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Presidential Documents

Title 3—

The President

Proclamation 4926 of April 9, 1982

American Salute to Cabanatuan Prisoner of War Memorial Day, 1982

By the President of the United States of America

A Proclamation

In all of the wars which America has fought, few of our citizens have been called upon to make the sacrifices and endure the hardships of those who were held captive. The American men, women and children who were incarcerated at Cabanatuan prisoner of war camp in the Philippine Islands during World War II suffered cruel and inhumane treatment, resulting in over three thousand deaths between May 1942 and February 1945.

The Congress has, by House Joint Resolution 435, requested me to designate April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day." We all should recognize the special debt owed to our fellow citizens who, while defending the ideals for which this great Nation stands, endured treatment which exhibited complete disregard for the most basic sense of compassion, moral standards and international obligations. Theirs was a lonely and painful experience with which few can associate. We should also remember the families of those prisoners who died at Cabanatuan, for the sorrow of their loss is a daily burden.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate April 12, 1982, the fortieth anniversary of the fall of Bataan and Corregidor, as "American Salute to Cabanatuan Prisoner of War Memorial Day," a day dedicated to those former captives held at Cabanatuan, to those who died there and to their families. I call on all Americans to join in honoring those who made the painful sacrifice of being held captive in war and their loved ones.

And I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESSES WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

[FR Doc. 82-10268
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Ronald Reagan

Rules and Regulations

Federal Register
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Tuesday, April 13, 1982

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1425

[Amdt. No. 7]

Cooperative Marketing Associations: Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt, as a final rule, certain changes which were made by an interim rule published June 8, 1981, (46 FR 30327), which amended the Commodity Credit Corporation (CCC) regulations governing the eligibility requirements for cooperative marketing associations to obtain price support. This rule would eliminate the requirement in the regulations that a cooperative must obtain prior approval of its membership of any plan developed by the cooperative to carry forward losses incurred with respect to an eligible pool of a crop of a commodity. This rule would require, however, that any such plan developed by the cooperative for carrying losses forward must contain provisions for notifying present members and applicants for membership of the plan.

EFFECTIVE DATE: April 13, 1982.

ADDRESS: Director, Cotton, Grain, and Rice Support Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Richard M. Ackley, Cooperative Section, Cotton, Grain, and Rice Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7874. A final Regulatory Impact Analysis is available from Richard M. Ackley.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified "not major." This rule has been classified as "not major" since it will not 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 geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule will not have a major impact specifically on area or community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

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

A notice of proposed rulemaking was published in the **Federal Register** on December 24, 1980 (45 FR 85041), requesting comments with respect to a number of proposals involving the eligibility of cooperative marketing associations to obtain price support under various programs of CCC. One such proposal included the carrying forward of losses by a cooperative marketing association from an eligible pool of a crop of a commodity against subsequent eligible pools of a crop of a commodity on which price support is obtained. The proposed rule stated that CCC would permit a cooperative marketing association to carry forward such losses only if a detailed plan for the carrying forward of the losses was approved by CCC. The proposed rule also set forth the factors which were to be considered in developing the plan as well as certain provisions which were to be included in the plan.

After comments were received on the proposed rule, a final rule was published in the **Federal Register** on April 3, 1981 (46 FR 20149), with respect to the eligibility requirements of cooperative marketing associations to obtain price support from CCC. However, that final rule set forth an additional requirement with respect to which comments were not requested in the notice of proposed rulemaking. Under that requirement, cooperative marketing associations were required to obtain prior approval of the plan for carrying forward losses by the membership of the association. Subsequent to the adoption of the provision, it was brought to the attention of the Department that this requirement might cause undue hardship and financial burden on cooperatives since, in many instances, the membership of a cooperative would have already met to conduct the business of the cooperative. It was further pointed out that in most cases the articles of incorporation and bylaws of a cooperative authorize the board of directors to conduct the day-to-day operations of the association. This authority includes, generally, the authority to approve such items of business as the carrying forward of losses.

Accordingly, an interim rule was published in the **Federal Register** (46 FR 30327) on June 8, 1981, which amended the regulations to: (1) Eliminate the requirement that the cooperative obtain prior approval of its membership to carry eligible pool losses forward; and (2) substitute the requirement that any plan developed by a cooperative for carrying forward losses must contain provisions for notifying present members and applicants for membership of such plan. The written comment period ended on August 8, 1981. Comments were received from two cooperative associations and were considered in making the final determinations. Both respondents endorsed the amendment made effective by the interim rule. One respondent also made other comments on the cooperative's responsibility for determining how losses should be treated and CCC's role in administering the price support program with respect

to cooperative marketing associations. These comments, however, were generally addressed to the broader question of whether to allow cooperatives to carry forward losses as set forth in the earlier proposed amendment and not specifically directed to the limited aspect of the amendment represented by the interim rule.

List of Subjects in 7 CFR Part 1425

Cooperatives, Price support programs, Reporting and recordkeeping requirements.

The interim rule published at 46 FR 30327, June 8, 1981, which amends the regulations at 7 CFR 1425.13(f)(2), with respect to the eligibility of cooperative marketing associations to receive price support, is hereby adopted as a final rule without change.

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

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-10077 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1427

[Amdt. No. 2]

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

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule

SUMMARY: This interim rule amends the regulations governing Standards for Approval of Warehouses for Cotton or Cotton Linters to allow a warehouseman to furnish an irrevocable letter of credit as security in order to satisfy the standards for approval of the storage and handling of cotton or cotton linters which are owned by the Commodity Credit Corporation (CCC) or which are serving as collateral for a price support loan issued by CCC. The effect of this rule will be to make available additional facilities for the storage of agricultural commodities both owned by CCC and under price support loan.

DATES: The interim rule shall become effective April 12, 1982. Comments must be received on or before June 14, 1982.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Transportation and Storage Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Barry W. Klein, Marketing Specialist, USDA/ASCS, Transportation and Storage Division, Storage Management Branch, Box 2415, Washington, D.C. 20013. (202) 447-7911.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed in conformance with Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been classified as "nonmajor." It has been determined that the provisions of this interim rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a major impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

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

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad. Section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce. Further, Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities unless CCC determines that private facilities for the storage of such commodities are inadequate.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for a price support loan issued by CCC.

The subpart relating to Standards for Approval of Warehouses for Cotton or Cotton Linters is being amended to permit a warehouseman to furnish an irrevocable letter of credit to CCC in order to meet the net worth requirement as currently provided in the regulations at 7 CFR 1427.1082. The net worth requirement is applicable to a warehouseman and each of the warehouses owned and operated by such warehouseman for which CCC approval is sought for the storage or handling of CCC-owned or loan commodities. Section 1427.1082 of the regulations provides that among other considerations, a warehouseman is required to have a net worth which is the greater of $25,000 or a calculate net worth based upon the amount resulting from the product of multiplying the storage capacity of the warehouse times $10 per bale of cotton or cotton linters. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency between the $25,000 minimum net worth requirement and the calculated net worth requirement by furnishing bonds or acceptable substitute security.

The current regulations provide that CCC may accept cash and negotiable securities, or a legal liability insurance policy in lieu of the required amount of bond coverage. This interim rule would add an irrevocable letter of credit as an acceptable substitute security in lieu of the equivalent amount of required bond coverage. Such standby irrevocable letter of credit shall be on Form CCC-33A, "Irrevocable Letter of Credit."

Warehousemen have encountered increased costs in obtaining net worth deficiency bonds. Many bonding companies now require warehousemen to furnish an irrevocable letter of credit as security for the bond. The additional cost of furnishing an irrevocable letter of credit to the bonding companies has deterred some warehousemen for obtaining the required financial security in order to store larger quantities of agricultural commodities. As a result of the inability of some warehousemen who would otherwise be able to satisfy the standards for approval for warehouses are unable to receive approval to store CCC-owned or loan commodities. This has resulted in a

critical shortage of CCC-approved warehouses for the storage and handling of commodities which are owned by CCC or which are serving as collateral for a CCC price support loan. The authorization of an irrevocable letter of credit as an acceptable substitute security would help to alleviate this shortage.

As a result of this critical shortage of storage space for cotton because of the inability of many warehousemen to satisfy the current minimum net worth requirements, it has been determined that this interim rule shall become effective without prior opportunity for public comment. However, the public is invited to submit written comments with respect to this interim rule to the Director, Transportation and Storage Division, ASCS. Comments must be received no later than June 14, 1982 in order to be assured of consideration. The change in the regulations made by this interim rule will be evaluated in view of the comments received and a final rule will be published in the **Federal Register** discussing the comments received and any further amendments to these regulations which may be deemed necessary.

List of Subjects in 7 CFR Part 1427

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

Interim Rule

PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.1083 are amended by adding a new paragraph (e) to read as follows:

§ 1427.1083 Bonding requirements for net worth.

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Such standby letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit."

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

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

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82–10075 Filed 4–12–82; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Programs for Schools and Hospitals, and for Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Final rule and public notice.

SUMMARY: The Department of Energy (DOE) today issues a final rulemaking amending existing regulations for the administration of the grant programs providing schools, hospitals, units of local government, and public care institutions with financial assistance for the purpose of reducing energy consumption. The revision will allow DOE to use current data elements in its formula allocating funds to the States for these grant programs. Allocations and dates for the fourth grant program cycle are also published today.

DATES: Effective date of the rule and the allocation table is May 13, 1982. The fourth grant program cycle will start with publication of this notice; State recommended applications to DOE Operations/Support Offices are due on June 30, 1982 and end of grant program cycle is on August 31, 1982.

FOR FURTHER INFORMATION CONTACT:

Frank M. Stewart, Office Institutional Conservation Programs, Office of Conservation and Renewable Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2198.

Edward H. Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6F–094, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9510

SUPPLEMENTARY INFORMATION:

I. Introduction

II. Discussion of Major Comments and Revisions

III. State Allocation of Funds and Dates for the Fourth Grant Cycle

IV. Additional Information

I. Introduction

Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371), established cost sharing energy conservation grant programs to fund technical assistance programs for public and private non-profit schools and hospitals, buildings owned by units of local government and public care institutions, and an energy conservation measure program for schools and hospitals.

On January 20, 1982, the Department of Energy (DOE) published a proposed rulemaking (47 FR 2880) which presented amendments to § 455.101 of 10 CFR 455, and which solicited comments from interested parties. No requests to testify were received and therefore the public hearing scheduled for February 2, 1982 was cancelled. Written comments on this proposal were received and are discussed below.

The Catalog of Federal Domestic Assistance (CFDA) program number and title is "81.052, Energy Conservation Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions."

II. Discussion of Major Comments and Revisions

Two comments were received concerning this proposed rulemaking, both in favor of making the proposed changes. The Kentucky Department of Energy also pointed out an arithmetic error in the allocation calculation. The necessary change was made.

In addition, the energy offices of Delaware and District of Columbia commented that because of reduced funding for FY 1982, the five percent limit on the amount of funds available for State administrative expense grants would not provide enough funds for State administration in FY 1982. They suggested placing a $25,000 floor on State administration grants. In attempting to define the scope of the problem raised by Delaware and the District of Columbia, it has become evident that the financial prospects for State administration of the fourth cycle of grants (Cycle IV) vary widely even among the less populous States. Thus, it is the opinion of DOE that it will be more timely and efficient for any State which anticipates a problem with the five percent limit to so advise its respective DOE field office and seek that office's assistance in addressing its particular circumstance. No regulatory remedy is to be instituted at this time.

Since the Energy Information Administration (EIA) no longer publishes regional cost projections in its annual report to Congress, this report cannot be used as the source of the projections as originally proposed. Therefore, future allocations will be made using information contained in EIA's current regional energy cost projections. These can be obtained from the Department of Energy, Energy Information Administration, 1000

Independence Avenue SW., Washington, D.C. 20582.

III. State allocation of funds and Dates for the Fourth Grant Cycle

DOE announces the allocation of funds for grant program Cycle IV for technical assistance and energy conservation measures for schools and hospitals, and for technical assistance for local government and public care buildings effective May 13, 1982.

Table I provides the amounts allocated to each State. These amounts include funds appropriated for grant program Cycle IV and funds not obligated in grant program Cycle III. Up to fifteen percent of the funds allocated to each State for schools and hospitals may be used for technical assistance analysis.

It should be noted that the number 5427 appearing in the heating degree days column for the Virgin Islands in Table 3 of the tables accompanying the proposed rule (47 FR 2882) should have been in the column for cooling degree days. This correction has been made and will not change the allocation formula on the fourth cycle funds shown in Table I.

The dates for the start of the grant cycle, the time the State recommended applications are due to DOE/and the end of the grant cycle are indicated in the "Dates" section of this rule.

