, POWER BLOCK, SUITE 616	HELENA	MT	59601	P	D'S'	1
	******NEW MEXICO******						
CPI	POST OFFICE BOX 1844	SANTE FE	NM	87501	P	D'S'	1
EARTH ENVIRONMENTAL CONSULTANTS, INC.	9426 INDIAN SCHOOL ROAD, N.E.	ALBUQUERQUE	NM	87112	P	D	1
	******OREGON******						
CENTURY-WEST ENGINEERING	61360 SOUTH H[illegible] 97, P. O. BOX 1174	BEND	OR	97701	P	D S	1
	******UTAH******						
UNITEX	4575 BERNADA [illegible]	SALT LAKE CITY	UT	84117	S	W O	1 4
UTE RESEARCH LABORATORIES	P. O. BOX 11[illegible]	FORT DUCHESNE	UT	84026	S	W O	1 4
	******WYOMING******						
IN-SITU CONSULTING, INC.	253 NO. THIRD	LARAMIE	WY	82070	P	S	1
INTERMOUNTAIN LAB, INC.	450 MAIN, NORTH	SHERIDAN	WY	82801	S	W O	1
WYOMING ANALYTICAL LABS, INC.	BOX 638 - 605 SOUTH ADAMS	LARAMIE	WY	82070	S	W O	1 2

OFFICE OF [illegible] MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED [illegible] PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	[illegible]	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
GEOSCIENTIFIC SYSTEMS AND CONSULTING	8405 PERSHING [illegible] SUITE 402	PLAYA DEL RAY	CA	80033	P	D'S'	1
HYDROCOMP	201 SAN ANTONIO CIRCLE	MOUNTAIN VIEW	CA	94040	P	D	1
TRUDSDAIL LABORATORIES, INC.	4101 N. FIGUEROA STREET	LOS ANGELES	CA	90065	S	W O	1
	******COLORADO******						
BOOKCLIFF COMMERCIAL LAB., INC.	737 LINCOLN AVE., SUITE 300 BOX 505	STEAMBOAT SPGS.	CO	80477	S	W	
C H 2 M HILL	5995 SO. SYRACUSE STREET	ENGLEWOOD	CO	80111	P	D'S'	
CAMP DRESSER & MCKEE, INC.	11455 WEST 48TH AVENUE	WHEATRIDGE	CO	80033	P	D'S'	
CHARLES S. ROBINSON AND ASSOCIATES, INC.	622 GARDENIA COURT	GOLDEN	CO	80401	P	D'S'	1
COLORADO SCHOOL OF MINES RESEARCH INSTITUTE	P.O. BOX 112	GOLDEN	CO	80401	P	D S	1
COMMERCIAL TESTING & ENG. CO.	490 ORCHARD STREET	GOLDEN	CO	80401	S	W O	
DAMES & MOORE	605 PARFET STREET	DENVER	CO	80215	P	D'S'	
ENGINEERING SCIENCE	2785 N. SPEER, SUITE 140	DENVER	CO	80211	P	D'S'	
HITTMAN ASSOCIATES, INC.	600 SOUTH 25TH STREET, P.O. BOX 30615 5500 S. SYRACUSE CIRCLE	ENGLEWOOD	CO	80111	P	D O	
J. F. SATO AND ASSOCIATES	5898 SOUTH RAPP	LITTLETON	CO	80122	P	D'S'	1 4
LEONARD RICE CONSULTING WATER ENGINEERS	2695 ALCOTT	DENVER	CO	80215	P	D	1
NUS	720 S. COLORADO BLVD.	DENVER	CO	80222	P	S W	
SIMONS, LI & ASSOCIATES, INC.	DRAKE CREEKSIDE TWO 2625 REDWING RD., SUITE 350	FT. COLLINS	CO	80522	P	D'	
WILLARD OWENS, ASSOCIATES	7391 WEST 38TH AVENUE	WHEATRIDGE	CO	80033	P	D'S'	1
WOODWARD-CLYDE CONSULTANTS	2909 WEST 7TH AVENUE, P. O. BOX 4036	DENVER	CO	80204	P	D'S'	

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
ENVIRONMENTAL CONTROL LABORATORY	P. O. BOX 274	NORMAN	OK	73070	S	W	1
ESPEY, HUSTON & ASSOCIATES	4545 LINCOLN BLVD.	OKLAHOMA CITY	OK	73105	P	D'S'	1 4
KAY, KAY AND ASSOCIATES	P. O. BOX 366	NOBLE	OK	73068	P	D S'	1 3
MID-STATES ANALYTICAL LAB., INC.	5460 S. 101ST EAST AVENUE	TULSA	OK	74145	S	W	1
PETRA, INC.	4505 E. 68TH ST.	TULSA	OK	74136	P	D'S'	1
STANDARD TESTING AND ENGINEERING COMPANY	3400 LINCOLN BLVD.	OKLAHOMA CITY	OK	73105	S	W O	1
WILLIAMS BROTHERS ENGINEERING CO.	6600 S. YALE AVENUE	TULSA	OK	74177	P	D S	
	******TEXAS******						
ANA-LAB CORPORATION	2600 DUDLEY ROAD	KILGORE	TX	75662	S	W O	1
CORE LABORATORIES, INC.	11061 SHADY TRAIL	DALLAS	TX	75229	P	D S	
FARNER & WINSLOW	10590 N.W. FREEWAY	HOUSTON	TX	77092	P	D'	1
SOUTHWESTERN LABORATORIES	222 CAVALCADE	HOUSTON	TX	77009	S	W O	
SOUTHWESTERN LABORATORY ANALYTICAL SERVICES DIVISION	P. O. BOX 10687	DALLAS	TX	75207	S	W O	
SOUTHWESTERN LABORATORY GEOTECHNICAL ENGINEERING DIV.	812 GREAT S.W. PARKWAY, P.O. BOX 1526	ARLINGTON	TX	76010	P	S	
SPECTRIX CORPORATION	7408 FANNIN	HOUSTON	TX	77054	S	W O	1
	REGION 5						
	******CALIFORNIA******						
CORE LABORATORIES, INC.	401 CANAL STREET	WILMINGTON	CA	09074	S	W O	
ESCA-TECH CORP.	3001 RED HILL AVENUE, BLDG.II, SUITE 212	COSTA MESA	CA	92626	P	D'S'	1 4
G. E. TEMPO	816 STATE STREET	SANTA BARBARA	CA	93101	P	D	1

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
MINNESOTA VALLEY TESTING LAB., INC.	35 WEST LINCOLN WAY	NEVADA	IA	50201	S	W O	1
	******KANSAS******						
COOK, FLATT & STROBEL	6111 S.W. 29TH STREET	TOPEKA	KS	66604	P	D'	1
ENVIRONMENTAL LABORATORIES, INC.	P. O. BOX 2368	TOPEKA	KS	66601	S	W	1
LANGSTON LABORATORIES, INC.	2005 WEST 103RD TERRACE	LEAWOOD	KS	66206	S	W	1 4
QUALITY WATER ANALYSIS LAB., INC.	121 E. FOURTH	PITTSBURG	KS	66762	P	S W	1
TALIAFERRO AND BROWNE	710 MINNESOTA	KANSAS CITY	KS	66101	P	D'	1 3
WOODWARD-CLYDE CONSULTANTS	5055 ANTIOCH ROAD	OVERLAND PARK	KS	66203	P	D'S	
	******MISSOURI******						
BOOKER ASSOCIATES, INC.	1139 OLIVE STREET	ST. LOUIS	MO	63101	P	D'	1 4
BRUCE WILLIAMS CONSULTING ENGINEERING AND ASSOCIATES	P.O. BOX 169	JOPLIN	MO	64801	S	W O	1 4
ENGINEERING SURVEYS & SERVICES	1113 FAY STREET	COLUMBIA	MO	65201	P	D S	1
INDUSTRIAL TESTING LABORATORIES, INC.	2350 SEVENTH BLVD	ST. LOUIS	MO	63104	S	W	
MID MISSOURI ENGINEERS, INC.	506 NICHOLS	COLUMBIA	MO	65201	S	W	1 4
SHANNON & WILSON, INC.	11500 OLIVE BLVD.	ST. LOUIS	MO	63141	P	D'S'	1
WOODWARD-CLYDE CONSULTANTS	1350 BAUR BLVD.	ST. LOUIS	MO	63132	P	S	
	******NEBRASKA******						
HOSKINS-WESTERN-SONDEREGGER, INC.	825 "J" STREET	LINCOLN	NE	68501	P	D S	1
	******OKLAHOMA******						
ENGINEERING ENTERPRISES, INC.	1225 WEST MAIN STREET	NORMAN	OK	73069	P	D'S'	1

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OHIO AGRICULTURE RESEARCH AND DEVELOPMENT CENTER		WOOSTER	OH	44691	S	O	
OHIO DEPT. OF HEALTH	OHIO STATE UNIVERSITY	COLUMBUS	OH	43210	S	W	
[a]OHIO MINING CONSULTANTS	240 HURON STREET	JACKSON	OH	45640	P	D'S'	
[a]REAM & HAAGER LABORATORIES	1226 KADERLY STREET, N.W.	NEW PHILADELPHIA	OH	44663	S	W O	
STILSON LABORATORIES, INC.	170 N. HIGH STREET	COLUMBUS	OH	04321	P	D S	1
[a]THE H. C. NUTTING COMPANY	4120 AIRPORT ROAD	CINCINNATI	OH	45226	P	D S	
[a]THE STANDARD TESTING COMPANY	610 WEST MAIN STREET	CANFIELD	OH	44406	S	W O	
THE TCW COMPANY	SOUTH MAIN STREET BOX 648	NEW LEXINGTON	OH	43764	P	D S'	1 3 4
TOLEDO TESTING LAB	1810 N. 12TH STREET	TOLEDO	OH	43624	P	D S	1 4
WAPORA, INC.	5700 HILLSIDE AVE.	CINCINNATI	OH	45233	P	D S	
	******WISCONSIN******						
DONOHUE AND ASSOCIATES, INC.	4738 NORTH 40TH STREET	SHEBOYGAN	WI	53081	P	D'S'	
OWEN AYRES & ASSOC.	1300 W. CLAIREMONT	EAU CLAIRE	WI	54701	P	D S	
	REGION 4						
	******ARKANSAS******						
AMERICAN INTERPLEX CORPORATION	3400 ASHER AVENUE	LITTLE ROCK	AR	72204	S	W O	1
ARKANSAS MINING & MINERALS RESOURCES INSTITUTE	MCEVER HALL SCIENCE BLDG. ARKANSAS TECH. UNIVERSITY	RUSSELLVILLE	AR	72801	P	S W	
	******IOWA******						
IOWA GEOLOGICAL SURVEY	123 NORTH CAPITOL STREET	IOWA CITY	IA	52242	P	D'S	
IOWA UNIVERSITY HYGIENIC LABORATORY	OAKDALE CAMPUS	IOWA CITY	IA	52242	S	W O	

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
[a]ASSOCIATES MAPPING SERVICES, INC.	1450 SOUTHEAST PLAZA, FRANKLIN AVENUE	SALEM	OH	44460	P	D'S'	1 4
ATEC ASSOCIATES	11306 TAMARCO DRIVE	CINCINNATI	OH	45242	P	D'S'	1
BOWSER-MORNER TESTING LAB., INC.	420 DAVIS AVE.	DAYTON	OH	45401	P	D S	1
[a]BUCKEYE LAND SURVEYING, INC.	215 S. 5TH STREET	COSHOCTON	OH	43812	P	D'S'	
[a]BUCKEYE SERVICES	162 1/2 BROADWAY, P.O. BOX 546	NEW PHILADELPHIA	OH	44663	P	D S	1 4
[a]BURGESS & NIPPLE LIMITED	5058 REED ROAD	COLUMBUS	OH	43220	P	D S	
CLC LABS	1046 CRUPPER AVENUE BUSCH CORPORATE CENTER	COLUMBUS	OH	43229	S	W O	1
DAMES AND MOORE	1150 WEST 8TH STREET	CINCINNATI	OH	45203	P	D'S'	
ECO-DATA ANALYSIS, LTD.	11001 CEDAR AVE.	CLEVELAND	OH	44106	P	D S	1 3 4
[a]ENGINEERING SCIENCE	19101 VILLAVIEW ROAD SUITE 301	CLEVELAND	OH	44119	P	D S	
[a]ENVIRONMENTAL RESEARCH GROUP, INC.	777 EXCHANGE STREET	CLEVELAND	OH	44125	S	W O	
[a]ENVIRONMENTAL TESTING SERVICES	1599 OTSEGO AVENUE P.O. BOX 723	COSHOCHTON	OH	43812	S	W O	
[a]GLM MAPPING	236 EAST WASHINGTON STREET	LISBON	OH	44432	P	D'S'	1
[a]HERBERT B. EAGON, JR.	100 EAST WILSON BRIDGE ROAD	WORTHINGTON	OH	43085	P	S	
HOWARD LABORATORIES	3601 S. DIXIE AVENUE	DAYTON	OH	45439	S	W O	1
[a]JOHN V. LUND	134 WEST CENTER STREET	AKRON	OH	44308	P	D'S'	
M.A.S AND ASSOCIATES	11453 MARKET STREET	NORTH LIMA	OH	44452	P	D'S'	1
MID-EASTERN GEOTECHNICAL, INC.	BOX 587	MARIETTA	OH	45750	P	S'	1
[a]MINE SERVICES COMPANY	1286 WEST LANE AVENUE	COLUMBUS	OH	43221	P	D'S'	
[a]MINING AND RECLAMATION COMPANY	129 N. TENTH STREET	CAMBRIDGE	OH	43769	S	W O	
[a]MODERN CHEMICALS	100 KERR STREET	POMEROY	OH	45769	S	W O	

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AMERICAN TESTING ENGINEERING COMPANY	5150 EAST 65TH STREET	INDIANAPOLIS	IN	46220	P	D'S	1
CHEMICAL SERVICE LABORATORY, INC.	3408 INDUSTRIAL PARKWAY, BOX 22 0	JEFFERSONVILLE	IN	47130	S	W O	
CRANOR LAND SERVICE	R.R.#1, BOX 127	RUSHVILLE	IN	46173	P	D'S'	1
D'APPOLONIA-DISTRICT OFFICE	MOUNTED ROUTE 522B	CHESTERTON	IN	46304	P	D'S'	
EMS LABORATORIES	7901 W. MORRIS STREET	INDIANAPOLIS	IN	46220	S	W O	1
ESEI SCIENCES, INC.	211 W. WASHINGTON ST.	SOUTH BEND	IN	46601	P	D'S'	1
ETS, INC.	6523 CARROLLTON AVE.	INDIANAPOLIS	IN	46220	P	S	
GEOSCIENCES RESEARCH ASSOC.	414 S.WALNUT STREET	BLOOMINGTON	IN	47401	P	D'S'	1
HOWARD NEEDLES TAMMEN & BERGENDOFF	3333 FOUNDERS [illegible]	INDIANAPOLIS	IN	46238	P	D'	
LAWSON-FISHER ASSOC.	101 JMS BUILDING	SOUTH BEND	IN	46601	P	D'S'	1
NATIONAL LABORATORIES, INC.	600 BOND STREET	EVANSVILLE	IN	47708	P	D S	1 4
NICTL	540 TYLER STREET	GARY	IN	46402	S	W O	
REID, QUEBE, ALLISON, WILCOX, AND ASSOCIATES	3901 INDUSTRIAL BLVD.	INDIANAPOLIS	IN	46254	S	W O	4 1
SIECO, INC.	309 WASHINGTON ST.	COLUMBUS	IN	47201	P	D S'	1 3 4
WILLIAMS LABORATORY SVCS., INC	1843 COMMERCE DRIVE	SOUTH BEND	IN	46628	P	D S	1
	******MICHIGAN******						
AQUATIC SYSTEMS, INC.	120 WEST LUDINGTON AVE.	LUDINGTON	MI	49431	P	D S	1
BONEL ENTERPRISES	18159 DORSET	SOUTHFIELD	MI	48075	P	D S	1 3
JOHNSON AND ANDERSON, INC.	2300 DIXIE HWY., P. O. BOX 1166	PONTIAC	MI	48056	P	D'S'	1 4
SNELL ENVIRONMENTAL GROUP	1120 MAY STREET	LANSING	MI	48096	S	W O	1 4
	******OHIO******						
[a]A. R. ZAPLATA COMPANY	P. O. BOX 308	LISBON	OH	44432	P	D'S'	1 4

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
CITY OF CARBONDALE WATER AND WASTEWATER CENTRAL LAB.	1001 S. WALL STREET	CARBONDALE	IL	62901	S	W O	
COAL EXTRATION & UTILIZATION RESEARCH CTR.	SOUTHERN ILLINOIS UNIVERSITY	CARBONDALE	IL	62901	P	D S	
COMMERCIAL TESTING & ENG. CO.	228 NORTH LASALLE ST.	CHICAGO	IL	60601	S	W O	
DAILY & ASSOC. ENGINEERS, INC.	1703 WEST LUTHY DRIVE	PEORIA	IL	61614	P	D S	1
DAMES & MOORE	1350 NORTHWEST HIGHWAY	PARK RIDGE	IL	60068	P	D'S'	
DELEUW, CATHER & CO.	165 WEST WACKER DRIVE	CHICAGO	IL	60601	P	D'S'	
ENERGY ENVIRONMENTAL CONSULTANT	820 DAVIS ST., SUITE 400	EVANSTON	IL	60201	S	W O	
ERLIN HIME & ASSOC.	811 SKOKIE ROAD	NORTHBROOK	IL	60093	S	O	1
ESCOR, INC.	1845 OAK STREET, SUITE 3	NORTHFIELD	IL	60093	P	D S'	1
HANSON ENGINEERS	1525 S. 6TH STREET	SPRINGFIELD	IL	62703	P	D'S'	1
HARDING LAWSON & ASSOC.	125 WINDSOR DRIVE, SUITE 107	OAK BROOK	IL	60521	P	D'S'	
HARZA ENGINEERING	150 S. WACKER DRIVE	CHICAGO	IL	60606	P	D S'	
KEY AGRICULTURAL SERVICES	114 SHADY LANE	MACON	IL	61455	S	W O	1 3
RANDOLPH & ASSOC., INC.	8901 N. INDUSTRIAL RD.	PEORIA	IL	61614	P	D S	
TRACE ELEMENTS, INC.	460 SOUTH NORTHWEST HIGHWAY	PARK RIDGE	IL	60062	S	W	1
WAPORA, INC	35 EAST WACKER DRIVE, SUITE 2380	CHICAGO	IL	60601	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	SUITE 1500, 11 EAST ADAMS	CHICAGO	IL	60603	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	901 CHARLESTON AVE.	MATTOON	IL	61938	P	D'S'	
	******INDIANA******						
A & L GREAT LAKES AGRICULTURAL LABS	5011 DECATUR ROAD	FORT WAYNE	IN	46806	P	D	1
ALTERNATIVE DESIGN, INC.	117 WEST TANNER STREET	BROWNTOWN	IN	47220	P	D'	
AMERICAN CONSULTING ENGINEERS	525 EAST 38TH STREET	INDIANAPOLIS	IN	46205	P	D'	1 2 4

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ENVIRONMENTAL MGMT. PLANNING	151 ATHENS WAY	NASHVILLE	TN	37228	P	D	1
ENVIRONMENTAL PLANNING ENGR.	224 PETERS RD. RM 200	KNOXVILLE	TN	37923	P	D'S'	1
ENVIRONMENTAL TESTING CONSULTANTS	751 E. BROOKHAVEN COURT	MEMPHIS	TN	38117	S	W O	1
KENWILL, INC.	BOX 432	MARYVILLE	TN	37801	P	D S	1 2
LAW ENGINEERING	333 TROY CIRCLE	KNOXVILLE	TN	37919	P	S	
MILLER-WITHRY-LEE	1387 SOUTH FOURTH STREET	NASHVILLE	TN	37212	P	D'S'	
MINING CONSULTANTS	REYNOLDS RD.	FRANKLIN	TN	37064	P	D S'	
PLANNING DESIGN & RESEARCH ENGINEERS, INC.	P.O. BOX 887	BRENTWOOD	TN	37027	P	D'	
RUSSELL AXON	UNITED AMERICAN PLAZA	KNOXVILLE	TN	37929	P	D'	
SCIENCE APPLICATION	P. O. BOX 843	OAK RIDGE	TN	37830	P	D'	
STEWART LABORATORY	5815 MIDDLEBROOK PIKE	KNOXVILLE	TN	37921	S	W O	1 2
TECHNICAL LAB.	515 CHEROKEE BOULEVARD	CHATTANDOGA	TN	37405	S	W O	
TERRE-AQUA RESEARCH ENGINEERS	P. O. BOX 846	CROSSVILLE	TN	38555	P	D O	1
U.S. TESTING	3765 PREMIERE COVE	MEMPHIS	TN	38118	P	S W	
WOODSON-TENENT LAB	P.O. BOX 2135	MEMPHIS	TN	38101	S	W O	
	REGION 3						
	******ILLINOIS******						
AQUALAB, INC.	RT. 20 AT VALLEY LANE	STREAMWOOD	IL	60103	S	W O	1
BROWN & ROTHMAN ENGINEERS	500 W. POPLAR ST.	HARRISBURGH	IL	62946	P	D'S'	
CAMP DRESSER & MCKEE, INC.	302 E. JOHN ST.	CHAMPAIGN	IL	61820	P	D S	
CEPHEUS INDUSTRIES, INC.	BOX 525	MARION	IL	62959	S	W O	1

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RHODES AND ASSOCIATES	2627 REGENCY ROAD	LEXINGTON	KY	40503	P	D'S'	
S.M.R. ENGINEERS AND ENVIRONMENTAL	DRAWER NO. 761	CENTRAL CITY	KY	42330	P	D S	1
SKELLY & LOY	2365 HARRODSBURG	LEXINGTON	KY	40504	P	D'S'	1
STANDARD LABS	BOX 606	WHITESBURG	KY	41858	S	W O	
STANDARD LABS	2101 S. MAIN	CORBIN	KY	40701	S	W O	
SUMMIT ENGINEERING	P.O. BOX 933	PIKEVILLE	KY	41501	P	D S	1
T.M. REGAN, INC.	377 WALLER AV.	LEXINGTON	KY	40504	S	W O	1
TEE ENGINEERING	1314 S. BROAD...	LEXINGTON	KY	40504	P	D S'	1
TRI-STATE TESTING	P. O. BOX 681	ASHLAND	KY	41101	S	W O	
VAUGHAN ENGINEERS	1002 N. MAIN STREET	MADISONVILLE	KY	42431	P	D'S'	1
VAUGHN AND MELTON	P. O. BOX 1425	MIDDLESBORO	KY	40965	P	D'	1
WATKINS & ASSOC.	P.O. BOX 951	LEXINGTON	KY	40588	P	D O	1
	******NORTH CAROLINA******						
OCEAN DATA SYSTEMS	4505 FRANKLIN AVENUE	WILMINGTON	NC	28403	P	D	1
RESEARCH AND ANALYTICAL LAB	P. O. BOX 473	KENERSVILLE	NC	27284	S	W	
	*****SOUTH CAROLINA******						
ENWRIGHT ASSOC., INC.	BOX 5287 STATION B	GREENVILLE	SC	29606	P	D S	1
J.E. SIRRINE	P.O. BOX 5456	GREENVILLE	SC	29606	P	D	
	******TENNESSEE******						
ARO, INC.	P.O. BOX 884	TULLAHOMA	TN	37388	S	W O	
CUMBERLAND TECHNICAL SERVICES	P.O. BOX 2569	CROSSVILLE	TN	38555	P	D'	
ENVIRONMENT SYSTEMS CORP.	200 TECH CENTER ROAD	KNOXVILLE	TN	37912	P	D S'	1