TABLE I

State	Allocation factor	Schools and hospitals	Units of local government and public care institutions
Alabama	.0145	$670,170	$23,468
Alaska	.0058	270,170	9,457
Arizona	.0116	539,772	18,902
Arkansas	.0102	472,173	16,535
California	.0531	2,463,890	86,281
Colorado	.0161	748,948	26,227
Connecticut	.0163	756,136	26,478
Delaware	.0052	239,784	8,397
Dist. of Columbia	.0053	246,836	8,644
Florida	.0276	1,281,254	44,867
Georgia	.0184	853,608	29,892
Hawaii	.0054	251,128	8,794
Idaho	.0071	330,920	11,588
Illinois	.0529	2,452,304	85,875
Indiana	.0258	1,194,220	41,819
Iowa	.0170	789,560	27,649
Kansas	.0125	578,166	20,246
Kentucky	.0161	743,687	26,043
Louisiana	.0142	660,631	23,134
Maine	.0093	430,380	15,071
Maryland	.0162	842,822	29,514
Massachusetts	.0275	1,275,862	44,678
Michigan	.0454	2,104,408	73,692
Minnesota	.0264	$1,222,959	$42,826
Mississippi	.0104	482,111	16,883
Missouri	.0226	1,046,481	36,646
Montana	.0071	327,503	11,469
Nebraska	.0103	475,441	16,649
Nevada	.0062	288,794	10,113
New Hampshire	.0080	370,793	12,984
New Jersey	.0317	1,469,588	51,462
New Mexico	.0074	345,388	12,095
New York	.0752	3,488,062	122,145
North Carolina	.0207	959,713	33,607
North Dakota	.0070	322,758	11,302
Ohio	.0473	$2,194,359	$76,842
Oklahoma	.0133	614,624	21,523
Oregon	.0117	541,216	18,952
Pennsylvania	.0508	2,355,606	82,489
Rhode Island	.0072	336,082	11,769
South Carolina	.0118	549,365	19,238
South Dakota	.0066	304,664	10,669
Tennessee	.0181	838,654	29,368
Texas	.0444	2,059,804	72,130
Utah	.0095	439,251	15,382
Vermont	.0061	283,427	9,925
Virginia	.0209	969,873	33,963
Washington	.0180	832,587	29,156
West Virginia	.0102	472,858	16,559
Wisconsin	.0267	1,237,883	43,348
Wyoming	.0053	246,987	8,649
American Samoa	.0034	157,650	5,521
Guam	.0037	169,332	5,930
Puerto Rico	.0131	605,909	21,218
Virgin Islands	.0037	169,561	5,938
U.S. Total	1.0000	46,376,000	1,624,001

IV. Additional Information

A. Executive Order 12291

The Department of Energy has determined that this rule is not a major rule under Executive Order 12291 because it will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule was submitted to the Director of the Office of Management and Budget pursuant to Executive Order 12291. The Director has concluded his review under that executive order.

B. Regulatory Flexibility Act

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

In view of the nature of today's actions, as discussed previously, DOE is hereby certifying that the rule will not have a significant impact on a substantial number of small entities.

C. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321), DOE published a Notice of Availability of an environmental assessment (EA) of the entire Title III of NECPA on March 12, 1979, in the **Federal Register** (44 FR 13554). Based on this EA, DOE determined that the NECPA Title III program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and that an environmental impact statement (EIS) was not needed to support the action.

DOE has reviewed the environmental impacts of these amendments. It is DOE's judgement that no new or additional environmental impacts are associated with the new amendments and that they do not require the addition of any mitigating measures beyond those already contained in the program.

It is thus DOE's determination that the environmental impacts of the amendments have been adequately analyzed in the March, 1979 EA and that these impacts are not significant. Hence, no additional EA or EIS is required.

List of Subjects in 10 CFR Part 455

Energy conservation, Grant programs—energy, Hospitals, Schools.

In consideration of the foregoing, DOE amends § 455.101, Part 455, Chapter II, Title 10 of the Code of Federal Regulations as set forth below:

Issued in Washington D.C., March 26, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

(Title III, National Energy Conservation Policy Act, Public Law 95-619, 92 Stat. 3238 (42 U.S.C. 6371) and Department of Energy Organization Act, Public Law 95-91, 91 Stat. 565 (42 U.S.C. 7101)

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Section 455.101(c) is revised to read as follows:

§ 455.101 Allocation Formulas.

* * * * *

(c) The allocation factor (K) shall be determined by the formula—

$$K = \frac{0.07}{n} + 0.1\,\frac{(Sfc)}{(Nfc)} + 0.83\,\frac{(SP)\,(SC)}{(NPC)}$$

where, as determined by DOE—

(1) Sfc is the projected average retail cost per million BTU's of energy consumed within the region in which the State is located,

as contained in current regional energy cost projections obtained from the Energy Information Administration.

(2) Nfc is the summation of the Sfc numerators for all States;

(3) n is the total number of eligible States;

(4) SP is the population of the State, as contained in the most recent Bureau of the Census, Department of Commerce, official census documents;

(5) SC is the sum of the State's heating and cooling degree days, as contained in the National Oceanic and Atmospheric Administration's most recent editions of "State, Regional and National Monthly and Seasonal Heating Degree Days, Weighed by Population: and "State, Regional and National Monthly and Seasonal Cooling Degree Days, Weighted by Population;"

(6) NPC is the summation of the (SP) (SC) numerators for all States.

[FR Doc. 82-10072 Filed 4-12-82; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

Administrative Authority and Policy

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This amendment updates the authority citation for 14 CFR part 1204, Subpart 15, which prescribes the policy and procedures for coordinating NASA facilities planning or projects with state, areawide and local planning authorities and clearinghouses. Also § 1204.1502(a) and (d) and § 1204.1503 are revised to reflect the implementation requirements associated with floodplain and wetlands management, the environmental laws and regulations, and OMB Circular A-95.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Billie J. McGarvey, Director, Facilities Division, Code BX-9, NASA Headquarters, Washington, D.C. 20546, telephone (202) 755-9220.

Since this amendment is administrative and editorial in nature, notice and public procedures are not required.

List of Subjects in 14 CFR Part 1204

Airports, Authority delegations (Government agencies), Federal buildings and facilities and real estate, Government contracts, Government procurement, Intergovernmental relations, Security measures, Small business.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

1. Part 1204 is amended by revising the authority citation in subpart 15 to read as follows:

Authority: National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451, et seq.); Procedures for Implementing the Provisions of the National Environmental Policy Act (NEPA), July 30, 1979 (14 CFR Part 1216, Subpart 1, and 14 CFR Part 1216, Subpart 3); OMB Circular A-95 (41 FR 2052-2065, January 13, 1976); Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.); Floodplain and Wetlands Management, January 4, 1979 (14 CFR Part 1216, Subpart 2); Title IV of the Intergovernmental Cooperative Act of 1968 (42 U.S.C. 4231, et seq.); and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334).

2. In § 1204.1502, paragraphs (a) and (d) are revised to read as follows:

§ 1204.1502 Implementation.

(a) Consult with state and areawide comprehensive planning agencies and local elected officials at the earliest practicable stage of advance planning, e.g., during the preparation of Preliminary Engineering Reports or environmental assessments, whichever occurs first, on those projects having a significant impact on the conservation and development plans and programs of the state, area, or localities in which the project is to be located. At locations where contacts with OMB Circular A-95 clearinghouses will be on a regular and continuing basis, establish memoranda of agreement between NASA field installations and state and areawide OMB Circular A-95 clearinghouses for coordinating Federal and civilian planning (see Appendix A). Rehabilitation and modification projects and minor additions not having a significant impact on the environment or conservation and development plans and programs in the area in which the project is to be located may be excluded from the coordination provisions. However, any NASA action, regardless of scope, which may impact floodplains or wetlands must comply with the special coordination requirements specified in 14 CFR Part 1216, Subpart 2 (NASA Management Instruction 8800.10, "Floodplains and Wetlands Management").

* * * * *

(d) While complying with appropriate environmental laws and regulations, prepare environmental impact statements and provide an opportunity for review and comment as set forth in Subpart 1216.1, and Subpart 1216.3 (NASA Management Instruction 8800.7, "Procedures for Implementing the Provisions of the National Environmental Policy Act (NEPA)") including but not limited to, state, areawide, and local agencies authorized to develop and enforce environmental standards.

* * * * *

3. Section 1204.1503 is revised to read as follows:

§ 1204.1503 Inclusion of clearinghouse comments.

Includes any clearinghouse comments that have not been incorporated or accepted in the NASA evaluation and final determination with the plan and budget request.

James M. Beggs,

Administrator.

April 7, 1982.

[FR Doc. 82-10177 Filed 4-12-82; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 440

[Docket No. 82N-0008]

Antibiotic Drugs; Sterile Piperacillin Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new antibiotic drug, sterile piperacillin sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective April 13, 1982; comments, notice of participation, and request for hearing by May 13, 1982 data, information, and analyses to justify a hearing by June 14, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for

the certification of a new antibiotic drug, sterile piperacillin sodium. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 440 (21 CFR Parts 430, 436, and 440) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR 430

Administrative practice and procedures, Antibiotics.

List of Subjects in 21 CFR 436

Antibiotics.

List of Subjects in 21 CFR 440

Antibiotics, Penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 430, 436, and 440 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5, by adding paragraphs (a)(74) and (b)(74) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(74) *Piperacillin.* The term "piperacillin master standard" means a specific lot of piperacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the piperacillin working standard.

(b) * * *

(74) *Piperacillin.* The term "piperacillin working standard" means a specific lot of a homogeneous preparation of piperacillin.

b. In § 430.6, by adding paragraph (b)(76) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(76) *Piperacillin.* The term "microgram" applied to piperacillin means the piperacillin activity (potency) contained in 1.0428 micrograms of the piperacillin master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 436.31)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
*	*	*	*	*
Piperacillin	1	40 mg	.5	Intravenous.
*	*	*	*	*

* * * * *

b. By adding new § 436.334 to read as follows:

§ 436.334 High-pressure liquid chromatographic assay for piperacillin.

(a) *Equipment.* A high-pressure liquid chromatograph equipped with:

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(4) A suitable recorder of at least 25.4-centimeter deflection;

(5) A suitable integrator;

(6) A 25-centimeter column having an inside diameter of 4.6 millimeters and packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 to 10 micrometers in diameter (United States Pharmacopeia XX).

(b) *Reagents*—(1) 0.2*M* monobasic sodium phosphate: Dissolve 27.60 grams of monobasic sodium phosphate with sufficient water to make 1,000 milliliters.

(2) 10 percent tetrabutylammonium hydroxide in water.

(3) Ampicillin-piperacillin solution: Dissolve and dilute 25 milligrams of ampicillin and 5 milligrams of piperacillin sodium monohydrate with sufficient mobile phase to obtain 100 milliliters, and mix.

(c) *Mobile phase.* Methanol:water:0.2*M* monobasic sodium phosphate:10 percent tetrabutylammonium hydroxide (450 : 447 : 100:3) adjusted to pH 5.5 ± 0.02 with phosphoric acid. The concentration of reagents may be varied to obtain acceptable operation of the system. De-gas the mobile phase just prior to its introduction into the chromatograph pumping system.

(d) *Preparation of working standard and sample solutions*—(1) *Working standard solution.* Place approximately 20 milligrams of the working standard, accurately weighed, into a 50-milliliter volumetric flask. Add 25 to 30 milliliters of mobile phase. Shake until dissolved. Dilute to volume with mobile phase.

(2) *Sample solution*—(i) *Micrograms per milligram.* Place approximately 20 milligrams of the sample, accurately weighed, into a 50-milliliter volumetric flask. Add 25 to 30 milliliters of mobile phase. Shake until dissolved. Dilute to volume with mobile phase.

(ii) *Milligrams per vial.* Reconstitute as directed in the labeling. Withdraw the total contents and dilute with mobile phase to a concentration of 0.4 milligram of piperacillin per milliliter.

(e) *Procedure.* Use the equipment, reagents, mobile phase, and working standard and sample solutions described in paragraphs (a), (b), (c), and (d) of this section and proceed as directed in paragraph (e) of this section.

(1) *Systems suitability test.* Chromatograph three replicate samples of ampicillin-piperacillin solution as directed in paragraph (e)(2) of this section. Allow an elution time sufficient to obtain satisfactory separation of expected components after each injection. Record the peak responses and calculate the resolution factor as described for system suitability tests in the United States Pharmacopeia XX General Chapter 621 for gas chromatography. The resolution factor between ampicillin and piperacillin is not less than 15. If the resolution factor does not meet this limit, adjustments must be made to the system to obtain satisfactory operation before proceeding as described in paragraph (e)(2) of this section.

(2) *Determination of the chromatogram.* Operate the high-pressure liquid chromatograph at ambient temperature at a flow rate of one milliliter per minute. Use a detector sensitivity setting that gives a peak height for the reference standard that is at least 50 percent of scale. Purge the column with mobile phase until a steady baseline is established. Inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(f) *Calculations*—(1) Calculate the piperacillin content in micrograms per milligram as follows:

$$\text{Micrograms of piperacillin per milligram of sample} = \frac{A}{B} \times \frac{\text{Weight of standard in milligrams}}{\text{Weight of sample in milligrams}} \times \text{Potency of working standard in micrograms per milligram}$$

where:
A = Area of the sample peak (at a retention time equal to that observed for the standard);
B = Area of the standard peak.