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DONAN ENGINEERING	P.O. BOX 528	MADISONVILLE	KY	42431	P	D'S'	1
EARTH LABORATORIES	P.O. BOX 571	CORBIN	KY	40701	S	W O	1
EKENCO, INC.	RR 3 BOX 16	HAZARD	KY	41701	P	S W	
ENGINEERING-SCIENCE	345 BLUE SKY PARKWAY	LEXINGTON	KY	40511	P	D'S'	
FULLER-MOSSBARGER	1315 LEESTOWN ROAD	LEXINGTON	KY	40508	P	D'S'	1
G. COX & ASSOCIATES	P. O. BOX 447	WILLIAMSBURG	KY	40769	P	D'S'	1
GEOLOGICAL ASSOCIATES	P.O. BOX 634, HWY. 27-S	SOMERSET	KY	42501	P	S'	1
HILL ENGINEERING	NORTH LAKE DRIVE	PRESTONBURG	KY	41653	P	D'S'	1
HILL-JACKSON LABS	P. O. BOX 548	PRESTONBURG	KY	41653	S	W	1
HITTMAN ASSOC.	1354 DEVONPORT	LEXINGTON	KY	40511	P	D'S'	
J. S. GRIFFIN AND ASSOCIATES	P. O. BOX 676	HENDERSON	KY	42420	P	S'	1
MATHTECH	3464 WARWICK COURT	LEXINGTON	KY	40502	P	D'S'	
MAYS-SUDDERTH-ETHEREDGE	568 DELZAN PLACE	LEXINGTON	KY	40503	P	D'S'	1
MCCOY & MCCOY	BOX 238	MADISONVILLE	KY	42431	S	W O	1
MILLER-WIHRY-LEE	1387 SOUTH FORTH STREET	LOUISVILLE	KY	40208	P	D'S'	1
NESBITT ENGINEERING	400 E. VINE ST.	LEXINGTON	KY	40507	P	D'S'	1
PARROTT, ELY & HURT	P.O. BOX 22738	LEXINGTON	KY	40522	P	D'	
PAUL D. LUNDY AND ASSOCIATES	1904 1/2 CUMBERLAND	MIDDLESBORO	KY	40965	P	D'S'	1
PRASAD ENGINEERING	P. O. BOX 360	WHITESBURG	KY	41858	P	D'S'	1 3
PRASAD ENGINEERING, INC.	1460 NEWTOWN PIKE	LEXINGTON	KY	40511	S	W O	3
PROCTOR-DAVIS-RAY	800 CORPORATE DRIVE	LEXINGTON	KY	40503	P	D'	1
R. R. CRAWFORD	P. O. DRAWER 929	WHITESBURG	KY	41858	P	D'S'	1
RESOURCE CONSULTANT	P. O. BOX 202	WILLIAMSBURG	KY	40769	P	S'	1

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TECHNICAL SERVICES	P. O. BOX 52329	JACKSONVILLE	FL	32201	S	W O	1
ZELLARS-WILLIAMS	4222 S. FLORIDA AVENUE	LAKELAND	FL	33803	P	D'S'	1
	******GEORGIA******						
APPLIED BIOLOGY	641 DEKALB IND. WAY	ATLANTA	GA	30033	S	W	1 2
ARMOUR & CAPE, INC.	2295 PARKLAKE DRIVE	ATLANTA	GA	30345	P	D'	1
ATEC ASSOC. OF GEORGIA	1190 HAYES INDUSTRIAL DRIVE, N.E.	MARIETTA	GA	30062	P	S	
CAMP-DRESSER-MCKEE	1945 THE EXCHANGE	ATLANTA	GA	30339	P	D'	
DAMES & MOORE	455 E. PACES FERRY	ATLANTA	GA	30305	P	D'S'	
KUN-YOUNG CHIU AND ASSOCIATES, INC.	109 E. ADAIR STREET	VALDOSTA	GA	31601	P	D'S'	1 3
LAW ENGINEERING	2749 DELK ROAD	MARIETTA	GA	30067	P	D S	
MAYS-SUDDERTH-ETHEREDGE	1775, THE EXCHANGE	ATLANTA	GA	30339	P	D'S'	1
SOIL AND MATERIAL ENGINEERING	1937 BRIARWOOD COURT	ATLANTA	GA	30329	P	D'S'	1
VERSITECH	6855 JIMMY CARTER	NORCROSS	GA	30071	P	D'S'	
WAPORA, INC.	5980 UNITY DRIVE, SUITE F	NORCROSS	GA	30071	P	D S	
	******KENTUCKY******						
BECK MAR LABS	4010 DUPONT CIRCLE	LOUISVILLE	KY	40207	S	W	1 2
BOOKER ASSOC. INC.	343 WALLER AVE.	LEXINGTON	KY	40504	P	D'	1
BOWSER-MORNER TESTING LABS., INC.	P. O. BOX 636	MAYSVILLE	KY	41056	P	D'S'	
CLAY LABORATORIES	RT. 3 BOX, 11[illegible]	MANCHESTER	KY	40962	S	W O	
COMMONWEALTH TECHNOLOGY	2520 REGENCY [illegible] SUITE 104	LEXINGTON	KY	40503	P	D S	1
CUMBERLAND CHEMCIAL LAB	RT. 4, BOX 69[illegible]	WILLIAMSBURG	KY	40769	S	W O	1
DAMES AND MOORE	1015 RICHMOND [illegible]	LEXINGTON	KY	40502	P	D'S'	

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P. E. LAMOREAUX	P. O. BOX 231[illegible]	TUSCALOOSA	AL	35401	P	D'S'	1
R. E. MALLETTE	2610 3RD AVEN[illegible] S.	BIRMINGHAM	AL	35233	P	D'S'	
SCIENTIFIC SERVICES	500 WYNN DRIVE	HUNTSVILLE	AL	35805	P	D S	1
T.L. DOUGLAS	1720-3RD AVE[illegible] N.	BESSEMER	AL	35020	P	D S	1
TUSCALOOSA TEST LAB	3516 GREENSBO[illegible] ROAD	TUSCALOOSA	AL	35403	P	D S	1
	******FLORIDA******						
AGRO SERVICES INTERNATIONAL	P. O. BOX 667	ORANGE CITY	FL	32763	P	S	1
ARDAMAN & ASSOCIATES	P. O. BOX 13003	ORLANDO	FL	32809	P	D'S'	1
BREEDLOVE & ASSOCIATES	618 NW 13TH AVE.	GAINESVILLE	FL	32601	P	D	1
CH2M HILL	P.O.BOX 1647	GAINESVILLE	FL	32602	P	D S	
CLARK ENGINEERS-SCI.	7520 S.W. 57TH AVENUE	MIAMI	FL	33143	P	D	1
ENVIRONMENTAL CENTER	JACKSONVILLE UNIVERSITY	JACKSONVILLE	FL	32211	P	D'	1
ENVIRONMENTAL SCIENCE AND ENGINEERING, INC.	P.O. BOX ESE	GAINESVILLE	FL	32602	P	D S'	
FLOWERS CHEMICAL LABS	P. O. BOX 597	ALTAMNTE SPRINGS	FL	32701	P	S W	1
GREINER ENGINEERING SCIENCE	P. O. BOX 23646	TAMPA	FL	33623	P	D'S'	
HYDRO-SCIENCE RESEARCH GROUP	2928 FRANKLIN	LAKELAND	FL	33801	P	D'S'	1
JANMAL AND ASSOCIATES	P.O. BOX 339	WINTER PARK	FL	32790	P	D'	
JOYCE ENVIRONMENTAL CONSULTANTS	LIVE OAK BOULEVARD	CASSELBERRY	FL	32707	S	W	2
MISSIMER AND ASSOCIATES	1031 CAPE CORAL PARKWAY	CAPE CORAL	FL	33904	P	D'S'	
ORLANDO LABS., INC.	P. O. BOX 8008	ORLANDO	FL	32856	S	W O	1
P. E. LAMOREAUX	4313 S. FLORIDA AVENUE	LAKELAND	FL	33803	P	S W	1
PRIEDE SEDGEWICK,INC	P.O. BOX 8117	JACKSONVILLE	FL	32211	P	D'	1 3
SEABURN AND ROBERTSON	P. O. BOX 23184	TAMPA	FL	33623	P	D'S'	1

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VANDE LINDE, INC. ROBINSON & ROBINSON	1317 HANSFORD STREET	CHARLESTON	WV	25301	P	D'S'	1
VTN, INC.	100 KANAWHA BLVD., WEST, P.O. BOX 6280	CHARLESTON	WV	25302	P	D'S'	
WEST AUGUSTA COMPANY	334 RANDOLPH AVENUE, P. O. BOX 1303	ELKINS	WV	26241	P	D'S'	1
WHITLEY ENGINEERING COMPANY	910 4-TH AVE., SUITE 1001 WEST VIRGINIA BLDG.	HUNTINGTON	WV	25701	P	D'S'	1
	REGION 2						
	******ALABAMA******						
ALMON & ASSOCIATES	P. O. BOX 2687	TUSCALOOSA	AL	35401	P	D'	1
ANALYTICAL LABS	2007 WHITESBURG DRIVE	HUNTSVILLE	AL	35801	S	W O	
BIO-CHEM ANALYSIS	4940 N. MEMORIAL PARKWAY	HUNTSVILLE	AL	35810	S	W O	
C.F. HAINS HYDROLOGY	P.O. BOX 238	NORTHPORT	AL	35476	P	D'	1
ENGINEERING ANALYSIS	2109 CLINTON AVENUE, W.	HUNTSVILLE	AL	35805	P	D'S'	1
FEDERER-BHATE ASSOCIATE	5217 5TH AVENUE, SOUTH	BIRMINGHAM	AL	35212	P	D'S'	1 3
FRANK HOLLIS & ASSOCIATES	P. O. BOX 911	ONEONTA	AL	35121	P	D'	
GEOLOGIC CONSULTANTS	P.O. BOX 745	FT PAYNE	AL	35967	P	S'	
GILBERT-FOSTER-BROOKS	3500 SKYLAND BOULEVARD, EAST	TUSCALOOSA	AL	35405	S	W O	1
GUARDIAN SYSTEMS	2809 CENTRAL AVENUE	BIRMINGHAM	AL	35209	S	W	
HARMON ENGINEERING	AUBURN IND. PARK	AUBURN	AL	36830	P	D S	
HYDROSCIENCE RESEARCH GROUP, INC.	2511 BRIDGE AVENUE	NORTHPORT	AL	35476	P	S'	1
LAW ENGINEERING	3608-7TH CT. SOUTH	BIRMINGHAM	AL	35222	P	D S	
METCO LABORATORIES	514 GAULT AVENUE, N.	FT. PAYNE	AL	35967	P	D S	1
MINING SERVICES	1429 - 39TH AVENUE, E.	TUSCALOOSA	AL	35404	P	D S	

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TAMMEN & BERGENDOFF							
INDUSTRIAL LAB ANALYSIS	2240 WILLIAMSBURG FARM	GLENDALE	WV	26038	S	W O	1
JHM LABORATORIES	325 13-TH STREET	DUNBAR	WV	25064	S	W O	1
JOHNSON AND ANDERSON, INC.	1206 VIRGINIA AVE., EAST - SUITE 101	CHARLESTON	WV	25301	P	D'S	
KELLY, GIDLEY, BLAIR AND WOLFE	1260 GREENBRIER STREET	CHARLESTON	WV	25311	P	D'S'	1
MILAN/BCM ENGINEERING, INC.	1400 OHIO AVENUE	DUNBAR	WV	25064	P	D S	
MOUNTAIN STATE SURVEYING COMPANY	P. O. BOX 63	KINGWOOD	WV	26537	P	D S'	1
MOUNTAINEER TESTING LABORATORIES, *	P.O. BOX 767	LEWISBURG	WV	24901	S	W O	1
PEARLESS EAGLE COAL	P. O. BOX 488	SUMMERSVILLE	WV	26651	S	W O	
RELIANCE LABORATORIES, INC.	213 PHILADELPHIA AVENUE, E	BRIDGEPORT	WV	26330	S	W O	1
ROBINS AND ASSOCIATES	P.O. BOX 2332 1510 KANAWHA BLVD., EAST	CHARLESTON	WV	25328	P	D'S'	1
SCIENCE APPLICATIONS, INC.	SUITE 8, CHESTNUT RIDGE PROFESSIONAL BUILDING	MORGANTOWN	WV	26505	P	D'S'	
SCIENCE MANAGEMENT ENGINEERING	P. O. BOX 757	NITRO	WV	25143	P	D'S'	
SKELLY AND LOY	CHARLESTON NATIONAL PLAZA, SUITE 401	CHARLESTON	WV	25301	P	D'S'	1
STAGG ENGINEERING SERVICES, INC.	P. O. BOX 5217	CHARLESTON	WV	25311	P	D'S'	1
STANDARD LABORATORIES, INC.	3322 PENNSYLVANIA AVENUE	CHARLESTON	WV	25302	S	W O	1 2
STRUM ENVIRONMENTAL SERVICES	P.O. BOX 650	BRIDGEPORT	WV	26330	P	D S	1
TECHNICAL TESTING LABORATORIES, INC.	1263 GREENBRIER STREET	CHARLESTON	WV	25311	P	D S	1 3
TERRA/TECH. ASSOCIATES, INC.	GARDEN TOWERS BUILDING SUITE 203	KINGWOOD	WV	26537	P	D'S'	1
THE H. C. NUTTING CO.	912 MORRIS STREET	CHARLESTON	WV	25301	P	D'S'	
TRA-DET, INC., LABORATORIES	WHEELING-OHIO COUNTY AIRPORT	WHEELING	WV	26003	P	D S	1
UTD CORPORATION	BEVERLY PIKE, ROUTE 3, BOX 260	ELKINS	WV	26241	P	D S'	1

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UNDERGROUND TECHNOLOGY DEVELOPMENT CORPORATION	8425 FRYE ROAD	ALEXANDRIA	VA	22309	P	D S*	1
VERSAR, INC.	6621 ELECTRONIC DRIVE	SPRINGFIELD	VA	22151	S	W O	1
WATER TESTING, INC.	P. O. BOX 979	WISE	VA	24293	S	W	1
	******WEST VIRGINIA******						
BERGER ASSOCIATES	1204 KANAWHA BLVD., EAST	CHARLESTON	WV	25301	P	D*S*	1
BERNARD G. SAMPSON COMPANY, INC.	P.O. BOX 368, 220 VIRGINIA STREET	FAIRMONT	WV	26554	P	D*S*	1
BLACK ROCK TEST LABORATORIES	P.O. BOX 5, EASTGATE PLAZA	MORGANTOWN	WV	26505	S	W O	1
BRACKENRICH AND ASSOCIATES	P. O. BOX 207	LEWISBURG	WV	24901	P	D S	1
BURGESS AND NIPLE, LIMITED	400 BERRY'S RUN ROAD	PARKERSBURG	WV	26101	P	D*S*	
COMMERCIAL TESTING & ENG. CO.	5793 MACCORKLE AVE., S.E. - P.O. BOX 808	CHARLESTON	WV	25323	S	W O	
DESCOALS, INC.	P. O. BOX 789	ELKINS	WV	26241	P	D*S*	1
DUNLAP SURVEYING, INC.	BOX 148	SUMMERSVILLE	WV	26651	P	D*S*	1
ENVIRONMENTAL EXPLORATION	165 SCOTT AVE., SUITE 104	MORGANTOWN	WV	26505	P	D*S*	1
ENVIRONMENTAL QUAITY CONTROL LABORATORIES & CONSULTING SVCS	P.O. BOX 1168	CRAB ORACHARD	WV	25827	S	W O	1
ESMER AND ASSOCIATES, INC.	P. O. BOX 397	BOOMER	WV	25031	P	D S	1 3
GEO CONSULTANTS, INC.	227 WASHINGTON AVENUE 3D SCHROATH BUILDING	CLARKSBURG	WV	26301	P	D*S*	1
GEOLOGICAL SERVICES, INC.	910 4-TH AVE, SUITE 1005 WEST VIRGINIA BLDG.	HUNTINGTON	WV	25701	P	D*S*	1
GREENHORNE AND O'MARA, INC.	604 S. OAKWOOD AVENUE	BECKLEY	WV	25801	P	D*S*	1
HANNAH AND ASSOCIATES, INC.	P.O. BOX 2058	ELKINS	WV	26241	P	D*S*	1
HARRAH ENGINEERING	P. O. BOX 309	SUMMERSVILLE	WV	26651	P	D*S*	1
HOWARD, NEEDLES,	1120 KANAWHA BLVD., E.	CHARLESTON	WV	25301	P	D*S*	

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******VIRGINIA******							
APPALACHIAN ANALYTICAL. & WATER QUALITY LAB., INC.	391 SINKING CREEK ROAD	BRISTOL	VA	24201	S	W	1
CENTEC ANALYTICAL SVCS., INC.	P. O. BOX 956, 2160 INDUSTRIAL DRIVE	SALEM	VA	24153	S	W O	1
DEWBERRY, NEALON AND DAVIS	626 SOUTH MAIN STREET	MARION	VA	24354	P	D'S'	
ENGINEERING SCIENCE	7903 WESTPARK DRIVE	MCLEAN	VA	22102	P	D'S'	
ENVIRONMENTAL TECHNICAL SERVICES	204 MAIN STREET, P. O. BOX 689	WISE	VA	24293	S	W O	1
FOUNDATION ENGINEERING OF VIRGINIA, P.C.	106 FEATHERBED LANE	WINCHESTER	VA	22601	P	S	1
FROEHLING AND ROBERTSON, INC.	3015 DUMBARTON ROAD P.O.BOX 27524	RICHMOND	VA	23261	P	D S	1
HAYES, SEAY, MATTERN AND MATTERN	1351 FRANKLIN ROAD, S.W.	ROANOKE	VA	24016	P	D'S'	1
LEE LABORATORY	P. O. BOX 588	JONESVILLE	VA	24263	S	W	1 2
OLVER,INC	1531 N. MAIN STREET	BLACKSBURG	VA	24060	P	D S	1
PARAMONT MINING CORPORATION	P. O. BOX 800	WISE	VA	24293	S	W O	
PATTON, HARRIS, RUST & GUY	100 S. MAIN STREET	BRIDGEWATER	VA	22812	P	D'S'	
PATTON, HARRIS, RUST & GUY	100 S. MAIN STREET	BRIDGEWATER	VA	22812	P	D'S'	
POWELL VALLEY ENGINEERING	P. O. BOX 595	PENNINGTON GAP	VA	24277	P	D'S'	1
QUALITY TESTING, INC.	P. O. BOX 931	GRUNDY	VA	24614	S	W O	1
QUILLEN AND GILLENWATER	P. O. BOX 607	GATE CITY	VA	24251	P	D'S'	1
RESOURCE APPLICATIONS, INC.	226 MAPLE AVE.,WEST,SUITE 401	VIENNA	VA	22180	P	D'S'	1 3
STEARNS, CONRAD AND SCHMIDT	11800 SUNRISE VALLEY DRIVE, SUITE 432	RESTON	VA	22091	P	D'S'	1
THOMPSON AND LITTON, INC.	P. O. BOX 1307	WISE	VA	24293	P	D'S'	1
TRIANGLE RESEARCH, INC.	P. O. BOX 886	GRUNDY	VA	24614	S	W	1

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MAHAFFEY LABORATORY	P. O. BOX 28, BANNER RIDGE ROAD	MAHAFFEY	PA	15757	S	W	1
MEISER AND EARL, HYDROGEOLOGISTS	1512 WEST COLLEGE AVENUE	STATE COLLEGE	PA	16801	P	D'S'	1
MICHAEL BAKER, JR., INC.	301 DUTCH RIDGE ROAD, P. O. BOX 280	BEAVER	PA	15009	P	D S'	
MOODY AND ASSOCIATES, INC.	R.D. #4, COTTON ROAD	MEADVILLE	PA	16335	P	D'S'	1
MRM COMPANY ENGINEERING	918 PARK AVENUE	PITTSBURGH	PA	15234	P	D'S'	1 3 4
NUS CORPORATION	MANOR OAK TWO, 1910 COCHRAN ROAD	PITTSBURGH	PA	15220	P	D S	
OMNI CONSULTANTS, INC.	418 LAFAYETTE BUILDING	PHILADELPHIA	PA	19106	P	D'S'	
PENN ENVIRONMENTAL CONSULTANTS, INC.	FORT PITT PROF. BLDG., 1517 WOODRUFF ROAD	PITTSBURGH	PA	15220	P	D S	1
PENN-LAUREL COMPANY	R.D. #1, ROUTE 30	CENTRAL CITY	PA	15926	P	D'S'	1
REGINALD B. ADAMS LABORATORY	618 SWISSDALE AVENUE	PITTSBURGH	PA	15221	S	W	1
ROBINS AND ASSOCIATES	P.O. BOX 170	MECHANICSBURG	PA	17055	P	D'S'	1
SCIENCE MANAGEMENT ENGINEERING	900 WEST VALLEY FORGE ROAD, P. O. BOX 190	KING OF PRUSSIA	PA	19406	P	D S	
SEWALD LABORATORIES	1403 WEST FOURTH STREET	WILLIAMSPORT	PA	17701	S	W	1
SKELLY AND LOY	2601 NORTH FRONT STREET	HARRISBURG	PA	17110	P	D S	1
SRW ASSOCIATES, INC.	630 IDLEWOOD AVENUE	CARNEGIE	PA	15106	P	D'S'	1
STEWART LABS	R.D. #1	STRATTANVILLE	PA	16258	S	W O	1 2
TALLAMY, VAN KUREN, GERTIS AND THIELMAN	LEGISLATIVE ROUTE 17065	LANSE	PA	16849	P	D'S'	1
THE CHESTER ENGINEERS	845 FOURTH AVENUE	CORAOPOLIS	PA	15108	P	D S	
VAPCO ENGINEERING CO., INC.	99 NORTH GILPIN STREET	PUNXSUTAWNEY	PA	15767	P	D'S'	1
VEP ASSOCIATES, INC.	543 BELMONT AVENUE, ROUTE 611	MT. POCONO	PA	18344	P	D'S'	1
WAPORA, INC.	511 OLD LANCASTER ROAD	BERWYN	PA	19312	P	D S	
Z & M LABORATORIES, INC.	R.D. #1, ROUTE 30	CENTRAL CITY	PA	15926	S	W	1