(2) Calculate the piperacillin content in grams per vial as follows:

$$\text{Grams of piperacillin per vial} = \frac{A}{B} \times \frac{\text{Milligrams of standard in milligrams per milliliter}}{1{,}000} \times \frac{\text{Potency of working standard in micrograms per milligram}}{1{,}000} \times d$$

where:
A = Area of the sample peak (at a retention time equal to that observed for the standard);
B = Area of the standard peak;
d = Dilution factor.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended:

a. By adding new § 440.83a to read as follows:

§ 440.83a Sterile piperacillin sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile piperacillin sodium is the sodium salt of (2*S*,5*R*, 6*R*)-6-([*R*)-2-(4-ethyl-2,3-dioxo-1-piperazine-carboxamido)-2-phenylacetamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo-(3.2.0)heptane-2-carboxylate. It is so purified and dried that:

(i) Its potency is not less than 863 micrograms and not more than 1,007 micrograms of piperacillin per milligram on an anhydrous basis. If it is packaged for dispensing, it contains not less than 90.0 percent and not more than 120.0 percent of the number of grams of piperacillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 1.0 percent.

(vi) Its pH in an aqueous solution containing 400 milligrams per milliliter is not less than 5.5 and not more than 7.5.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) If it is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams; and 5 packages, each containing approximately 1 gram.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If it is packaged for dispensing:

(1) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.334 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 150 milligrams of piperacillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the sample preparation method described in paragraph (d)(4) of that section.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 400 milligrams per milliliter.

b. By adding new § 440.283 to read as follows:

§ 440.283 Sterile piperacillin sodium.

The requirements for certification and the tests and methods of assay for sterile piperacillin sodium packaged for dispensing are described in § 440.83a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending this regulation's effective date. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedures and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective April 13, 1982. However, interested persons may, on or before May 13, 1982, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before May 13, 1982, a written notice of participation and request for hearing, and (2) on or before June 14, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 13, 1982.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: April 2, 1982.

James C. Morrison,

Acting Associate Director for Regulatory Affairs.

[FR Doc. 82-9740 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 520 and 556

Oral Dosage Form New Animal Drugs Not Subject to Certification; Tolerances for Residues of New Animal Drugs in Food; Apramycin Sulfate Soluble Power

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Elanco Products Co., providing for safe and effective use of apramycin sulfate powder in the drinking water of swine for treatment of porcine colibacillosis and to establish tolerances for residues of apramycin in edible tissues of swine.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Charles Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, filed an NADA (106–964) providing for use of apramycin sulfate soluble powder in the drinking water of swine for the treatment of porcine colibacillosis (weanling pig scours) caused by strains of *E. Coli* sensitive to apramycin. Elanco has submitted data supporting the safety and effectiveness of apramycin sulfate for this use. The NADA is approved and the regulations are amended accordingly.

The stepwise data collection procedures prescribed in the agency's proposal of March 20, 1979 (44 FR 17070), on chemical compounds in food-producing animals were not applied to approval of this NADA since apramycin was assigned to the low-risk toxicity category under threshold assessment procedures (47 FR 4972; February 2, 1982).

Elanco submitted consumer safety related data from radiotracer tissue residue depletion, and laboratory toxicology and pathology studies which support a preslaughter withdrawal period of 28 days for the labeled conditions of use. The agency has accepted, for regulatory purposes, Elanco's tissue residue method. Therefore, the regulations are further amended to establish tolerances for apramycin of 0.1, 0.4, 0.3., and 0.4 part per million in swine muscle, kidney, liver, and fat, respectively.

The Bureau of Veterinary Medicine has carefully considerd the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

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

List of Subjects

21 CFR Part 520

Animal drugs, oral use.

21 CFR Part 556

Animal drugs, Foods, Residues.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drug (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 556 are amended as follows:

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

1. Part 520 is amended by adding new § 520.110 to read as follows:

§ 520.110 Apramycin sulfate soluble powder.

(a) *Specifications.* Apramycin sulfate soluble powder contains apramycin sulfate equivalent to 37.5 grams of apramycin activity which is packaged in a container designed to medicate 3,300 pounds of body weight (50 gallons of drinking water).

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.52 of this chapter.

(d) *Conditions of use.* (1) In swine for treatment of porcine colibacillosis (weanling pig scours) caused by strains of *E. coli* sensitive to apramycin.

(2) It is administered for 7 days in drinking water at the rate of 25 milligrams of apramycin per kilogram (11.4 milligrams per pound) of body weight per day. Swine will normally consume 1 gallon per day of medicated water containing 750 milligrams of apramycin for each 66 pounds of body weight. Water consumption should be monitored to determine that the required amount of apramycin is being consumed. The drug concentration should be adjusted according to water consumption which varies depending on ambient temperature, humidity, and other factors.

(3) Prepare fresh medicated water daily.

(4) Do not slaughter treated swine for 28 days following treatment.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

2. Part 556 is amended by adding new § 556.52 to read as follows:

§ 556.52 Apramycin.

Tolerances of 0.1 part per million are established for total residues of apramycin in uncooked swine muscle, 0.3 part per million for liver, and 0.4 part per million for kidney and fat. A drug residue assay measuring parent apramycin (the marker residue) in the target tissue, kidney, serves to monitor the total residue in edible tissues. A marker residue concentration of 0.1 part per million in kidney corresponds to 0.4 part per million total residue in this target tissue.

Effective date. April 13, 1982.

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

Dated: April 6, 1982.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 82–10080 Filed 4–12–82; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Nitrofurazone Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Medico Industries, Inc., providing for over-the-counter (OTC) use of nitrofurazone solution as a topical antibacterial on dogs, cats, and horses, and for veterinary prescription use for genital tract infections and impaired fertility of horses.

EFFECTIVE DATE: April 13, 1982.

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

SUPPLEMENTARY INFORMATION: Medico Industries, Inc., P.O. Box 338, Elwood, KS 66024, filed an NADA (126–023) providing for use of a solution containing 0.2 percent nitrofurazone as an OTC topical antibacterial on dogs, cats, and horses, and prescription use to treat equine genital tract infections and impaired fertility. This product is similar to another product codified in 21 CFR 524.1580d (46 FR 22359; April 17, 1981). The section provides that because the conditions of use are National Academy of Sciences/National Research Council reviewed and found effective, applications for these uses need not include effectiveness data as specified by 21 CFR 514.111. The product is intended for topical use, therefore the requirement for bioequivalency is waived under 21 CFR 320.22(b)(2). The application is approved and the regulations are amended accordingly.

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

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact

on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 524

Animal drugs, topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by revising § 524.1580d(b) to read as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 524.1580d Nitrofurazone solution.

* * * * *

(b) *Sponsor.* See 000857, 015562, and 015579 in § 510.600(c) of this chapter for use as in paragraph (d)(1) and (2) of this section. See 051259 for use as in paragraph (d)(1) of this section.

* * * * *

Effective date. April 13, 1982.

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

Dated: April 6, 1982.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 82-10034 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 526

Intramammary Dosage Forms Not Subject to Certification; Erythromycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by CEVA Laboratories, Inc., providing for (1) codification of the previously approved use of an erythromycin intramammary infusion drug product for treating mastitis in dry cows, (2) change in syringe size from 6 to 12 milliliters (mL) for dry cow use only, and (3) change from a common label to separate labels for use of the drug in lactating and dry cows.

EFFECTIVE DATE: April 12, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: CEVA Laboratories, Inc., 10560 Barkley St., Overland Park, KS 66212, is sponsor of an NADA (035–455) for a solution containing 50 milligrams (mg) per mL of erythromycin supplied in a single-dose syringe. The product was originally approved as safe and effective for treating mastitis by udder infusion in both lactating and dry cows. The approval was published in the **Federal Register** of June 20, 1967 (32 FR 8753) as a food additive regulation in 21 CFR 121.249 (recodified as 21 CFR 526.820 subsequent to the product's conversion to new animal drug status). However, at that time only the provisions for use in lactating cows were required to be codified.

CEVA has since filed a supplement to NADA 035–455 to provide for (1) codification of the previously approved use of an erythromycin intramammary infusion drug product for treating mastitis in dry cows, (2) change in syringe size from 6 to 12 mL for dry cow use only, and (3) change from a common label to separate labels for use of the drug in lactating and dry cows. Currently, the NADA provides for use of Gallimycin®-36 (6-mL single-dose syringe containing 300 mg of erythromycin) in treating both lactating and dry cows via a common label. Consequently, when treating dry cows, the recommended dose (single administration of 600 mg of erythromycin) requires that two 6-mL syringes be infused into each infected quarter. The supplement makes the new unit size Gallimycin®-Dry Cow available. The drug product is a 12-mL syringe containing 600 mg of erythromycin. The product now makes it possible to treat mastitis in dry cows with a single infusion. The conditions of use are not otherwise affected. Because the 6-mL and 12-mL syringes are restricted to use in lactating and dry cows, respectively, separate labeling is required. The supplemental NADA is approved and the regulation is amended to reflect the approval.

Under the Bureau of Veterinary Medicine's supplemental approval policy proposed 21 CFR 514.106(b)(2)(ii) (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which provides revised labeling for the use of erythromycin in 12-mL syringes (new unit size) for intramammary infusion of dry cows. Because there are no changes in the use or specifications of these erythromycin products, Gallimycin®-36 and Gallimycin®-Dry Cow, there will be no increased risk of human exposure resulting from the approval of this supplement. Accordingly, this approval does not require a reevaluation of the safety and effectiveness data in the original application.

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

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

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

List of Subjects in 21 CFR Part 526

Animal drugs, intramammary.

PART 526—INTRAMAMMARY DOSAGE FORMS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 526 is amended by revising § 526.820 to read as follows:

§ 526.820 Erythromycin

(a) *Specifications.* (1) Each 6-milliliter, single-dose, disposable syringe contains 300 milligrams of erythromycin (as the base), 0.45 milligram of butylated hydroxyanisole, and 0.45 milligram of butylated hydroxytoluene.

(2) Each 12-milliliter, single-dose, disposable syringe contains 600 milligrams of erythromycin (as the base), 0.90 milligram of butylated hydroxyanisole, and 0.90 milligram of butylated hydroxytoluene.

(3) The vehicle is triglyceride of saturated fatty acids from coconut oil.

(4) The drug may or may not be sterile.

(b) *Sponsor.* See No. 050604 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount* (i) Lactating cows: After milking, cleaning, and disinfecting, infuse contents of a single 6-milliliter syringe into each infected quarter; repeat procedure at 12-hour intervals for a maximum of 3 consecutive infusions.

(ii) Dry cows: After milking, cleaning, and disinfecting, infuse contents of a single 12-milliliter syringe into each infected quarter at the time of drying off.

(2) *Indications for use.* Treatment of mastitis due to *Staphylococcus aureus, Streptococcus agalactiae, Streptococcus dysgalactiae,* and *Streptococcus uberis* in lactating or dry cows.

(3) *Limitations.* Milk taken from animals during treatment and for 36 hours (3 milkings) after the latest treatment must not be used for food.

Effective date. This regulation is effective April 13, 1982.

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

Dated: April 6, 1982.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 82-10035 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) sponsored by International Nutrition, Inc., providing for use of a tylosin and sulfamethazine premix to make complete swine feeds.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 6664 L St., Omaha, NE 68117, is sponsor of NADA 109-816 for I.N. Tylan 5 Sulfa Premix, a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine. The NADA provides for safe and effective use of the premix for subsequent manufacture of complete swine feed to be used for (1) maintaining weight gain and feed efficiency in the presence of atrophic rhinitis, (2) lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, (3) preventing swine dysentery (vibrionic), and (4) controlling swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of the application is based on safety and effectiveness data contained in Elanco's approved NADA's 12-491 and 41-275. Elanco has authorized FDA to refer to these applications to support approval of the application. Because this approval does not change the approved use of the drug, it poses no increased human risk from exposure to drug residues and does not affect the conditions of safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement and does not require reevaluation of the safety and effectiveness data contained in NADA's 12-491 and 41-275.

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

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by revising paragraph (b)(9) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(9) To 017790, 022422, 043733, and 050782: 5 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This amendement is effective April 13, 1982.

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

Dated: April 7, 1982.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 82-10033 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Departmental Reg. 108.819]

Application for Immigrant Visa; Issuance of Immigrant Visas

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: The Department is making amendments to conform the fees for processing and issuance of immigrant visas prescribed in §§ 42.117 and 42.121 with changes for the same fees as stated in another section of the Departments regulations.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, (202) 632-1900.

SUPPLEMENTARY INFORMATION: The final rule increasing the fees for processing and issuance of immigrant visas was published March 9, 1982 (47 FR 9999) pursuant to a rulemaking notice on December 16, 1981 (46 FR 61298) and after a review of public comments received in response thereto in compliance with the public participation and deferred effective date requirements of 5 U.S.C. 553. These conforming amendments have been determined not to be major rules within the definition of section 1(a) of E.O. 12291.