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
BERGER ASSOCIATES	P.O. BOX 1943	HARRISBURG	PA	17105	P	D'S'	1
BROCKWAY ANALYTICAL LABORATORIES	R.D. #2 - BOX 840	BROCKWAY	PA	15824	S	W O	1
CENTRAL ENVIRONMENTAL SERVICES	12 WATER STREET	CLEARFIELD	PA	15230	S	W	1
D'APPOLONIA	10 DUFF ROAD	PITTSBURGH	PA	15235	P	D S	
ENERGY IMPACT ASSOCIATES	P. O. BOX 1899	PITTSBURGH	PA	15230	P	D'S'	1
FAIRWAY LABORATORIES, INC.	2900 FAIRWAY DRIVE, P.O. BOX 1925	ALTOONA	PA	16603	S	W	1
FAYETTE ENGINEERING COMPANY	103 S. MAIN STREET	UNIONTOWN	PA	15401	P	D'S'	1
FREE-COL DIVISION OF FREEPORT BRICK COMPANY	P. O. BOX 557, COTTON ROAD	MEADVILLE	PA	16335	S	W O	1
G & C COAL ANALYTICAL LABORATORY	RD #1	SUMMERVILLE	PA	15864	S	O	1
GAI CONSULTANTS, INC.	570 BEATTY ROAD	MONROEVILLE	PA	15146	P	D'S'	1
GANNETT FLEMING CORDDRY AND CARPENTER, INC.	P. O. BOX 1963	HARRISBURG	PA	17105	P	D S	
GARBART ENGINEERING COMPANY	R.D. #1, BOX 340	LEMONT FURNACE	PA	15456	P	D S'	1
GENERAL ENGINEERING	P. O. BOX 311, GREENVILLE AVENUE EXTENDED	CLARION	PA	16214	P	D'S'	1
GEO-TECHNICAL SERVICES	851 SOUTH 19TH STREET	HARRISBURG	PA	17104	P	D'S'	1 3
GEOMEGA, INC.	P. O. BOX 13127	PITTSBURGH	PA	15243	P	D'S'	1 3
GILBERT/COMMONWEALTH	P. O. BOX 1498	READING	PA	19603	P	D S	
GREEN INTERNATIONAL	504 BEAVER STREET	SEWICKLEY	PA	15143	P	D S	1
INDIANA-ANALYTICAL LABORATORIES, INC.	P. O. BOX 87	SHELOCTA	PA	15774	P	D S	1
JOHN T. BOYD COMPANY	400 OLIVER BUILDING	PITTSBURGH	PA	15222	S	W	1
L. ROBERT KIMBLE AND ASSOCIATES	615 W. HIGHLAND AVENUE	EDENSBURG	PA	15931	P	D S	
LANCASTER LABORATORIES, INC.	2425 NEW HOLLAND PIKE	LANCASTER	PA	17601	S	W	1
LEE-SIMPSON	DEPOSIT NATIONAL BANK	DUBOIS	PA	15801	P	D S'	1

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
REGION 1							
******DISTRICT OF COLUMBIA******							
HOWARD UNIVERSITY, DEPT. OF CIVIL ENGINEERING	2400 6TH STREET, N.W.	WASHINGTON	DC	20059	S	W O	3
******MARYLAND******							
GREENHORNE AND O'MARA, INC.	6715 KENILWORTH AVENUE	RIVERDALE	MD	20840	P	D'S'	1
HITTMAN ASSOCIATES	9190 RED BRANCH ROAD	COLUMBIA	MD	21045	P	D S'	
NUS CORPORATION	4 RESEARCH DRIVE	ROCKVILLE	MD	20850	P	D S'	
PEER CONSULTANT	1160 ROCKVILLE PIKE, SUITE 101	ROCKVILLE	MD	20852	P	D'S'	1 2 3 4
PENNIMAN & BROWNE, INC.	6252 FALLS ROAD	BALTIMORE	MD	21209	S	O	1
******NEW JERSEY******							
ERTEC ATLANTIC, INC.	15 CAMPUS DRIVE, SUITE 100	SOMERSET	NJ	08873	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	1425 BROAD STREET	CLIFTON	NJ	07012	P	D'S'	
******PENNSYLVANIA******							
AACKENHEIL AND ASSOCIATES GEO SYSTEMS, INC.	1000 BANKSVILLE ROAD	PITTSBURGH	PA	15216	P	D S	1
ALCHEMIS	AIRPORT ROAD, COMMERCIAL PARK, 4626 PARK DRIVE	BATH	PA	18014	S	W O	1
ANDREW S. MCCREATH AND SON, INC.	610 WILLOW STREET, P. O. BOX 1453	HARRISBURG	PA	17105	S	W O	
ATEC ASSOCIATES	75 ACCO DRIVE	YORK	PA	17402	P	D'S'	1
BASIC TECHNOLOGY CORPORATION	7125 SALTSBURG ROAD	PITTSBURGH	PA	15235	P	D'S'	1
BCM-BETZ-CONVERSE-MURDOCH, INC.	ONE PLYMOUTH MEETING MALL	PLYMOUTH MEETING	PA	19462	P	D S	

[FR Doc. 81-18098 Filed 6-23-81; 8:45 am]
BILLING CODE 4310-05-C

federal register

Wednesday
June 24, 1981

Part IV

Department of Education

National Institute of Handicapped Research; Closing Date for Transmittal of Fiscal Year 1981 Applications

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Closing Date for Transmittal of Fiscal Year 1981 Applications

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Fiscal Year 1981 Applications.

Applications are invited for new projects under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204 of the Rehabilitation Act of 1973, as amended, by Public Law 95-602.

Under this program awards are issued to public and private agencies and organizations, including institutions of higher education.

The purpose of the awards is planning and conducting research, demonstration and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by August 10, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* 84.133, Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with his local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these priorities and selection criteria, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

Waiver of Proposed Rulemaking Procedures: In view of the limited time remaining in this fiscal year for applicants to prepare and submit their applications and for selection of grantees, the Secretary has determined under 5 U.S.C. 553 that public comment on the priorities in this notice would be impracticable and contrary to the public interest.

Program Information: During fiscal year 1981 the National Institute of Handicapped Research expects to fund research projects that address each of the following project or center concepts. These concepts were developed by the Institute during its long-range planning process and are designed to respond to identified unmet national needs in rehabilitation research. Each project or center concept constitutes a research priority for fiscal year 1981. Funds have been set aside and earmarked to enable the awarding of at least one grant in each prioritized research area.

Project and center concepts are grouped in this Notice by research program. Proposals are being solicited under three separate programs. The selection criteria to be used this fiscal year for evaluating proposals under each of the programs is contained in Appendix A of this Notice. The selection criteria have been revised on the basis of comments received on proposed selection criteria pubished in the **Federal Register** on December 30, 1980. (45 FR 86317).

I. Handicapped Research: Rehabilitation Research and Training Centers (34 CFR Part 352)

1. *Rehabilitation Research and Training Center for the Deaf and Hearing Impaired.* To establish a Research and Training Center to conduct a program of rehabilitation research that focuses on the physical, psychological, social, vocational and personal adjustment problems resulting from deafness/impaired hearing and to disseminate and promote the use of these research findings through training.

One Center will be funded for one to five years ranging from $150,000 to $350,000 each year. (See Section 204(b)(1) of the Act).

2. *Blindness and Low Vision Research and Training Center (RTC).* To establish a Research and Training Center to conduct a program of rehabilitation research that focuses on the physical, psychological, social, vocational and personal adjustment problems resulting from blindness/visual impairment and to disseminate and promote the use of research findings through training.

One Center will be funded ranging from $150,000 to $350,000 each year for a maximum of five years. (See Section 204(b)(1) of the Act).

II. Handicapped Research: Rehabilitation Engineering Program (34 CFR Part 353)

1. *Rehabilitation Engineering Center for the Deaf and Hearing Impaired.* To establish a Rehabilitation Engineering Center to develop innovative methods and techniques for applying existing and emerging technology and psychological, social and vocational knowledge to solve rehabilitation problems of the deaf and hearing impaired. Research is to be conducted also to produce new knowledge, equipment, devices and systems needed by deaf and hearing impaired persons of any age.

One Center will be funded for one to five years ranging from $150,000 to $350,000 per year. (See Section 204(b)(2) of the Act).

2. *Prosthetics/Orthotics Program.* To undertake research in areas that address the unmet needs of prosthetics and orthotics.

One or two projects will be funded for one to three years ranging from $150,000 to $350,000 each year per project. (See Section 204(a) of the Act).

III. Handicapped Research: Knowledge Dissemination and Utilization Program (34 CFR Part 355)

1. *Utilization of Program Innovations and Information from International Rehabilitation.* To establish programs

for the exchange of information and experts between the United States and other nations for the purpose of sharing knowledge and methods about the rehabilitation of handicapped individuals.

One project will be funded for one to three years ranging from $150,000 to $250,000 each year. (See Section 204(a) of the Act).

Available Funds: The funding level for the National Institute of Handicapped Research is expected to be approximately $29,750,000 for fiscal year 1981. Approximately $750,000 is available for support of new projects during fiscal year 1981.

Application Forms. When requesting application forms, please indicate for which priority you are applying. Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, S.W., Washington, D.C. 20202. (Attention: Peer Review Unit); 202–472–6551.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations. Regulations governing the program include the following:

(1) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77); and

(2) Regulations governing the National Institute of Handicapped Research (34 CFR Parts 350, 351, 352, 353, 354, 355, and 356) were published in proposed form on December 30, 1980 (45 FR 86317). When the regulations are published as final regulations and become effective, they will govern grants under the program. If changes that relate to the preparation of applications for fiscal year 1981 are made in final regulations governing this program, the Secretary may extend the closing date to permit applicants to amend their applications.

Applicants for fiscal year 1981 grants should base their applications on the priorities set forth in this Notice, the selection criteria contained in Appendix A of this Notice, and EDGAR.

FURTHER INFORMATION: For further information contact Ms. Deborah Linzer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: 202–472–6551.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: June 18, 1981.

T. H. Bell,

Secretary of Education.

Appendix A—Selection Criteria

Proposed selection criteria for programs in the National Institute of Handicapped Research were published in the **Federal Register** on December 30, 1980 (45 FR 86317) with a closing date of March 2, 1981 for receipt of comments. Comments have been analyzed (see Appendix B of this Notice of Closing Date) and changes made as follows for Fiscal Year 1981 only. At a later date this fiscal year, final regulations including revised selection criteria for Fiscal Year 1982 and succeeding years will be published in the **Federal Register.**

What selection criteria does the Secretary use in reviewing grant applications in Fiscal Year 1981?

(a) For an application that is to be funded under the Rehabilitation Engineering Program (34 CFR Part 353), during Fiscal Year 1981 only, the following selection criteria will be used:

(1) *Project or center concept* (10 points).

(i) The Secretary reviews each application for information that shows that the proposed project will address the prescribed project or center concept.

(ii) The Secretary looks for information that shows—

(A) An adequate review of the literature showing what research has already been conducted in areas related to the project or center concept. (5 of the 10 points);

(B) How well the applicant has utilized this knowledge of previous related research and the project or center concept as bases for conducting the proposed research (5 of the 10 points).

(2) *Research design* (35 points).

(i) The Secretary reviews each application for information that shows the quality of the research design of the project or center.

(ii) The Secretary looks for information that shows—

(A) Clearness and achievability of the project objectives (10 of the 35 points);

(B) Soundness of the procedures to be utilized in achieving each objective (5 of the 35 points);

(C) Precise definitions of terms where necessary (5 of the 35 points);

(D) Description of subject population and appropriateness of sample size (5 of the 35 points);

(E) Appropriateness of statistical methods and other instruments to be used (5 of the 35 points); and

(F) Adequacy of proposed data analysis and basis for the conclusions reached (5 of the 35 points).

(3) *Plan of operation* (15 points).

(i) The Secretary reviews each application for information that shows the quality of the plan of operation for the project or center.

(ii) The Secretary looks for information that shows—

(A) High quality in the operational design of the project or center (3 of the 15 points);

(B) An effective plan of management that insures proper and efficient administration of the project or center (3 of the 15 points);

(C) A clear description of how the objectives of the project or center relate to the purpose of the program (3 of the 15 points);

(D) The way the applicant plans to use its resources and personnel to achieve each objective (3 of the 15 points);

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Handicapped persons;

(*2*) The elderly;

(*3*) Women; and

(*4*) Members of racial or ethnic minority groups (3 of the 15 points).