List of Subjects in 22 CFR Part 42

Immigration.

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

§§ 42.117 and 42.121 [Amended]

Sections 42.117(a) and 42.121 to Part 42 are amended to change the fee in the first line of each section from "$5" and "$20" to "$25" and "$75" respectively.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104; sec. 109(b)(1), 91 Stat. 847)

Dated: March 22, 1982.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 82-10076 Filed 4-12-82; 8:45 am]

BILLING CODE 4710-06-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Correction

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Correction document.

SUMMARY: On January 14, 1982, the Commission published a revision of its Operations and Relocation Procedures in the Federal Register (47 FR 2089–2112). This revision included Subparts A through K, Subparts L, 46 FR 46801–46803), M (46 FR 27916–27923), N 46 FR 27916–27919) were inadvertently not included in the revision. The purpose of this publication is to correct the previous revision to reinstate Subparts L, M, and N.

EFFECTIVE DATE: April 13, 1986.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Telephone No. (602) 779–3311, Extension 1376, FTS: 261–1376.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002, Telephone No. (602) 779–3311 Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION: None.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is revised in its final form by reinstating Subparts L, as published in its final form on September 22, 1981, (46 FR 46801–46803), M, as published in its final form on May 22, 1981, (FR 46 27919–27923) and N, as published in its final form on May 22, 1981, (46 FR 27916–27919).

(Pub. L 93–531, 88 Stat. 1712, as amended by Pub. L. 96–305, 94 Stat. 929 (25 U.S.C. 640d)

Hawley Atkinson,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 82-10074 Filed 4-12-82; 8:45 am]

BILLING CODE 6820-BB-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 24

[Order No. 975–82]

Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is issuing its final rules governing the implementation of the Equal Access to Justice Act (Title 2 of Pub. L. 96–481, 94 Stat. 2325) in Department of Justice Administrative Proceedings. These rules establish procedures for the submission and consideration of applications for awards of attorneys fees and other expenses in adversary adjudications conducted by the department under 5 U.S.C. 554.

DATE: This order is effective on May 13, 1982. The interim regulations will remain in effect until the effective date of this order.

FOR FURTHER INFORMATION CONTACT: Helen Lessin Shaw, Office of Legal Policy, Department of Justice, Washington, D.C. 20530; telephone: 202/633–2034.

SUPPLEMENTARY INFORMATION: The Department of Justice received three comments in response to the October 5, 1981 publication of its interim rules, 46 FR 48921. The first commenter, the Wetlands Energy Producers Association, suggested that the regulations be expanded to apply to civil actions as well as administrative proceedings. We are unable to incorporate this suggestion in our final regulations. The purpose of the regulations is to implement the requirement found in 5 U.S.C. 504(c)(1) dealing with administrative proceedings. It would be inappropriate to set forth rules for the submission and consideration of applications in court proceedings since court rules will determine procedures to be followed under 28 U.S.C. 2412. Such rules have already been established by a number of courts. *See* Court Rules of the United States Court of Appeals for the Fourth Circuit, effective October 7, 1981.

Conformance With ACUS Model Rules

Extensive comments were received from the Administrative Conference of the United States (ACUS). ACUS was concerned that the DOJ rules did not follow more closely the model rules which it had issued. The Department of Justice did give serious consideration to the ACUS model rules, and followed them where appropriate in format and substance. However, it is clear both from the statute and the legislative history, that each agency is to establish its own rules after consultation with the Chairman of the Administrative Conference and is not required to conform its rules with the rules developed by the ACUS. Indeed, the preliminary comments to the ACUS model rules state that:

> The Chairman's statutory role is consultive; as we made clear in the draft rules, the Act does not empower the Chairman to compel other agencies to adopt specific procedures or interpretations * * *
>
> The Act does, however, mandate the establishment of uniform procedures. While identical rules governmentwide are a practical impossibility, we expect agencies, in pursuit of this statutory objective, to give serious consideration to the model rules * * *

While we recognize ACUS' legitimate interest in facilitating the consultation process through the publication of model regulations, we think it clear that their publication creates no obligation on the part of affected agencies concerning the form or content of the rules they adopt to implement the Act. Further, we do not understand the Act to require an agency to obtain approval of the regulations it adopts. The agency must, of course, consider the views of ACUS before issuing final regulations and, as shown below, we have considered these views and modified our regulations where we felt it was appropriate.

Confidentiality Provision

ACUS is troubled that the Department of Justice did not adopt the ACUS provision which provided the applicants with an opportunity to demonstrate that their net worth information is entitled to confidential treatment. ACUS' concern is that absent a confidentiality provision applicants who could make a showing that their net worth information was entitled to confidential treatment might be deterred from applying for Equal Access to Justice Act awards.

Confidentiality provisions are neither required nor suggested by the Equal Access to Justice Act. We saw no

reason to voluntarily adopt a provision similar to the ACUS confidentiality provision when the result would be to restrict the activities of the Department's attorneys in investigating the truth of the information contained on the net worth statement. It is difficult to obtain information from third parties concerning an applicant's net worth without disclosing during the questioning at least some of the contents of the net worth statement. Moreover, an accessible net worth statement should make it easier for other parties in multi-party litigation to compare information in their possession concerning the applicant's net worth with the statement and to volunteer contradictory information to agency counsel, thereby assisting in the effort to prevent fraud on the government. Also, the applicant's knowledge that the net worth statement may become public should discourage false statements to some extent. Finally, the courts have not adopted any kind of confidentiality procedure for applications, regardless of whether the proceeding involves an action originally initiated in the courts or an appeal from an agency adjudication. Different treatment at the administrative level is simply not warranted.

The ACUS confidentiality provision is problematical in any event. It purports to establish a procedure for the applicant's gaining confidentiality where legal grounds exist for such confidentiality, thereby suggesting that such legal grounds do exist. Failing authorization in the Equal Access to Justice Act, we do not see any basis for the applciant's claiming a right to confidentiality. Assuming, however, that such a right does exist, it would certainly be applicable in very limited circumstances. We do not doubt the ability of those few persons who truly qualify for confidential treatment to work out the proper steps needed to obtain it.

The ACUS confidentiality provision requires that the motion describe why the financial information sought to be withheld falls within a FOIA exemption, why public disclosure of the information would adversely affect the applciant, and why disclosure is not required in the public interest. This could be interpreted as suggesting that a satisfactory explanation to this effect would constitute legal grounds for the adjudicative officer's granting confidentiality. We believe that such a suggestion is unwarranted. Moreover if there are legal grounds for confidentiality, it is those grounds which the motion should describe. Furthermore, the Department has generally taken the position that FOIA and its exemptions are completely irrelevant in litigation that does not directly involve FOIA matters. Thus, for example, numerous decisions hold that for discovery purposes the Federal Rules of Civil Procedure and not the differing provisions of FOIA govern. It would be unwise to abandon this traditional posture by incorporating FOIA by reference here.

Finally, the ACUS confidentiality provision gives incomplete guidance to the adjudicative officer and to agency counsel on what should ensue from a finding of confidentiality. The implication is that the statement should not be placed in the public record of the proceeding. The regulation states "(o)therwise, any request to inspect or copy (the confidential materials) shall be disposed of in accordance with * * * established procedures under the Freedom of Information Act." The regulation does not answer the question whether the adjudicative officer's finding concerning whether the material falls within a FOIA exemption is binding when a subsequent FOIA request is made. Also, the regulation does not address the effect of the adjudicative officer's decision on the use of the materials by agency counsel either during the administrative proceeding or subsequently as permited by the Privacy Act for civil and criminal law enforcement purposes for in proceedings under 18 U.S.C. 1001 and 287.

§ 24.106 Standards for awards.

Another concern of ACUS is that the Department has included a sentence in § 24.106 stating that the fact that an applicant prevails does not create a presumption that the agency's position was not substantially justified. This provision is in place of the model rules' language defining substantial justification and referring to the burden of proof.

The language in the Department's regulations at § 24.106 is not meant to suggest that applicants have the burden of proving that the agency's position was not substantially justified nor is it an attempt to shift the burden of proof from the agency to the applicant. The language in § 24.106 is derived directly from the Committee Reports. In both the House and Senate Committee Reports, the following language appears:

> (t)he standard, however, should not be read to raise a presumption that the government position was not substantially justified, simply because it lost the case." *See* Rep. No. 96–253, 96th Cong. 1st Sess., at 7; H.R. Rep. No. 96–1418, 96th Cong. 2d Sess., at 11.

The purpose of restating this in our regulations is to make perfectly clear that the test is not whether the government lost the case, but whether the government can show that its case had a reasonable basis both in law and fact.

§ 24.203 Documentation of fees and expenses.

After review of ACUS' comments concerning § 24.203, Documentation of fees and expenses, we have revised this provision which ACUS believes is considerably more elaborate than the model rules and unnecessary in most administrative hearings. We have done this so as to limit the paperwork burden. Although we continue to believe that all competent attorneys will keep time logs for billing purposes, we have been persuaded that the initial submission of detailed affidavits in every case may be excessive at the administrative hearing level. Accordingly, this provision is revised and the affidavit no longer must itemize in detail the services performed by the date, number of hours per date, and the services performed during those hours. In administrative proceedings where this information is necessary, the Department counsel or adjudicative officer will be able to require this information. Furthermore, we have elimininated the requirement that an affidavit must be submitted from two attorneys stating their hourly rate if no hourly rate is paid by the majority of the applicant's attorneys clients. The attorneys are now left with more flexibility in justifying the rates charged.

Further Pleadings on Applications

ACUS requested that we consider adding provisions for reply pleadings on applications as well as deadlines for the adjudicative officer's decision. Rather than specifically providing for reply pleadings, we have provided at § 24.305 that the adjudicative officer may *sua sponte* or on motion of any party require further proceedings. It does not appear necessary to us to specifically provide for reply pleadings since they frequently will not be necessary.

With regard to the setting of a time limit by which an adjudicative officer must make a fee determination, we believe it would be inappropriate to bind an adjudicative officer to an inflexible time period without first having some experience in this area. The agency is committed to prompt action and we have amended § 24.306 to so provide.

Technical Changes

Lastly, ACUS has suggested some technical changes. We agree with the comment that since we have defined "proceeding" in § 24.102(e) as an adversary adjudication, we should describe actions on applications for awards with another term so as not to imply that the processing of an application is itself an independent section 554 adjudication. Accordingly, in those sections where the term "proceeding" was used in the interim rules to describe actions on the application, the term has been deleted. Section 24.106(a) has been changed so as to make perfectly clear that an applicant will not receive an award if special circumstances would make an award unjust.

Other Commenters

The third commenter on the interim regulations was the Deputy Chief Counsel of the Drug Enforcement Administration. We have adopted his suggestion that we add a subsection (c) to § 24.305 to identify the procedural rules to be followed by an affected component of the Department in the event that an evidentiary hearing on the fee application is necessary. The Deputy Chief Counsel also provided his views on § 24.307.

Section 24.307 provides that the "decision of the adjudicative officer will be reviewed to the extent permitted by law * * *" It is DEA's view that this language is not sufficiently broad to cover DEA's adjudicative processes. DEA would require the entire record to be certified to it for decision pursuant to the provisions of 5 U.S.C. 557(b). Consequently, the administrative law judge would only recommend a fee award and the "agency," in this case, the Administrator of DEA, would make the final determination.

However, as we read the terms of the Act in light of Congress' purpose, they preclude review at the administrative level of the findings of the adjudicative officer which, under 5 U.S.C. 504(a)(1), trigger the statute's directive to pay a fee award. See also, 5 U.S.C. 504(a)(3) ("The decision of the adjudicative officer of the agency under this section shall be made part of the record containing the final decision of the agency * * *"). Agency review of certain aspects of the decision may be appropriate, such as the amount of the fee awarded; however, whether the position of the agency was "substantially justified" or whether "special circumstances make an award unjust" are not findings subject to revision by the agency. Although ACUS' model regulations appear to provide for agency review of all of the adjudicative officer's findings under section 504(a)(1), we do not find a basis for this in the Act and, therefore, are unable to revise this section as requested by DEA.

This announcement does not constitute a "major" rule, as defined by Executive Order 12291, because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Finally, this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, no analysis of the impact of these rules on such entities is required under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 24

Equal access to justice, Claims lawyers.

The Department of Justice amends Title 28 of the Code of Federal Regulations by adopting as final Part 24 which was published as an interim rule at 46 FR 48921, Oct. 5, 1981, and is to read as set forth below.

Dated: April 2, 1982.

William French Smith,

Attorney General.

PART 24—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Subpart A—General Provisions

Sec.

24.101 Purpose of these rules.
24.102 Definitions.
24.103 Proceedings covered.
24.104 Applicability to Department of Justice proceedings.
24.105 Eligibility of applicants.
24.106 Standards for awards.
24.107 Allowable fees and other expenses.