(4) *Evaluation plan* (5 points).

(i) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project or center.

(ii) The Secretary looks for information that shows methods of evaluation that are appropriate for the project or center, and, to the extent possible, are objective, and produce data that are quantifiable.

(5) *Quality of key personnel* (10 points).

(i) The Secretary reviews each application for information that shows the quality of key personnel proposed for the project or center.

(ii) The Secretary looks for information that shows—

(A) The qualifications of the project or center director;

(B) The qualifications of each of the other key personnel to be used in the project or center;

(C) The time that each person referred to in paragraphs (A) and (B) of this section will commit to the project or center; and

(D) The extent to which the applicant as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented such as—

(*1*) Handicapped persons;

(*2*) The elderly;

(*3*) Women; and

(*4*) Members of racial or ethnic minority groups.

(iii) To determine personnel qualifications, the Secretary considers the experience and training, in fields related to the objectives of the project or center, as well as other information that the applicant provides.

(6) *Adequacy of resources* (10 points).

(i) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project or center;

(ii) The Secretary looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(7) *Research utilization plan* (10 points).

(i) The Secretary reviews each application for information that shows the quality of the research utilization plan.

(ii) The Secretary looks for information that shows—

(A) What would be delivered to the Department, including the format in which results, findings, products or outcomes will be presented;

(B) How research results may be applied and the costs of its application;

(C) The expected effect of using project or center findings;

(D) The possible limitations of the findings and any other factors that might promote or inhibit its use; and

(E) The degree of effort needed and the means necessary to promote use of the findings.

(8) *Budget and cost effectiveness* (5 points).

(i) The Secretary reviews each application for information that shows that the project or center has an adequate budget and is cost effective.

(ii) The Secretary looks for information that shows—

(A) The budget for the project or center is adequate to support the project or center activities; and

(B) Costs are reasonable in relation to the objectives of the project or center.

(The Secretary awards up to 100 possible points under these criteria.)

Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

(b) For an application that is to be funded under the Research and Training Center Program (34 CFR Part 352), during fiscal year 1981 only, the following selection criteria will be used:

(1) *Center concept* (10 points). See criterion (a)(1).

(2) *Program of the center* (30 points).

(i) The Secretary reviews each application for information that shows the qulity of the proposed center program.

(ii) The Secretary looks for information that shows—

(A) The degree to which the research and training program will be organized around a group of related research core areas that contribute to the mission of the center and which meet the needs of the target populations served by the center;

(B) The scientific soundness of the center's methodological approach to conducting the research;

(C) The degree to which research results will be assessed in a service setting;

(D) The degree to which research results will be disseminated through an effective training program; and

(E) The degree to which the center will promote the utilization of new knowledge, technology and devices.

(3) *Plan of operation* (15 points). See criterion (a)(3).

(4) *Evaluation plan* (10 points). See criterion (a)(4).

(5) *Quality of key personnel* (10 points). See criterion (a)(5).

(6) *Adequacy of resources* (10 points). See criterion (a)(6).

(7) *Budget and cost effectiveness* (10 points). See criterion (a)(8).

(8) *Adequacy of the advisory council* (5 points).

(i) The Secretary reviews each application for information that shows the adequacy of its proposed advisory council.

(ii) The Secretary looks for information that shows—

(A) The degree to which the operation of the advisory council is an integral part of the center's organizational structure;

(B) The degree to which the proposed membership of the council includes representatives from rehabilitation-related public and voluntary agencies, labor, industry, consumers, regional offices of RSA (and other appropriate agencies) and State rehabilitation agencies; and

(C) The degree to which the council members can assist in identifying research and training priorities and communicating to their constituencies the concepts and techniques developed in the center's research and training activities.

(The Secretary awards up to 100 possible points under these criteria.)

(Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

(c) For an application that is to be funded under the Knowledge Dissemination and Utilization Program (34 CFR Part 355) during Fiscal Year 1981 only, the following selection criteria will be used:

(1) *Project concept* (10 points). See criterion (a)(1).

(2) *Project design* (40 points).

(i) The Secretary reviews each application for information that shows the quality of the project design.

(ii) The Secretary looks for information that shows—

(A) Description of linkage system to prospective target populations (10 of the 40 points);

(B) Need assessment procedures (10 of the 40 points);

(C) That rehabilitation knowledge or devices will be adapted or modified to facilitate greater understanding and use by the rehabilitation community (10 of the 40 points); and

(D) Procedures for disseminating the rehabilitation knowledge or devices referred to in paragraph (C) (10 of the 40 points).

(3) *Plan of operation* (15 points). See criterion (a)(3).

(4) *Evaluation plan* (15 points). See criterion (a)(4).

(5) *Quality of key personnel* (10 points). See criterion (a)(5).

(6) *Adequacy of resources* (5 points). See criterion (a)(6).

(7) *Budget and cost effectiveness* (5 points). See criterion (a)(8).

(The Secretary awards up to 100 possible points under these criteria.)

(Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

Appendix B—Analysis of Comments on Proposed Selection Criteria Published in the Federal Register on December 30, 1980 (45 FR 86317)

(a) Rehabilitation Engineering Program Selection Criteria (proposed 34 CFR 353.31; see also proposed 34 CFR 350.36 where the criteria are described in detail).

§ 350.36(a) *Project concept or national need.*

Comment. Several comments from Research and Training Centers and from two professional associations within the rehabilitation field suggested that the criterion "literature review" should be combined with this criterion because an

assessment of existing research in the project area is an essential first task in developing a sound scientific proposal.

Response. This comment has been accepted. The requirement for a literature review has therefore been combined with the first criterion which has been retitled "Project or Center Concept." This revised criterion emphasizes the applicant's understanding and use of previous related research and the project or center concept as bases for conducting the proposed research. This criterion has been adopted for both programs under which proposals are being solicited this fiscal year: Rehabilitation Engineering and Rehabilitation Research and Training Centers.

§ 350.36(b) *Research design.*

Comment. One commenter, a representative of a research committee from a professional association in the rehabilitation field suggested the addition of the world "methods" after the word "statistical" in § 350.36(b)(2)(v) and the addition of the word "proposed" before the word "data" in § 350.36(b)(2)(vi).

Response. These suggestions have been accepted because the additions help to clarify and sharpen the regulations.

Comment. This same commenter and one from another association suggested a lower weight for the criterion "research design."

Response. Although the same score of 35 points has been retained for the "research design" criterion because of its overall importance, there has been some adjustment in the point scores for other criteria. For example, there is now a lower score for the criterion "evaluation plan" (from 10 to 5 points), but a higher score for the criterion "adequacy of resources" (from 5 to 10 points).

§ 350.36(c) *Plan of operation.*

§ 350.36(d) *Evaluation plan.*

Comment. One commenter, who is a research scientist, suggested there is some duplication between these criteria and was somewhat unhappy with both.

Response. Previous rulemaking (34 CFR 75.202–206, Education Department General Administrative Regulations) established these two criteria, among others, as essential elements in any selection criteria used by programs within this Department. Therefore no change can be made. The Department believes, however, that these two criteria are not duplicative and are essential elements to be considered in the grant making process.

§ 350.36(g) *Research utilization plan.*

Comment. One commenter, a research utilization specialist, suggested combining the first two elements of this criterion (what will be delivered, and format of delivery) and adding other elements that address important concerns such as the application and costs of application of reasearch findings and the expected effect and possible limits of utilization.

Response. This comment has been accepted. The result is an expanded clearer criterion that offers more helpful guidance to applicants and emphasizes practical applications of any research to be conducted.

Comment. Two commenters from Research and Training Centers suggested that the selection criteria for the Rehabilitation Engineering Program should be the same as for the Rehabilitation Research and Training Center Program.

Response. Because the Rehabilitation Engineering Program (which contains all the technology research of the Institute) has both projects and centers and both are highly technology oriented, it is felt the criterion of "research design" is much more appropriate to the program than the criterion "program of the center." Therefore the suggestions could not be accepted.

(b) *Research and Training Center Program Selection Criteria* (proposed 34 CFR 352.31; see also proposed 34 CFR 350.36 where the criteria are described in detail).

Comment. A number of commenters suggested that because of the distinct nature, organization, and methods of research of a Research and Training Center (RTC), selection criteria for this program must be different from that of the other research programs.

Response. This comment has been accepted. Two new criteria have been developed that are unique to the Research and Training Center program: "program of the center," which replaces "research design," and "adequacy of the advisory council." These criteria will be discussed in more detail in this Appendix.

§ 350.36(b) *Research design.*

Comment. Several commenters suggested that this criterion was inappropriate for evaluation of a proposal to fund a Research and Training Center and that it be replaced by a criterion entitled "program of the center." This criterion would consist of such elements as the degree to which the center's program is based on a group of related research core areas that contribute to the goals of the center and that serve the needs of the affected target population; the soundness of the center's methodological approach to conducting its research; and the degree to which research results will be assessed in a service setting.

Response. This comment was accepted. The new selection criterion "program of the center" contains all of the elements suggested by the commenters.

§ 350.36(g) *Research utilization plan.*

Comment. Three commenters requested that this criterion be eliminated and its elements subsumed within the criterion "program of the center."

Response. This comment was accepted. Those aspects of research utilization that relate to dissemination and promoting the use of research results are now contained in the newly developed criterion "program of the center."

Comment. Several commenters asked that an additional criterion be developed for Research and Training Centers that requires each center to have an advisory council and that assesses the adequacy of that council in terms of broad-based membership and its ability to provide linkages with the rehabilitation community. It was pointed out that for many years this program has required each Research and Training Center to have an advisory council in order to assist in identifying research and training priorities and in communicating the research findings that result from the center's activities.

Response. These comments have been accepted. A new criterion entitled "adequacy of the advisory council" has been developed which fully reflects the concerns of the commenters.

(c) *Knowledge Dissemination and Utilization Program Selection Criteria* (proposed 34 CFR 355.31; see also proposed 34 CFR 350.36 where some of the criteria are described in more detail).

Comment. Two commenters suggested that different point scores be assigned to the various selection criteria in this program.

Response. This comment was not accepted. Although careful consideration was given to adjusting points for the various criteria, the Department believes the weights assigned in the proposed regulations best reflect the relative importance of each criterion.