Subpart B—Information Required From Applicants

24.201 Contents of application.
24.202 Net worth exhibit.
24.203 Documentation of fees and expenses.
24.204 Time for submission of application.

Subpart C—Procedures for Considering Applications

24.301 Filing and service of documents.
24.302 Answer to application.
24.303 Comments by other parties.
24.304 Settlement.
24.305 Extensions of time.
24.306 Decision on application.
24.307 Department review.
24.308 Judicial review.
24.309 Payment of award.

Authority: 5 U.S.C. 504(c)(1).

Subpart A—General provisions

§ 24.101 Purpose of these rules.

These rules are adopted by the Department of Justice pursuant to section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481. Under the Act, an eligible party may receive an award for attorney fees and other expenses when it prevails over the Department in an adversary adjudication under 5 U.S.C. 554 before the Department, unless the Department's position as a party to the proceeding was substantially justified or special circumstances make an award unjust. The purpose of these rules is to establish procedures for the submission and consideration of applications for awards against the Department.

§ 24.102 Definitions.

As used in this Part:

(a) "The Act" means section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481.

(b) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or reviewing a license.

(c) "Adjudicative officer" means the official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication.

(d) "Department" refers to the relevant departmental component which is conducting the adversary adjudication (e.g., Drug Enforcement Administration or Office of Justice Assistance, Research, and Statistics).

(e) "Proceeding" means an adversary adjudication as defined in § 24.102(b) above.

§ 24.103 Proceedings covered.

(a) These rules apply to adversary adjudications required by statute to be conducted by the Department under 5 U.S.C. 554. Specifically, the proceedings conducted by the Department to which these rules apply are:

(1) Hearings conducted by the Drug Enforcement Administration (DEA) in connection with suspension or revocation of registration of manufacturers, distributors, and dispensers of controlled substances under 21 U.S.C. 824(c) and 21 CFR 1301.51; suspension or revocation of

import and export registrations pursuant to 21 U.S.C. 958 and 21 CFR 1311.51;

(2) Hearings conducted by DEA in connection with the scheduling of drugs pursuant to 21 U.S.C. 811(a) and 21 CFR 1308.41;

(3) Handicap discrimination hearings conducted by the Department under 29 U.S.C. 794a(a) and 28 CFR 42.109(d);

(4) Title VI civil rights hearings conducted by the Department under 42 U.S.C. 2000d–1 and 28 CFR 42.109(d);

(5) Grant denial and grant termination hearings conducted by the Office of Justice Assistance, Research, and Statistics (OJARS), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), or the Law Enforcement Assistance Administration (LEAA) under 42 U.S.C. 3783 and 28 CFR Part 18; and

(6) Civil rights hearings conducted by OJARS under 42 U.S.C. 3789d and 28 CFR 42.214–15.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 24.104 Applicability to Department of Justice proceedings.

The Act applies to an adversary adjudication pending before the Department at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Department action has not been taken before that date, and proceedings pending on September 30, 1984.

§ 24.105 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a prevailing party in the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

§ 24.106 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding unless (1) the position of the Department as a party to the proceeding was substantially justified or (2) special circumstances make the award sought unjust. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceedings.

§ 24.107 Allowable fees and other expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) Reasonable cost of any study, analysis, engineering report, test, or project which the Department finds necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees;

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, except that

(1) Compensation for an expert witness will not exceed the highest rate paid by the Department for expert witnesses; and

(2) Attorney or agent fees will not be in excess of $75 per hour.

Subpart B—Information Required From Applicants

§ 24.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Department in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall include a statement that the applicant's net worth as of the time the proceeding was initiated did not exceed $1 million if the applicant is an individual (other than a sole owner of an unincorporated business seeking an award in that capacity) or $5 million in the case of all other applicants. An applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Code or, in the case of such an organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under section 501(c)(3) of the Code; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) If the applicant is a partnership, corporation, association, or organization, or a sole owner of an unincorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses for which an award is sought.

(e) The application may include any other matters that the applicant believes should be considered in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. The application shall contain or be accompanied by a written verification under oath or affirmation under penalty of perjury that the information provided in the application and all accompanying material is true and complete to the best of the signer's information and belief.

§ 24.202 Net worth exhibit.

(a) Each applicant except a qualified tax exempt organization or a qualified cooperative must submit with its application a detailed exhibit showing its net worth at the time the proceeding was initiated. If any individual, corporation, or other entity directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or if the applicant directly or indirectly owns or controls a majority of the voting shares of other interest of any

corporation or other entity, the exhibit must include a showing of the net worth of all such affiliates or of the applicant including the affiliates. The exhibit may be in any form convenient to the applicant, provided that it makes full disclosure of the applicant's and any affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards of 5 U.S.C. 504(b)(1)(B)(i). The adjudicative officer may require an applicant to file additional information to determine the applicant's eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one-year period prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) The net worth exhibit shall be included in the public record of the proceeding.

§ 24.203 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, engineering report, test, or project, for which an award is sought.

(b) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing in behalf of the party, stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(1) The affidavit shall state the services performed. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide information about two attorneys or agents with similar experience, who perform similar work, stating their hourly rate.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 24.204 Time for submission of application.

(a) An application must be filed no later than 30 days after final disposition of the proceeding. If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, action on the award of fees shall be stayed pending final disposition of the underlying controversy.

(b) Final disposition means the later of (1) the date on which the final agency decision is issued, (2) the date on which a petition for rehearing or reconsideration is disposed of, or (3) the date of final resolution of the proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for rehearing or reconsideration.

Subpart C—Procedures for Considering Applications

§ 24.301 Filing and service of documents.

An application for an award and any other pleading or document related to the application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 24.302 Answer to application.

(a) Within 30 calendar days after service of the application, Department counsel may file an answer. If Department counsel fails to answer or otherwise fails to contest or settle the application, the adjudicative officer may upon a satisfactory showing of entitlement by the applicant make an award for the applicant's fees and other expenses under 5 U.S.C. 504.

(b) If Department counsel and applicant believe that they can reach a settlement concerning the award, Department counsel may file a statement of intent to negotiate. The filing of such a statement shall extend the time for filing an answer an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on to support the objection. If the answer is based on any alleged facts not already reflected in the record of the proceeding, Department counsel shall include with the answer either a supporting affidavit or a request for further filings or other action.

§ 24.303 Comments by other parties.

Any party to a proceeding other than the applicant and Department counsel may file comments on an application within 30 calendar days after it is served or on an answer within 15 calendar days after it is served.

§ 24.304 Settlement.

A prevailing party and Department counsel may agree on a proposed settlement of an award before final action on the application, either in connection with a settlement of the underlying proceeding or after the underlying proceeding has been concluded. If the party and Department counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 24.305 Extensions of time.

(a) The adjudicative officer may on motion and for good cause shown grant extensions of time other than for filing an application for fees and expenses after final disposition in the adversary adjudication.

(b) Ordinarily, the determination of an award will be made on the basis of the written record of the underlying proceeding and the filings required or permitted by the foregoing sections of these rules. However, the adjudicative officer may *sua sponte* or on motion of any party to the proceedings require or permit further filings or other action, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further action shall occur only when necessary for full and fair resolution of the issues arising from the application and shall take place as promptly as possible. A motion for further filings or other action shall specifically identify the information sought on the disputed issues and shall explain why the further filings or other action is necessary to resolve the issues.

(c) In the event that an evidentiary hearing is required or permitted by the adjudicative officer, such hearing and any related filings or other action required or permitted shall be conducted pursuant to the procedural rules governing adversary adjudications conducted by the Department component in which the underlying adversary adjudication was conducted.

§ 24.306 Decision on application.

The adjudicative officer shall promptly issue a decision on the application which shall include proposed written findings and conclusions on such of the following as are relevant to the decision:

(a) The applicant's status as a prevailing party;

(b) The applicant's qualification as a "party" under 5 U.S.C. 504(b)(1)(B);

(c) Whether the Department's position as a party to the proceeding was substantially justified;

(d) Whether special circumstances make an award unjust;

(e) Whether the applicant during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy; and

(f) The amounts, if any, awarded for fees and other expenses, with reasons for any difference between the amount requested and the amount awarded.

§ 24.307 Department review.

The decision of the adjudicative officer will be reviewed to the extent permitted by law by the Department in accordance with the Department's procedures for the type of proceeding involved. The Department will issue the final decision on the application.

§ 24.308 Judicial review.

Judicial review of final Department decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 24.309 Payment of award.

An applicant seeking payment of an award shall submit a copy of the final decision granting the award to the Department's Accounting Office for processing. A statement that review of the underlying decision is not being sought in the United States courts, or that the process for seeking review of the award has been completed, must also be included.

[FR Doc. 82-9874 Filed 4-12-82; 8:45 am]
BILLING CODE 4410-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1405

Part-Time Employment

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule.

SUMMARY: The Federal Employees Part-time Career Employment Act of 1978 (Pub. L. 95-437) requires Federal agencies to develop and administer a program for part-time employment and change the personnel ceiling and fringe benefit provisions for part-time career Federal employees. The regulations define coverage under the Act for employment (5 CFR Part 340) and health insurance (5 CFR Part 890) and outline the responsibilities of the Office of Personnel Management. The Federal Mediation and Conciliation Service is publishing this rule to outline the agency part-time employment policies as mandated by Pub. L. 95-437.

On April 10, 1980 at 45 FR 2450 the Federal Mediation and Conciliation Service published proposed rules and requested comments. No comments were received during the comment period. The final rule is essentially unchanged from the proposed rule.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Pamela Carlson 202/653-5260.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1405

Government employees.

Title 29 of the Code of the Federal Regulations is amended by adding Part 1405 to read as set forth below:

PART 1405—PART-TIME EMPLOYMENT

Subpart A—General

Sec.

1405.1 Purpose.
1405.2 Policy.
1405.3 Definition.
1405.4 Applicability.
1405.5 Effective date.

Subpart B—Part-time Employment Program

1405.6 Program coordination.
1405.7 Goals and timetables.
1405.8 Reporting.
1405.9 Part-time employment practices.
1405.10 Effect on employment ceilings.
1405.11 Effect on employment benefits.

Authority: Pub. L. 95-437, Federal Employees Part-time Career Employment Act of 1978.

Subpart A—General

§ 1405.1 Purpose.

These regulations implement Pub. L. 95-437, the Federal Employees Part-time Career Employment Act of 1978, by establishing a continuing program in the Federal Mediation and Conciliation Service (FMCS) to provide career part-time employment opportunities.

§ 1405.2 Policy.

It is the policy of FMCS to provide career part-time employment opportunities in positions through GS-16 (or equivalent) subject to agency resources and mission requirements.

§ 1405.3 Definition.

Part-time career employment means regularly scheduled work of from 16 to 32 hours per week performed by employees in competitive or excepted appointments in tenure groups I or II.

§ 1405.4 Applicability.

The regulations cover permanent positions which are deemed by management to be appropriately structured on a part-time basis. The regulations do not apply to positions at GS-16 (or equivalent) and above.

Subpart B—Part-time Employment Program

§ 1405.6 Program coordination.

The Director of Personnel is designated the FMCS Part-time Employment Coordinator with responsibility for:

(a) Consulting in the part-time employment program with the Director of Equal Employment Opportunity, Federal Women's Program Coordinator, Handicapped Program Coordinator, representatives of employee unions, and other interested parties;

(b) Responding to requests for advice and assistance on part-time employment within the agency;

(c) Maintaining liaison with groups interested in promoting part-time employment opportunities;

(d) Monitoring the agency's part-time employment efforts; and preparing reports on part-time employment for transmittal to OPM and the Congress.

§ 1405.7 Goals and timetables.

On an annual basis, as part of the manpower and budget process, management will set goals for establishing part-time positions to part-time along with a timetable setting forth interim and final deadlines for achieving the goals. Decisions on part-time employment will be based on such factors as agency mission, occupational mix, workload fluctuations, affirmative actions, geographic dispersion, effect on providing services to the public, and employee interest in part-time employment.

§ 1405.8 Reporting.

FMCS will report as required by regulations to the Office of Personnel Management on the part-time employment program. The program will be reviewed through internal personnel management evaluations.

§ 1405.9 Part-time employment practices.

FMCS will review positions which become vacant for the feasibility of utilizing part-time career appointments. Part-time positions will be advertised in vacancy announcements. Agency employees may request and receive consideration to switch from full-time to part-time schedules. The request should be addressed through the supervisor to the Director of Personnel listing any and all reasons for the request. The Director of Personnel, with input from all affected management officials, will

decide whether or not to grant the request. Any employee requesting a change from full-time to part-time employment will be advised of effects on pay and fringe benefits by the Director of Personnel.

§ 1405.10 Effect on employment ceilings.

Effective October 1, 1980, part-time employees will be counted on the basis of the fractional part of the 40-hour week actually worked. For example two employees each working twenty hours a week will count as one employee.

§ 1405.11 Effect on employee benefits.

Career part-time employees are entitled to coverage under the Federal Employees Group Life Insurance and Federal Employees Health Benefits Programs. The Government contribution for health insurance of eligible part-time employees will be prorated on the basis of the fraction of a full-time schedule worked.

Dated at Washington, D.C., on April 6, 1982.

John C. Zancanaro,

Director, Office of Policy and Resource Management.

[FR Doc. 82-10063 Filed 4-12-82; 8:45 am]

BILLING CODE 6732-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This publication sets forth the final rule on determination of an expected retirement age which is used to value an early retirement benefit under Part 2619, Valuation of Plan Benefits in Non-Multiemployer Plans, for the purposes of Title IV of the Employee Retirement Income Security Act of 1974. The time for commenting on the interim rule has passed, no comments were received and therefore Subpart D of Part 2619, Expected Retirement Age, and related Appendix E to Part 2619, which were previously in effect in interim form are made final as previously published. Appendix D to Part 2619, which was previously in effect in interim form is made final as amended.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Staff Attorney, Office of General Counsel, Pension Benefit Guaranty corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, an interim rule on expected retirement age was published at 46 FR 9504 as Subpart D of Part 2610, Valuation of Plan Benefits in Non-Multiemployer Plans. Subpart D of Part 2610 provided methods of determining an expected retirement age to be used in connection with the rules contained in Subparts B and C of that Part to determine the value of an early retirement benefit. Part 2610 was redesignated Part 2619 in a notice published June 24, 1981, (46 FR 32574). Two appendixes which are related to Subpart D were published concurrently with Subpart D; Appendix D at 46 FR 9514, and Appendix E at 46 FR 9516. Appendix D contains tables used to determine an expected retirement age and Appendix E contains examples of calculations of expected retirement ages. Appendix D was subsequently amended on December 31, 1981 (46 FR 63268). Comments were invited on the interim rule for 60 days ending March 30, 1981. No comments were received regarding the interim rule. Accordingly, Subpart D and Appendixes D and E are hereby made final as previously published.

Subpart D sets forth several methods of calculating an expected retirement age. The method is dependent on the circumstances surrounding the termination of the plan. Appendix D provides tables based on the year of plan termination, Tables I-79, I-80, I-81, and I-82, which are used with the participant's age and benefit level to determine whether the participant has a high, medium or low probability of retiring early. Table I-82 for plans which terminate in 1982 was added to Appendix D by an amendment to the interim rule published in the **Federal Register** on December 31, 1981, (46 FR 63268). Once the probability category is determined, other tables in Appendix D, Tables II-A, II-B, and II-C, are used to determine the expected retirement age. The expected retirement age is used in the formulas provided in Subparts B and C of Part 2619 to determine the value of the early retirement benefit. This value is necessary for the plan administrator to determine the total value of plan benefits. This, less the value of plan assets, will be the employer liability due PBGC under Title IV of the Employee Retirement Income Security Act of 1974, unless the employer liability is limited by the net worth of the employer.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

PART 2619—VALUATION OF PLAN BENEFITS IN NONMULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI of Title 29, Code of Federal Regulations is hereby promulgated as a final rule as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, and 1362).

2. Subpart D of Part 2619 is promulgated as a final rule to read as previously published (46 FR 9504, January 28, 1981 as Subpart D of Part 2610 and redesignated at 46 FR 32575, June 24, 1981).

3. Appendix D to Part 2619 is promulgated as a final rule to read as previously published (46 FR 9504, January 28, 1981 as Appendix D to Part 2610 and redesignated at 46 FR 32575, June 24, 1981 and as amended at 46 FR 63268, December 31, 1981).

4. Appendix E to Part 2619 is promulgated as a final rule to read as previously published (46 FR 9504, January 28, 1981 as Appendix E to part 2610 and redesignated at 46 FR 32575).

Raymond J. Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this final rule.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 82-10061 Filed 4-12-82; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 251

Geological and Geophysical (G&G) Exploration of the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations regarding geological and geophysical exploration of the Outer Continental Shelf to change the requirement for completion of prelease drilling and submission of information gathered from deep stratigraphic test wells from 3 months prior to the Proposed Notice of Sale to 60 days prior to the first day of the month in which a lease sale is held. This change is necessary to provide permittees additional time to complete the drilling. The effect of this action is to provide greater flexibility to industry while preserving for the Government access to this type of information needed for the presale evaluation process.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860–7395, (FTS) 928–7395.

SUPPLEMENTARY INFORMATION:

Background

The current rule, 30 CFR 251.6–5, Duration of exploration activities, was effective on March 25, 1980. That rule required drilling activities associated with a deep stratigraphic test well to be completed and all data and information submitted to the Director at least 3 months prior to the first day of the month in which a Proposed Notice of Sale is listed. This time equates to approximately 8 months prior to a lease sale. There has been concern that imposing a deadline for reporting so far in advance of a sale creates a significant burden on the planning of a drilling program. This is especially true in areas with a drilling season severely limited by weather, such as Alaska. The final rule will allow industry greater flexibility in planning and executing a drilling program while continuing to assure access to the information by the Government for lease sale evaluation.

The final rule follows analysis of comments received in response to a Notice of Proposed Rulemaking published on September 9, 1981 (46 FR 44994), and is necessary to change the requirement for the submission of deep stratigraphic test well information.

A total of 5 comments were received in response to the Notice of Proposed Rulemaking. All commenters supported the amendment's purpose to allow greater flexibility in carrying out a drilling program. Commenters made recommendations for minor revisions.

Difference Between Proposed Rule and Final Rule

There is only one difference between the proposed rule and the final rule. In the first sentence, the words "tentatively selected for a lease sale" are replaced with the words "within the area identified for consideration for leasing," to reflect the recently proposed streamlined prelease process.

Discussion of Comments

While all commenters agreed with the purpose of the amendment to allow for greater flexibility several commenters suggested alternate time frames.

Two commenters suggested a shorter time frame, such as 30 days prior to a sale date. One recited an example in an Outer Continental Shelf (OCS) area where a drilling season was so short that an effective program could not be carried out even under the proposed deadline. We recognize that circumstances such as the example cited might arise but would be very unusual. We do not feel that the time frame should be changed to accommodate all possibilities. If an unusual case arises, the permittee can bring the situation to the attention of the Director, as it is within the Director's discretion under § 251.6–5 to extend a drilling permit when such an extension is in the national interest.

Some commenters felt the time frame could be shortened because the Government no longer needs the information for prelease tract specific evaluation. Under the published proposal for streamlining the prelease process, the Department would not be performing prelease tract-specific evaluations. However, the process does not eliminate the need for the information prior to the lease sale. Deep stratigraphic test wells provide data on a more regional nature that are used for conducting preliminary mapping of the sale area and establishing matrices for use in postsale evaluations of selected tracts. While the time-intensive tract evaluations will not be carried out prelease, the Government needs sufficient time to prepare for the sale, utilizing regional data and information such as that gathered from deep stratigraphic test wells. In our view the deadline of 60 days prior to the first day of the month in which a lease sale is scheduled to be held provides industry reasonable flexibility in planning drilling programs and allows the Government time to prepare the necessary information.

One commenter suggested that 60 days was not sufficient time for a permittee to process and evaluate the data and suggested setting the deadline at 90 days prior to the first of the month in which a lease sale is held. We do not agree that the deadline should be moved to 90 days to allow for permittees who need more time for evaluation. We would point out that drilling must be completed and information submitted at least 60 days prior to the first day of the month in which a lease sale is held. The drilling can be conducted and the information generated at any time prior to the deadline, subject to any conditions of the permit. If a permittee feels it needs more time, the timing of its drilling program should reflect that need.

We agree with one commenter that recommended changing the words "tentatively selected for a lease sale." They have been replaced with the words "within the area identified for consideration for leasing," to reflect the Department's proposed streamlined prelease process. Under the streamlined prelease process, prior to final selection in the Notice of Sale, tracts will no longer be tentatively selected but an entire area will be under consideration for lease sale.

Information Collection

There are fewer than 10 respondents per year, consequently, this information collection does not require clearance under the Paperwork Reduction Act, 44 U.S.C. 3507.

Authors: Jane Roberts, Platte Clark, and David Schuenke, Geological Survey, Department of the Interior (703) 860–7395.

Regulatory Analysis and Small Entity Flexibility Analysis

The Department has determined that this final rule is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. In addition, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities and does not, therefore, require a small entity flexibility analysis under the Regulatory Flexibility Act.

List of Subjects in 30 CFR Part 251

Continental shelf, Freedom of information, Public lands—mineral

resources, Reporting and recordkeeping requirements, Science and technology.

Daniel N. Miller,

Assistant Secretary of the Interior.

January 18, 1982.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

For the reasons set out in the preamble, 30 CFR part 251 is amended as set out below:

Section 251.6–5 is revised to read as follows:

§ 251.6–5 Duration of exploration activities.

If a deep stratigraphic test well is drilled within 50 geographic miles of any tract within the area identified for consideration for leasing as listed on the currently approved OCS Leasing Schedule, all drilling activities must be completed, and the information and data submitted to the Director at least 60 days prior to the first day of the month in which the lease sale is scheduled to be held. However, the Director may extend the expiration date of a permit if it is determined that such an extension is in the national interest.

(43 U.S.C. 1334)

[FR Doc. 82-10136 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2075-7]

Ohio State Implementation Plan; Sulfur Dioxide Standards

AGENCY: Environmental Protection Agency.

ACTION: Announcement of effective date, withdrawal of a partial disapproval and amendment of final rule.

SUMMARY: On January 27, 1981, EPA approved in part and disapproved in part the Ohio state implementation plan (SIP) for the control of sulfur dioxide (SO_2). 46 FR 8481. However, the action has not yet become effective. In this notice, EPA is announcing the effective date of the Ohio plan, and withdrawing its disapproval of the plan's thirty day averaging provisions. EPA has decided to take no action on those provisions until a general review of thirty day averaging is complete. In a separate notice, EPA is responding to petitions for reconsideration of its action on the Ohio plan.

DATE: Effective April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604; (312) 886–6088.

SUPPLEMENTARY INFORMATION: On January 27, 1981, EPA promulgated its partial approval and disapproval of the Ohio SIP for the control of SO_2. 46 FR 8481. The action was to become effective on February 27, 1981. However, on January 29, 1981, the President issued a memorandum deferring the effective dates of all rules that had been finally promulgated but were not yet effective until March 30, 1981. The deferral was to allow time for the Office of Management and Budget (OMB) to review such rules.

During this review period President Reagan issued Executive Order 12291, 46 FR 13193 (February 19, 1981), which set forth detailed procedures and criteria for OMB review of administrative rules. Pursuant to that Executive Order, and to allow further review by OMB, EPA deferred the effective date of the Ohio SIP. 46 FR 19936 (April 2, 1981).

EPA is today ending the deferral of the effective date of the Ohio SIP. As a consequence of this action, the entire promulgation on the Ohio SIP becomes effective as originally announced, with the exception of EPA's disapproval of the thirty day averaging provisions in Ohio's plan. That disapproval is hereby withdrawn for the following reasons.

Sulfur content in coal varies naturally and, as a result, SO_2 emission rates also vary over time. Averaging time refers to the time period over which the sulfur content of coal will be measured in order to determine a source's compliance with its emission limit. In the past, it has been difficult to determine whether a long-term averaging time for sulfur content would adequately protect the short-term NAAQS and, consequently, the Agency has thus far disapproved thirty day averaging. However, EPA has recently developed techniques for meteorological dispersion modeling that can accommodate variable SO_2 emission rates and the Agency is now re-evaluating the use of long-term averages in determining emission limits.

EPA's disapproval of Ohio's regulations on thirty day averaging was based upon the same technical considerations that are now undergoing a general re-evaluation. Since review of the Ohio control strategy and re-evaluation of thirty-day averaging in general are so closely related, EPA has decided that it is administratively more efficient and equitable to take no action on Ohio's regulations until the Agency has completed its overall review. Therefore, EPA is withdrawing its disapproval of Ohio's thirty-day averaging provisions and is taking no action at this time.

EPA finds good cause to withdraw its disapproval without notice and comment and to make it effective upon publication. An SIP provision does not become effective as federal law unless EPA affirmatively approves it. Consequently EPA's decision to take no action on thirty-day averaging has the same substantive effect as EPA's former disapproval. In either case, thirty-day averaging does not become part of the federal SIP for Ohio. Therefore, EPA finds that it is unnecessary to take comment on this action. The public has already commented upon the original disapproval. Should EPA decide to approve the thirty-day averaging provisions for Ohio, there will be opportunity to submit further comments at that time.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a regulatory impact analysis. The withdrawal of EPA's disapproval of thirty-day averaging does not constitute a major rule because it imposes no regulatory requirements. The announcement that the promulgation, of Ohio SIP as published on January 27, 1981, also does not constitute a major rule since it too imposes no additional regulatory requirements. It merely announces the effective date of previously published regulations. This action was submitted to OMB for review as required by Executive Order 12291. OMB has already reviewed the entire EPA promulgation on the Ohio SO_2 SIP. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the docket location set forth above.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

§§ 52.1870, 52.1881 [Amended]

1. The deferral published April 2, 1981 (46 FR 19936) of the addition of § 52.1870 (c)(25) and the revision of § 52.1881 (a) published January 27, 1981 (46 FR 8481) is withdrawn.