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Wednesday, June 24, 1981

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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). 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/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of June 28 through July 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30645 6-10-81 / Classification of dipped seedless, and oleate and related seedless, raisins as separate varietal types; comments by 6-30-81

Animal and Plant Health Inspection Service—

23914 4-29-81 / Gypsy moth regulated areas; comments by 6-29-81

24930 5-4-81 / Procedures for importation of a single shipment of water buffalo from Trinidad into the U.S. through the Harry S. Truman Animal Import Center; (final rule); comments by 7-1-81

23754 4-28-81 / Texas (splenetic) fever in cattle; comments by 6-29-81

Food and Nutrition Service—

64068 9-26-81 / School lunch program and State administrative expense funds; assessment, improvement, and monitoring system; comments by 6-30-81

Food Safety and Quality Service—

23751 4-28-81 / Standards for grades of Gladiolus Corms (bulbs); comments by 6-29-81

[Corrected at 46 FR 26787, 5-15-81]

CIVIL AERONAUTICS BOARD

21185 4-9-81 / Air carriers; amendment of fuel cost and consumption reporting provisions; reply comments by 6-29-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27501 5-28-81 / Availability of draft technical support document for environmental requirements for licensing ocean thermal energy conversion facilities and plantships; comments by 6-30-81

23924 4-29-81 / Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; partial suspension of regulations; comments by 6-30-81

COMMODITY FUTURES TRADING COMMISSION

23941 4-29-81 / Proposed definitions of "small entities" for purposes of the Regulatory Flexibility Act; comments by 6-29-81

DEFENSE DEPARTMENT

Defense Investigative Service—

29486 6-2-81 / Privacy Act; implementation; comments by 7-2-81

ENVIRONMENTAL PROTECTION AGENCY

29289 6-1-81 / Approval and promulgation of implementation plans; Mass.; comments by 7-1-81

29291 6-1-81 / Designation of areas for air quality planning purposes; attainment status designations; Wisc.; comments by 7-1-81

27314 5-18-81 / Grants for construction of treatment works; comments by 7-2-81

28871 5-29-81 / Proposed revision of the Maryland State Implementation Plan; comments by 6-29-81

28872 5-29-81 / State of Texas; ozone attainment designation for McLennan County; comments by 6-29-81

FEDERAL COMMUNICATIONS COMMISSION

27506 5-20-81 / Digital communications protocols; reply comments period extended to 7-1-81

[*See also* 45 FR 84140, 12-8-80]

30372 6-8-81 / FM broadcast stations in Beaumont, Lake Jackson and Port Lavaca, Texas; reply comments extended to 7-1-81

[*See also* 46 FR 22008, 4-15-80]

23498 4-27-81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; reply comments by 6-29-81

26513 5-13-81 / FM broadcast station in Coxsackie, N.Y., proposed changes in table of assignments; comments by 6-30-81

26509 5-13-81 / FM broadcast station in Delta, Colo., proposed changes in table of assignments; comments by 6-30-81

23496 4-27-81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; reply comments by 6-29-81

31029 6-12-81 / FM broadcast station in Lockhart, Tex.; reply comments extended to 7-1-81

[Originally published at 46 FR 22770, 4-21-81]

23497 4-27-81 / FM broadcast station in Milan, Georgia; changes in table of assignments; reply comments by 6-29-81

26514 5-13-81 / FM broadcast station in Minot, N. Dak.; proposed changes in table of assignments; comments by 6-30-81

26511 5-13-81 / FM broadcast station in Sandpoint, Idaho; proposed changes in table of assignments; comments by 6-30-81

23774 4-28-81 / FM broadcast station; Weed, Colo.; proposed change in table of assignments; reply comments by 6-29-81

30124 6-5-81 / Inquiry into the development of regulatory policy in regard to Interim Direct Broadcast Satellite Service; comments by 7-1-81

23956 4-29-81 / Inquiry relating to preparations for 1983 Region 2 Administrative Radio Conference on Broadcasting—Satellite Service and inquiry into the development of regulatory policy with regard to direct broadcast satellites; reply comments by 6-30-81

21397 4-10-81 / Radio service; sharing of certain frequencies by the Forest Products Radio Service; reply comments by 6-29-81

FEDERAL DEPOSIT INSURANCE CORPORATION

28660 5-28-81 / NOW account eligibility; comments by 6-29-81

GENERAL ACCOUNTING OFFICE

23939 4-29-81 / Collecting debts by offset; comments by 6-29-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

23766 4-28-81 / Menstrual tampons; user labeling; comments by 6-29-81

[Originally published at 45 FR 69840, 10-21-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

24607 5-1-81 / American alligators in Louisiana; change in legal status as an endangered or threatened species; comments by 6-30-81

28881 5-29-81 / Deletion of the permit requirement to import or export migratory birds; comments by 6-29-81

28192 5-26-81 / Export of American alligator and American ginseng taken in 1981-82 season; comments by 7-1-81

14652 2-27-81 / Wildlife classified as endangered or threatened in 1975 and 1976; review; comments by 6-29-81

Geological Survey—

26661 5-14-81 / Proposed revision and updating of provisions for formation and operation of Federal oil and gas units; comments by 6-29-81

National Park Service—

28846 5-29-81 / Glacier Bay small boat entry level; effective date; comments by 6-30-81

INTERSTATE COMMERCE COMMISSION

30156 6-5-81 / Standards for determining commuter rail service; continuation subsidies; comments by 7-3-81

JUSTICE DEPARTMENT

23939 4-29-81 / Collecting debts by offset; comments by 6-29-81

Drug Enforcement Administration—

23953 4-29-81 / Schedules of controlled substances; proposed placement of halazepam, alprazolam and triazolam into Schedule IV; comments by 6-29-81

LABOR DEPARTMENT

Employment Standards Administration—

29485 6-2-81 / Employment of homeworkers in certain industries; comments extended to 7-4-81

[Originally published at 46 FR 25108, 5-5-81]

12213 2-13-81 / Labor standards for Registration of Apprenticeship program; list of occupations meeting criteria; comments by 6-30-81

[Originally published at 45 FR 15571, 3-11-80]

Occupational Safety and Health Administration—

21368 4-10-81 / Conveyor standards; comment period extended to 6-30-81

[*See also* 39 FR 19507, 6-3-74; 45 FR 75238, 11-14-80; 46 FR 39116, 1-16-81; and 46 FR 25653, 5-8-81]

National Credit Union Administration—

29248 6-1-81 / Regulatory development; policy statement; comments by 7-1-81

NUCLEAR REGULATORY COMMISSION

30349 6-8-81 / Rules of practice for domestic licensing proceedings; modifications to the NRC hearing process; comments by 6-29-81

POSTAL SERVICE

35 1-2-81 / Third-class carrier route presort; comments extended to 7-1-81

[Originally published at 45 FR 79804, 12-2-80; corrected at 45 FR 81563, 12-11-80]

SECURITIES AND EXCHANGE COMMISSION

23942 4-29-81 / Regulatory flexibility agenda for purposes of the Regulatory Flexibility Act; comments by 6-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

26661 5-14-81 / Amendment of inland navigation rules on certificates of alternative compliance; comments by 6-29-81

27128 5-18-81 / Exemption from barge lighting requirements; Cumberland River; comments by 7-2-81

Office of the Secretary—

23500 4-27-81 / Relocation of boundary between eastern and central time in State of Indiana in order to move Starke County from central to eastern time; comments by 6-30-81

TREASURY DEPARTMENT

Customs Service—

23952 4-29-81 / Illegal discharge of oil and the pollution of coastal waters; comments by 6-29-81

Internal Revenue Service—

24595 5-1-81 / Employment taxes; sick pay, voluntary withholding; comments by 6-30-81

24595 5-1-81 / Excise taxes, windfall profit tax on domestic crude oil; changes in application of Energy Department regulations; comments by 6-30-81

Deadlines for Comments on Proposed Rules for the Week of July 5 through July 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30075, 30077 6-5-81 / Fresh pears, plums, and peaches grown in Cal.; grade and size requirements; comments by 7-6-81

Animal and Plant Health Inspection Service—

26065 5-11-81 / Procedures for the approval of commercial bird quarantine facilities and recovery of costs of services; comments by 7-10-81

Federal Crop Insurance Corporation—

24954 5-4-81 / Insuring of both spring and fall-seeded barley in certain states; comments by 7-6-81

Food and Nutrition Service—

27960 5-22-81 / Amount of initial benefits; comments by 7-6-81

Rural Electrification Administration—

25096 5-5-81 / Proposed revision of REA Bulletin 181-1; Uniform System of Accounts Prescribed for Electric Borrowers; comments by 7-6-81

25096 5-5-81 / Public Information; Appendix A—REA Bulletins Specification for Aerial and Underground Telephone Cable, PE-22 Specification for Direct Burial Telephone Cable, PE-23 Specification for Filled Buried Wire, PE-54; comments by 7-6-81

CIVIL AERONAUTICS BOARD

25321 5-6-81 / Air carriers and foreign air carriers, Implementation of the Consumer Credit Protection Act; comments by 7-6-81

25637 5-8-81 / Fare summaries; revocation of requirement that certified air carriers provide at all ticketing locations; comments by 7-7-81

29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; comments by 7-10-81

CONSUMER PRODUCT SAFETY COMMISSION

25478 5-7-81 / Semiannual regulatory flexibility agenda; comments by 7-6-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

30833 6-11-81 / High-cost gas produced from tight formations; comments by 7-6-81

ENVIRONMENTAL PROTECTION AGENCY

25481 5-7-81 / Air quality; California State Implementation Plan revision; comments by 7-6-81

25483 5-7-81 / Air quality, California State Implementation Plan revision; San Joaquin Valley; comments by 7-6-81

25110 5-5-81 / Approval and promulgation of State Implementation Plan; Nonattainment area plans for Utah; comments by 7-6-81

30355 6-8-81 / California; Southeast Desert Air Basin nonattainment area plan, approval and promulgation of implementation plans; comments by 7-8-81

25655 5-8-81 / Hydrocarbons, National Ambient Air Quality Standards; proposed revocation of rule; comments by 7-7-81

30360 6-8-81 / Illinois; proposed approval of total suspended particulate State implementation plan for continental Grain Co.; comments by 7-8-81

30364 6-8-81 / Maine; Lead State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7-8-81

30361 6-8-81 / Maine; Revision to State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7-8-81

30365 6-8-81 / Massachusetts; Revision to State Implementation Plan; comments by 7-8-81

18561 3-25-81 / National emission standards for hazardous air pollutants; Benzene emission from benzene storage vessels; comments by 7-8-81

30662 6-10-81 / Polyvinyl Chloride (PVC) proposed exemption from the requirement of a tolerance; comments by 7-10-81

30506 6-9-81 / Proposed exemption for ammonium chloride from requirement of a tolerance; comments by 7-9-81

30654 6-10-81 / Proposed Revision of Maryland State implementation plan; comments by 7-10-81

28180 5-26-81 / Standards of performance for new stationary sources; asphalt processing and asphalt roofing manufacture; comments by 7-10-81

30368 6-8-81 / Texas; Approval of conditionally approved elements in the Texas plan for nonattainment areas; comments by 7-8-81

30368 6-8-81 / Vermont; Designation of areas for air quality planning purposes; attainment status redesignations; comments by 7-8-81

25323 5-6-81 / Wisconsin; Approval and promulgation of implementation plans; comments by 7-6-81

FEDERAL COMMUNICATIONS COMMISSION

27728 5-21-81 / FM broadcast station in Atoka, Okla.; proposed changes in table of assignments; comments by 7-10-81

29488 6-2-81 / FM broadcast station Kaila-Kona, Hawaii, proposed changes in table of assignments; comments by 7-10-81

27726 5-21-81 / FM broadcast station in Newport, Washington; proposed changes in table of assignments; comments by 7-10-81

27727 5-21-811 / FM broadcast station in Owensville, Missouri; proposed changes in table of assignments; comments by 7-10-81

63305 9-24-80 / Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; reply comments by 7-10-81

[Comment period extended at 46 FR 17813 3-20-81]

31292 6-15-81 / Memphis, Tenn.; added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; comments by 7-6-81

30516 6-9-81 / Overseas communications services; comment period extended to 7-10-81

[*See also* 45 FR 76498, 11-19-81]

28456 5-27-81 / Overseas communications services; reply comment period extended to 7-6-81

[*See also* 45 FR 76498, 11-19-80; 45 FR 82280; 12-15-80; 45 FR 9664, 1-29-81]

25661 5-8-81 / Telephone systems; license contract agreements and other intrasystem arrangements; comment period extended to 7-10-81

[*See also* 46 FR 12024, 2-12-81]

26507 5-13-81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; reply comments by 7-6-81

31290 6-15-81 / Use of the Subsidiary Communications Authorization of Utility Load Management; comments by 7-8-81

FEDERAL HOME LOAN BANK BOARD

30114 6-5-81 / Geographic restrictions on remote service unit operations; comments by 7-7-81

30113 6-5-81 / Ownership of NOW accounts; comments by 7-7-81

FEDERAL RESERVE SYSTEM

28560 5-27-81 / Proposed commentary which applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit; comments by 7-10-81

FEDERAL TRADE COMMISSION

25476 5-7-81 / YKK (U.S.A.) Inc.; proposed consent agreement; comments by 7-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

25660 5-8-81 / Child support enforcement program; payment of incentives to States which collect child support on their own behalf; comments by 7-7-81