2. Section 52.1881 (a) is amended by revising the introductory text and paragraph (a)(6) to read as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) USEPA is approving the portions of the Ohio sulfur dioxide control plan listed in paragraphs (a) (1), (2), (3) and (4) of this section; disapproving the portions listed in paragraphs (a) (5) and (7) of this section; and is neither approving nor disapproving the emission limitations listed in paragraphs (a) (6) and (8) of this section pending further review. The disapproved portions of the Ohio plan do not meet the requirements of § 51.13 of this chapter in that they do not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide). (Where USEPA has approved the State's sulfur dioxide plan, those regulations supersede the federal sulfur dioxide plan contained in paragraph (b) of this section and § 52.1882.)

* * * * *

(6) No Action—USEPA is neither approving nor disapproving the following Ohio Rule pending further review: 3745-18-04(D)(2), 3745-18-04(D)(3), 3745-18-04(E)(2), 3475-18-04(E)(3) and 3745-18-04(E)(4) Emission Measurement Methods.

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[FR Doc. 82-10030 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-60-M

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40 CFR Part 52

[A-5-FRL 2075-2]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA announces approval of the request of the Wisconsin Department of Natural Resources (WDNR) for a revision to the Wisconsin State Implementation Plan (SIP) for sulfur dioxide. The revision is in the form of a variance from Section NR 154.12(5)(a)2.b.2) and NR 154.12(5)(b), Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin. This document is issued under authority of the Clean Air Act, as amended.

EFFECTIVE DATE: May 13, 1982.

ADDRESSES: Copies of this revision to the Wisconsin SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604; (312) 886-6088. (Please call before visiting the Region V Office.)

SUPPLEMENTARY INFORMATION: On January 13, 1982 (47 FR 1398) EPA proposed to approve a revision to the Wisconsin sulfur dioxide SIP for the Oscar Mayer and Company plant located in Madison, Wisconsin. The revision includes a variance request from the compliance schedule contained in NR 154.12(5)(b) of the Wisconsin Administrative Code. Since the alternate compliance schedule only affects the interim dates of progress and does not affect the final compliance date of November 15, 1982, the alternate schedule is acceptable. Additionally, the revision includes a variance from NR 154.12(5)(a)2.b.2 of the Wisconsin Administrative Code NR 154.12(5)(a)2.b.2 requires Oscar Mayer and Company to meet an emission limit of 4.69 lbs./MMBTU based on a stack of 208 feet. The variance, however, gives Oscar Mayer and Company an alternate total emission limit for Boilers Nos. 5 and 6, of 38,600 pounds of SO_2 per twenty-four hours. Each boiler is rated at 171.5 MMBTU/hr. The alternate limit will not result in any increase in SO_2 emissions. Based on the dispersion modeling used to promulgate the sulfur dioxide regulations for the Madison nonattainment area, the alternate emission limit will protect the constraining 24-hour standard and thus provide for the attainment and maintenance of the sulfur dioxide ambient air quality standards.

Insofar as interstate transport of SO_2 emissions is concerned, the Agency's air quality models are not considered accurate beyond 50 km from the source. Since the nearest state border is 70 km from the Oscar Mayer plant it is not possible to quantify the SO_2 impact of the plan on distant states. However, since this revision will not result in an increase in SO_2 emissions, it is not expected to interfere with the attainment and maintenance of SO_2 standards in other states.

EPA received no comments as a result of the publication of the notice.

EPA today approves the variance from the provisions of Section NR 154.12(5)(a)2.b.2 and NR 154.12(5)(b), Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin, as a revision to the Wisconsin sulfur dioxide SIP.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the regulatory actions approving revisions to SIP's under sections 110 and 172 of the Act will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It will impose no new requirements.

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

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Sec. 110, 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502)).

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended by adding paragraph (c)(24) to § 52.2570 as follows:

Subpart YY—Wisconsin

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(24) On August 31, 1981, Wisconsin submitted a variance from the provisions of Section NR 154.12(5)(a)2.b.2, and NR 154.12(5)(b) Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin as a revision to the Wisconsin sulfur dioxide SIP.

[FR Doc. 82-9875 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL 2084-1]

California State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Revisions to rules of the Del Norte County, Humboldt County, Mendocino County, Northern Sonoma County, Trinity County, Lake County, Great Basin Unified, and Modoc County Air Pollution Control Districts (APCDs) were forwarded to EPA by the State of California. These revisions generally are administrative and retain equivalent emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

EFFECTIVE DATE: June 14, 1982.

ADDRESSES: Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460

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

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531

Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, CA 95501

Mendocino County Air Pollution Control District, Courthouse Square, Ukiah, CA 95482

Northern Sonoma County Air Pollution Control District, 134 North Street, Healdsburg, CA 95448

Lake County Air Pollution Control District, 255 North Forbes Street, Lakeport, CA 95453

Great Basin Unified Air Pollution Control District, 873 North Main Street, Suite 213, Bishop, CA 93514

Modoc County Air Pollution Control District, 202 West Fourth Street, Alturas, CA 96101

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8222.

SUPPLEMENTARY INFORMATION: The State of California submitted the following rules and regulations on the indicated dates:

Del Norte County

January 28, 1981

Regulation 2—Open Burning Regulations

Rule 100 Scope and Policy
Rule 120 Definitions
Rule 140 Allowable Open Burning
Rule 200 Classifications of Open Burning
Rule 220 Notification of Burning Conditions and Forecasts
Rule 240 Burning Permits and Reports
Rule 300 Burning Preparation and Restrictions
Rule 320 Enforcement
Appendix A—Humboldt Bay Air Basin
Appendix B—Ukiah—Little Lake Air Basin
Appendix C—Eel River Watershed District

October 23, 1981

Rule 300 Permit Fees
Rule 310 Permit Fee Schedules

Humboldt County

January 28, 1981

Regulation 2—Open Burning Regulations

Rule 100 Scope and Policy
Rule 120 Definitions
Rule 140 Allowable Open Burning
Rule 200 Classifications of Open Burning
Rule 220 Notification of Burning Conditions and Forecasts
Rule 240 Burning Permits and Reports
Rule 300 Burning Preparation and Restrictions
Rule 320 Enforcement
Appendix A—Humboldt Bay Air Basin
Appendix B—Ukiah—Little Lake Air Basin
Appendix C—Eel River Watershed District

October 23, 1981

Rule 300 Permit Fees
Rule 310 Permit Fee Schedules

Mendocino County

January 28, 1981

Regulation 2—Open Burning Regulations

Rule 100 Scope and Policy
Rule 120 Definitions
Rule 140 Allowable Open Burning
Rule 200 Classifications of Open Burning
Rule 220 Notification of Burning Conditions and Forecasts
Rule 240 Burning Permits and Reports
Rule 300 Burning Preparation and Restrictions
Rule 320 Enforcement
Appendix A—Humboldt Bay Air Basin
Appendix B—Ukiah—Little Lake Air Basin
Appendix C—Eel River Watershed District

October 23, 1981

Rule 300 Permit Fees
Rule 310 Permit Fee Schedules

Northern Sonoma County

March 23, 1981

Regulation 2—Open Burning Regulations

Rule 100 Scope and Policy
Rule 120 Definitions
Rule 140 Allowable Open Burning
Rule 200 Classifications of Open Burning
Rule 220 Notification of Burning Conditions and Forecasts
Rule 240 Burning Permits and Reports
Rule 300 Burning Preparation and Restrictions
Rule 320 Enforcement

October 23, 1981

Rule 300 Permit Fees
Rule 310 Permit Fee Schedules

Trinity County

January 28, 1981

Regulation 2—Open Burning Regulations

Rule 100 Scope and Policy
Rule 120 Definitions
Rule 140 Allowable Open Burning
Rule 200 Classifications of Open Burning

Rule 220 Notification of Burning Conditions and Forecasts
Rule 240 Burning Permits and Reports
Rule 300 Burning Preparation and Restrictions
Rule 320 Enforcement
Appendix A—Humboldt Bay Air Basin
Appendix B—Ukiah—Little Lake Air Basin
Appendix C—Eel River Watershed District

October 23, 1981

Rule 300 Permit Fees
Rule 310 Permit Fee Schedules

Lake County

March 30, 1981

Section
101 Validity
227.4 Geothermal Exploratory Well
301 (Hearing Board meeting compensation)
1602 Petition Procedures
Table VI—Schedule of Fees for Permit

May 28, 1981

Section
216.1 Determination of Compliance (Definition)

Great Basin Unified

May 28, 1981

Rule 101 Definitions
Rule 300 Permit Fees
Rule 404–A Particulate Matter
Rule 423 Research Operations
Rule 424 Geothermal Emissions Standards

October 23, 1981

Rule 301 Permit Fee Schedules

Modoc County

October 10, 1980

Rule 3:12 Solid Particulate Matter—Weight

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All the rules listed above have been evaluated and found in accordance with EPA policy and 40 CFR Part 51. Detailed evaluation reports are available for public inspection at the EPA Library in Washington, D.C. and the EPA Region 9 Office.

This notice approves all the rule revisions listed above and incorporates them into the California SIP. EPA's approval of the above revisions to the California SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective June 14, 1982. However, if notice is received by EPA on or before May 13, 1982, that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

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

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 14, 1982. This action may not be challenged later in proceedings to enforce its requirements.

Pursuant to the Regulatory Flexibility Act I certify that this rule will not have a significant economic impact on a substantial number of small entities. This action imposes no new regulatory requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Section 110, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 76011(a)))

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(84)(vii), (89)(vi), (92) (iii) and (iv), (95)(iii), (98) (iii), (iv), (v) and (vi), (103) (vi), (vii), (viii), (ix), (x), and (xi) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(84) * * *

(vii) Modoc County APCD.

(A) Amended Rule 3:12.

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(89) * * *

(vi) Lake County APCD.

(A) New or amended Sections 101, 227.4, 301, 1602, and Table VI.

* * * * *

(92) * * *

(iii) Lake County APCD.

(A) New Rule 216.1.

(iv) Great Basin Unified APCD.

(A) New or amended Rules 101, 300, 404–A, 423, and 424.

* * * * *

(95) * * *

(iii) Northern Sonoma County APCD.

(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, and 320.

* * * * *

(98) * * *

(iii) Mendocino County APCD.

(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendix A, B, and C.

(iv) Del Norte County APCD.

(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendix A, B, and C.

(v) Humboldt County APCD.

(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendix A, B, and C.

(vi) Trinity County APCD.

(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendix A, B, and C.

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(103) * * *

(vi) Del Norte County APCD.

(A) Amended Rules 300 and 310.

(vii) Humboldt County APCD.

(A) Amended Rules 300 and 310.

(viii) Mendocino County APCD.

(A) Amended Rules 300 and 310.

(ix) Northern Sonoma County APCD.

(A) Amended Rules 300 and 310.

(x) Trinity County APCD.

(A) Amended Rules 300 and 310.

(xi) Great Basin Unified APCD.

(A) Amended Rule 301.

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[FR Doc. 82-10067 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL 2082-4]

South Coast Nonattainment Area Plan; State of California

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On January 21, 1981 the Environmental Protection Agency (EPA) took actions on the South Coast Air Basin Nonattainment Area Plan (NAP) with regard to the requirements of Part D, "Plan Requirements for

Nonattainment Areas," of the Clean Air Act. Among other actions, EPA approved with conditions portions of the NAP for carbon monoxide (CO), ozone, particulate matter (PM) and nitrogen dioxide (NO_2). The conditions of approval required that the State of California submit specific material as State Implementation Plan (SIP) revisions to correct deficiencies which were identified in the South Coast NAP.

The purpose of this notice is to advise the public that certain of these conditions have been fulfilled by the State. EPA is, therefore, taking final action to approve the material, incorporate it into the SIP, and revoke the applicable conditions.

EFFECTIVE DATE: June 14, 1982.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at the EPA Region 9 Office and at the following locations:

The Office of the Federal Register, 1100 L Street, NW., Washington, D.C. 20408
Public Information Reference Unit, Environmental Protection Agency Library, 401 M Street, SW., Washington, D.C. 20460
California Air Resources Board (ARB), 1102 Q Street, Sacramento, CA 95812
South Coast Air Quality Management District (SCAQMD), 9150 Flair Drive, El Monte, CA 91731
Southern California Association of Governments (SCAG), 600 South Commonwealth Avenue, Suite 1000, Los Angeles, CA 90005

FOR FURTHER INFORMATION CONTACT:

David P. Howekamp, Acting Director, Air Management Division, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Lucille van Ommering, (415) 974-8007

SUPPLEMENTARY INFORMATION:

Background

On January 21, 1981 (46 FR 5965), EPA disapproved the South Coast NAP for ozone and CO, and conditionally approved the NAP for PM and NO_2. The reader is referred to that **Federal Register** notice for a detailed discussion of EPA's findings. Today's notice discusses conditions of EPA's approval of the NAP which required the State to submit corrective material by May 20 and December 31, 1981.