Food and Drug Administration—

21368 4-10-81 / Animal drugs, feeds, and related products; medicated feed applications procedures; definitions and considerations; comment period extended to 7-8-81

[*See also* 46 FR 2456, 1-9-81]

25651 5-8-81 / Antibiotics for human use; revocation of monographs for drugs that are no longer marketed; comments by 7-7-81
[*See also* 46 FR 30115, June 5, 1981]
30081 6-5-81 / Food additives permitted in feed and drinking water of animals; crambe meal, heat toasted; objections by 7-6-81
30080 6-5-81 / Polydextrose; Food additivies permitted for direct addition to food for human consumption; objections by 7-6-81
25107 5-5-81 / Vaginal contraceptive drug products for over-the-counter use; establishment of a monograph; extension of time for comments; comments by 7-6-81
[Originally published at 45 FR 82014, 12-12-80]

INTERIOR DEPARTMENT

Geological Survey—
27968 5-22-81 / Oil and gas operating regulations; comments by 7-6-81
29955 6-4-81 / Outer continental shelf leasing; nondiscrimination against minority and women-owned businesses; comments by 7-6-81
National Park Service—
27969 5-22-81 / Big Cypress National Preserve; use of off-road vehicles; comments by 7-6-81

INTERSTATE COMMERCE COMMISSION

27732 5-21-81 / Classification, exceptions and rules tariff; investigation into motor carrier classification; comments by 7-6-81
30092 6-5-81 / Motor carrier rate bureaus; implementation; comments by 7-10-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—
27358 5-19-81 / Occupational exposure to lead; quantitative fit testing provision; comments by 7-6-81

NATIONAL CREDIT UNION ADMINISTRATION

31651 6-17-81 / Deregulation of lending policies, amortization and payment of loans and lines of credit to members; comments by 7-10-81
31660 6-17-81 / Participation loans; purchase, sale, and pledge of eligible obligations; comments by 7-10-81
31654 6-17-81 / Real estate mortgage loans; fixed and adjustable rates; comments by 7-10-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

27967 5-22-81 / Commission operations and relocation procedures; comments by 7-7-81

POSTAL SERVICE

30505 6-9-81 / International express mail rates for Republic of South Africa; comments by 7-8-81

TRANSPORTATION DEPARTMENT

Coast Guard—
27724 5-21-81 / IMCO code governing shipment of bulk solids; comments by 7-6-81
Federal Aviation Administration—
25466 5-7-81 / Petitions for rulemaking; summary of petitions received and dispositions and petitions denied; comments by 7-7-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—
24962 5-4-81 / Ingredient disclosure on labels of wine, distilled spirits, and malt beverages; comments by 7-6-81
Fiscal Service—
27969 5-22-81 / Service charges for allotments for pay to savings accounts of Federal civilian employees; comments by 7-10-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—
30521 6-9-81 / Umatilla National Forest Grazing Advisory Board Pendleton, Oreg., 6-30-81
30521 6-9-81 / Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg., 7-1-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

29574 6-2-81 / Dance Panel (Dance Touring Program), Washington, D.C. (partially open), 6-29 through 7-2-81
29575 6-2-81 / Theater Panel, Washington, D.C. (partially open), 6-30 and 7-1-81
29574 6-2-81 / Theater Panel (Playwrights Fellowships Section), Washington, D.C. (closed), 6-29-81
29575 6-2-81 / Theater Panel (Small Professional Companies), Washington, D.C. (closed), 7-2 and 7-3-81

CIVIL RIGHTS COMMISSION

30840 6-11-81 / Nebraska Advisory Committee, Omaha, Nebr. (open), 6-30-81

COMMERCE DEPARTMENT

International Trade Administration—
31298 6-15-81 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (open), 6-30-81
31298 6-15-81 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (closed), 6-30-81
31041 6-12-81 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 7-1-81
31040 6-12-81 / Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 7-1-81
National Oceanic and Atmospheric Administration—
28693 5-28-81 / Mid-Atlantic Fishery Management, Philadelphia Pa., (open) 6-30-81
29739 6-3-81 / Mid-Atlantic Fishery Management Council, Sea Scallop Resources Subpanel, Philadelphia, Pa. (open), 7-2-81
26806 5-15-81 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 7-1-81
30679 6-10-81 / New England Fishery Management Council, Darvers, Mass. (open), 6-30 and 7-1-81
29739 6-3-81 / South Atlantic Fishery Management Council, Charleston, S.C. (open), 6-30, 7-1, and 7-2-81

DEFENSE DEPARTMENT

Navy Department—
31305 6-15-81 / Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 6-30 and 7-1-81
Office of the Secretary—
30378 6-8-81 / Defense Advisory Committee on Military Personnel Testing, Washington, D.C. (open), 6-29 and 6-30-81
30682 6-10-81 / Defense Science Board Summer Study Panel, Operational Readiness with High Performance Systems, Arlington, Va. (closed), 6-29 and 6-30-81
31305 6-15-81 / Defense Science Board Task Force, Potable Water in Southwest Asia, Arlington, Va. (closed), 7-1-81

28695 5-28-81 / DOD advisory group on Electron Devices, Arlington, Va. (closed) 7-1-81 and 7-2-81

22923 4-22-81 / Wage Committee, Washington, D.C. (closed), 6-30-81

EDUCATION DEPARTMENT

28894 5-29-81 / Financing Elementary and Secondary Education Advisory Panel, Berkeley, Calif. (open), 6-30 and 7-1-81

ENERGY DEPARTMENT

32064 6-19-81 / International Energy Agency Industry Advisory Board, Subcommittee A, Paris, France (closed), 6-29-81

31470 6-16-81 / National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Washington, D.C., (open), 7-1-81

31470 6-16-81 / National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation, (open), 6-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

26699 5-14-81 / Basic Behavioral Processes Research Review Committee, Washington, D.C. (partially open), 6-29 and 7-1-81

Food and Drug Administration—

32081, 32082 6-19-81 / Consumer exchange meeting (open), Boston, Mass., 6-30-81 and Orlando, Fla., 7-1-81

26869 5-15-81 / Drug abuse advisory Committee, Rockville, Md. (open), 6-29-81

31061 6-12-81 / Miscellaneous Internal Drug Products Panel, Bethesda, Md. (open), 7-10, 7-11, and 7-12-81

31062 6-12-81 / Vaccines and Related Biological Products Advisory Committee, Bethesda, Md. (partially open), 6-29 and 6-30-81

National Institutes of Health—

27181 5-18-81 / Breast Cancer Task Force Committee, National Cancer Institute, Bethesday, Md. (open), 6-29 and 6-30-81

31076 6-12-81 / Cellular and Molecular Basis of Disease Review Committee, Chevy Chase, Md. (partially open), 6-29 and 6-30-81

29336 6-1-81 / General Clinical Research Centers Committee, Bethesda, Md (partially open), 6-28 through 6-30-81

24712 5-1-81 / Research Grants Division, Biochemical Endocrinology Study Section, Chevy Chase, Md. (partially open), 6-28 through 6-30-81

24712 5-1-81 / Research Grants Division, Bio-Psychology Study Section, Washington, D.C. (partially open), 6-30 through 7-3-81

24712 5-1-81 / Research Grants Division, Human Development Study Section, Washington, D.C. (partially open), 6-29 through 7-2-81

24712 5-1-81 / Research Grants Division, Human Embryology & Development Study Section, Rosslyn, VA. (partially open), 6-29 through 7-2-81

24712 5-1-81 / Research Grants Division, Nutrition Study Section, Bethesda, Md. (Partially open), 6-29 through 7-1-81

22466 4-17-81 / Working Group on Blood and its substitutes, Bethesda, Md. (open) 7-2-81

INTERIOR DEPARTMENT

5-28-81 / Land Management Bureau—

28754 Albuquerque District Advisory Council, Farmington, N. Mex. (open), 7-1-81

27773 5-21-81 / New Mexico & Colorado San Juan River Regional Coal Team, Farmington, N. Mex. (open), 6-21-81 and 6-30-81

29338 6-1-81 / Worland District Advisory Council, Worland, Wyo. (open), 7-1-81

INTERNATIONAL CONVENTION ADVISORY COMMISSION

28963 5-29-81 / Meeting, Washington, D.C. (open), 6-30-81

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

30593 6-9-81 / Actuarial Examinations, Washington, D.C. (partially open), 6-29 and 6-30-81

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

29011 5-29-81 / Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 6-30-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—

31120 6-12-81 / NASA Advisory Council, Space Science Advisory Committee, Washington, D.C. (open), 6-29, 6-30 and 7-1-81

NATIONAL SCIENCE FOUNDATION

29771 6-3-81 / Engineering and Applied Science Advisory Committee, Chemical and Process Engineering Subcommittee, Washington, D.C. (partially open), 6-29 and 6-30-81

NUCLEAR REGULATORY COMMISSION

31121 6-12-81 / Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Dallas/Ft. Worth, Tex. (open), 6-29-81

31546 6-16-81 / Reactor Safeguards Advisory Committee, Structural Engineers Subcommittee, Albuquerque, N.M., (open), 7-1-81

29805 6-3-81 / Technical Vacancies on the Licensing Board Panel, Screening Committee, Bethesda, Md. (closed), 6-30 and 7-1-81

OCEANS AND ATMOSPHERES, NATIONAL ADVISORY COMMITTEE

21507 4-10-81 / Meeting, Washington, D.C., (open), 6-29 and 6-30-81

31544 6-16-81 / Meeting, Washington, D.C., (open), 6-29 and 6-30-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

30017 6-4-81 / Radio Technical Commission for Aeronautics, Special Committee 137 on Airborne Area Navigation Systems, Washington, D.C. (open), 6-29 through 7-1-81

Nest Week's Public Hearing

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

30674 6-10-81 / Western Pacific Fishery Management Council, Lihue, Kauai, 6-29; Kahului, Maui, 6-30-81

DEFENSE DEPARTMENT

Navy Department—

19969 4-2-81 / Naval Discharge Review Board, San Diego, Calif., 6-28 through 7-4-81

EDUCATION DEPARTMENT

28894 5-29-81 / Financing Elementary and Secondary Education Advisory Panel, San Francisco and Berkeley, Calif., 6-29 and 6-30-81 respectively

ENVIRONMENTAL PROTECTION AGENCY

29329 6-1-81 / Proposed termination of state of Idaho's Federal air grant funding, Boise, Idaho, 7-2-81

TREASURY DEPARTMENT

Internal Revenue Service—

27968 5-22-81 / Income tax; Dollar-value LIFO inventory, Washington, D.C., 6-30-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 19, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES

31320 6-15-81 / ED—Grants for special educational programs for students whose families are engaged in migrant and other seasonal farmwork—college assistance migrant program; apply by 7-27-81

31318 6-15-81 / ED—Grants for special educational programs for students whose families are engaged in migrant and other seasonal farmwork—high school equivalency program; apply by 7-27-81

27749 5-21-81 / ED—School construction program; grant applications and proposal; apply by 6-30-81

32220 6-19-81 / HHS / CSEO—Child support enforcement research and demonstration grants; apply by 7-31-81 for fiscal year 1981 projects, 12-1-81 for fiscal year 1982 projects

31981 6-18-81 / DOT/UMTA—Managerial training grant short courses; proposals by 7-15-81

MEETINGS

31949 6-18-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 7-8 through 7-10-81

31950 6-18-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 7-16 and 7-17-81

OTHER ITEMS OF INTEREST

31642 6-17-81 / EPA—Class deviation from program grant regulations to allow EPA's share of the hazardous waste program to be 100% of the allowable cost for development activities for fiscal year 1982; effective 6-8-81

31866 6-17-81 / ED—College Resources Program (Title II-A HEA); resource developement grants; effective 8-3-81

28695 5-28-81 / ED—Special Education and Rehabilitive Services Rehabilitation long term training; training of interpreters for deaf individuals



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