This action does not address deficiencies in the Inspection/Maintenance (I/M) portion of the NAP as the State has not submitted corrections to the SIP in this area. It also does not address the permit program which is being addressed in another notice.

Description

On July 24, November 18 and December 24, 1981 and February 18, 1982, the State submitted materials to satisfy conditions of approval promulgated in the January 21, 1981 rulemaking. These portions respond directly to the conditions and, in so doing, update the NAP. The State submittals are as follows:

July 24, 1981—Fiscal resources and personnel commitments to implement the NAP, refined emissions inventory for the South Coast Air Basin (SCAB) for reactive hydrocarbons, revised emission reduction estimates for reactive hydrocarbons and NO_2, SCAG commitment to obtain annual fiscal resources and personnel commitments to implement the NAP, evidence of adoption of, and commitment to implement transportation control measures (TCM's), schedule to analyze alternative packages of TCM's, and description of local transportation program prioritization procedures.

November 18, 1981)—A commitment and schedule by the ARB to study nontraditional particulate control measures.

December 24, 1981—Refined emission inventories for the SCAB for CO, particulate matter (PM) and NO_2, a commitment and schedule to study, adopt and implement particulate matter and NO_2 control measures, preliminary air quality analysis of the NO_2 control strategy, schedule and work program for a detailed air quality analysis of the NO_2 control strategy, schedule and work program for completion of the technical support for the selection of a PM design value, and revised modeling analysis of the PM control strategy.

February 18, 1982—Fiscal resources and personnel commitments to implement the NAP.

Discussion

EPA's conditions, the State's responses, and EPA's actions are described below. A more detailed discussion of EPA's findings is included in the Technical Support Document available at the address indicated above.

1. *Condition*—A commitment to submit annual implementing agency fiscal and personnel commitments to implement the SCAB NAP.

State Action—On July 24, 1981 the State submitted an annual air program strategy document for the SCAQMD which contains a description of fiscal resources and personnel which are allocated to air quality plan development and implementation. Also submitted was documentation of county funds in the SCAB which were programmed for air quality related transportation projects in the 1981–85 and 1982–86 Regional Transportation Improvement Programs. On February 18, 1982 the State also submitted budget information from jurisdictions in the SCAB which are implementing measures in the NAP.

EPA Action—This material corrects the deficiency. EPA approves the submittals for incorporation into the SIP and revokes the applicable condition.

2. *Condition*—A refined emission inventory for the SCAB for (1) CO which is based upon winter emissions and (2) volatile organic compounds (VOC).

State Action—On July 24, 1981 the State submitted revisions to the SCAB NAP emissions inventory for VOC sources which specifically exclude Ventura County emissions from the SCAB inventory. On December 24, 1981 the State submitted an emission inventory for CO which was revised to simulate wintertime conditions.

EPA Action—The refinements made to the emissions inventory correct the deficiencies. EPA approves the submittals for incorporation into the SIP and revokes the applicable condition.

3. *Condition*—Revised emission reduction estimates for reactive hydrocarbons and CO for each year for the adopted control measures which are based upon the refined emission inventories.

State Action—On July 24, 1981 the State submitted revised emission reduction estimates for reactive hydrocarbons for stationary sources. The submittal noted that mobile emission reduction estimates had not been affected by refinements to the emission inventories and therefore were not revised.

EPA Action—This material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

4. *Condition*—A schedule for the submittal of the revised emission reduction estimates for the pre-1982 control measures for reactive hydrocarbons and carbon monoxide that are not yet adopted.

State Action—The information supplied by the State in response to Condition 3 also responds to this condition.

EPA Action—This material corrects the deficiency. EPA approves the submittal for incorporation into the SIP, and revokes the applicable condition.

5. *Condition*—Written evidence of local adoption of legally enforceable commitments and implementation schedules consistent with reasonable

further progress for the six adopted transportation control measures.

State Action—On July 24, 1981 the State submitted copies of local government resolutions of adoption for transportation control measures contained in the NAP along with implementation schedules.

EPA Action—This material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

6. *Condition*—A schedule to analyze alternative packages of TCMS, including but not limited to those measures listed in section 108(f)(1)(A) of the Clean Air Act.

State Action—On July 24, 1981 the State submitted a schedule and work program which provide for development and technical analysis of additional TCMs.

EPA Action—This material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

7. *Condition*—The SCAG greater weight and equal proportion programming policy and procedures as they relate to prioritization and funding of "air quality projects" and "highway projects," and justification that the NAP provisions are consistent with Section 176(d) of the Clean Air Act.

State Action—On July 24, 1981 the State submitted the "Regional Air Quality Review Section" of the Regional Transportation Improvement Program Policy Review Guidelines; this section contains a detailed description of the policy and procedures relative to prioritization and funding of air quality related transportation projects, in conformity with Section 176(d).

EPA Action—The material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

8. *Condition*—A commitment and schedule to study and adopt nontraditional PM control measures and a commitment to implement those control measures necessary to provide for attainment.

State Action—On November 18 and December 24, 1981 the State submitted a commitment and schedule to study nontraditional particulate matter control measures.

EPA Action—The material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition. The November 18, 1981 submittal was approved in a recent final rulemaking notice.

9. *Condition*—An annual average emission inventory for NO_2 for the South Coast Air Basin.

State Action—In its submittal on December 24, 1981 the State substituted an annual average NO_2 emissions inventory for the NO_2 average summer weekday emissions inventory contained in the NAP.

EPA Action—The material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

10. *Condition*—The results of an air quality analysis giving a preliminary quantification of the total emission reductions needed to attain the NO_2 national ambient air quality standards (NAAQS).

State Action—On December 24, 1981 the State submitted a preliminary analysis of total emissions reductions needed to attain the NAAQS for NO_2. The quantification was obtained through the use of proportional modeling and available 1979 emissions inventory data for the South Coast Air Basin.

EPA Action—The analysis performed by the State in the December submittal corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition. Nevertheless, in order to fully support a demonstration of attainment of the NO_2 NAAQS, a detailed analysis is still required to be performed according to the schedule and work program outlined by the State in response to Condition 12.

11. *Condition*—Revised emission reduction estimates for the NO_2 measures for each year which are based upon the revised emission inventory for the control measures that are adopted.

State Action—On July 24 and December 24, 1981 the State submitted revised annual estimates based on the corrected NO_2 emissions inventory.

EPA Action—The material corrects the deficiency. EPA approves the State submittal for incorporation into the SIP and revokes the applicable condition.

12. *Condition*—A schedule and work program for the submittal of a detailed air quality analysis giving the final quantification of the emission reductions needed to attain the NO_2 NAAQS.

State Action—On December 24, 1981 the State submitted a revised schedule and work program for the submittal of the detailed analysis which will determine the emission reductions necessary to attain the NO_2 NAAQS through performance of sophisticated air quality modeling.

EPA Action—The schedule and work program for completion of a detailed NO_2 analysis corrects the deficiency noted in this condition. EPA approves the State submittal for incorporation into the SIP and revokes the applicable condition.

13. *Condition*—A commitment and schedule to develop and adopt NO_2 control measures and a commitment to implement those control measures necessary to provide for attainment.

State Action—On December 24, 1981 the State submitted a commitment and schedule to develop, adopt and implement NO_2 control measures along with revised estimates of emissions reductions.

EPA Action—The material corrects the deficiency. EPA approves the submittal for incorporation into the SIP as a commitment by the State to develop, adopt and implement NO_2 control measures per the schedule provided and revokes the applicable condition.

14. *Condition*—A refined emission inventory for particulate matter (PM) which includes estimates of emissions from traditional and nontraditional sources for the SCAB.

State Action—On December 24, 1981 the State submitted a revision to the SCAB NAP emissions inventory for particulate matter. The revised inventory includes fugitive emissions estimates for nontraditional sources.

EPA Action—The material corrects the deficiency. EPA approves the State submittal for incorporation into the SIP and revokes the applicable condition.

15. *Condition*—Documentation for the PM design value used to determine the allowable PM emission level, and a modeling analysis using the new emissions inventory data which shows the emission reductions necessary to provide for attainment of the PM NAAQS by December 31, 1982.

State Action—On July 24, 1981 the State submitted documentation which indicated that, because the PM problem is closely related to ozone and NO_2 problems, the PM technical effort will be integrated with ozone and NO_2 actions. In addition, on November 18 and December 24, 1981, the State submitted a commitment and schedule to study nontraditional particulate matter control measures. The schedule identifies work tasks which will be undertaken to address necessary emissions reductions and control measures for reducing PM to acceptable levels.

EPA Action—With the understanding that the State will make the necessary corrections, the submitted study schedule corrects the deficiency. EPA approves the State submittal for incorporation into the SIP and revokes the applicable condition.

16. *Condition*—Revised emission reduction estimates per particulate matter control measure for each year

which are based upon the revised emission inventory.

State Action—The information supplied by the State in response to Conditions 3 and 15 also responds to this condition.

EPA Action—This material corrects the deficiency. EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

Regulatory Process

EPA has determined that good cause (see Administrative Procedure Act, 5 U.S.C. section 553(b)), exists to approve the above items without providing further notice and opportunity to comment since the revisions merely satisfy certain conditions of approval. EPA has already provided opportunity to comment on the appropriateness of the conditions in the April 1, 1980 proposed rulemaking notice.

Conditional approval of the NAP for PM and NO_2 will be continued until EPA publishes in the **Federal Register** final approval or disapproval of all the conditional approval items for the South Coast NAP. However, the prohibition on construction of certain major new or modified VOC and CO sources remains in effect as well as limitations on certain Federal funding assistance for the South Coast Air Basin required by Section 176(a) of the Clean Air Act.

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

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

Pursuant to the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This action imposes no new regulatory requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: April 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATON OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220 is amended by adding subparagraphs (c) (116), (117) and (118) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(116) Supplemental material for the South Coast Nonattainment Area Plan submitted on July 24, 1981, by the Governor's designee.

(117) Supplemental material for the South Coast Nonattainment Area Plan submitted on December 24, 1981, by the Governor's designee.

(118) Supplemental material for the South Coast Nonattainment Area Plan submitted on February 18, 1982, by the Governor's designee.

* * * * *

2. Section 52.232 is amended by *removing and reserving* subparagraphs (a)(3)(i)(B), (a)(3)(ii), (a)(3)(iii), and (a)(3)(iv) as follows:

§ 52.232 Part D Conditional approval.

(a) * * *

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(3) * * *

(i) * * *

(B) [Reserved]

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]

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[FR Doc. 82-10068 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL 2071-8]

Kentucky: VOC Compliance Schedule Extension for Anaconda Aluminum Company, Louisville, Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA today approves an extended compliance schedule for violatile organic compound (VOC) emissions for Anaconda Aluminum Company in Louisville, Kentucky (Jefferson County) Anaconda's laminating plant in Louisville is subject to Kentucky regulation 401 KAR 61:120 and Air Pollution Control District of Jefferson County Regulation 6.35. Both regulations establish standards of performance for existing fabric, vinyl and paper surface coating operations. The regulations require 85% removal of VOC from affected operations with final compliance to be achieved no later than December 1, 1981. This notice, in accordance with Jefferson County and Kentucky requests, extends the final compliance schedule to December 31, 1982.

DATE: This action will be effective on June 14, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

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

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

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

Library, Environmental Protection Agency, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, 18 Reilly Road, Bldg. #2 Fort Boone Plaza, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA Region IV address above or call (404) 881-3286) (FTS 257-3286).

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky has submitted to EPA a State Implementation Plan (SIP) revision which extends the final VOC compliance schedule for Anaconda Aluminum Company's laminating operations in Louisville (Jefferson County), Kentucky. The revision was subjected to public hearing on April 15, 1981. After being duly adopted the revision was submitted to EPA by Kentucky's Department for Natural Resources and Environmental Protection on November 17, 1981. The effect of the revision is to change the final compliance date from December 1, 1981 to December 31, 1982. All subject VOC operations at Anaconda's Louisville laminating plant must be in compliance on or before December 31, 1982. The ten laminators at the Louisville plant will be

required to achieve 85% VOC control efficiency based on a daily average.

Aside from adhering to the compliance schedule, Anaconda will maintain detailed emission records during the calendar year 1982. This data will be used to ascertain the shortest averaging time the plant can meet. EPA here reiterates its contention that the averaging time used for compliance purposes must be no longer than a single day unless technical necessity justifies a longer period. The company will also attempt to identify source—specific Reasonably Available Control Technology (RACT) for each laminator, including economic feasibility of installing control equipment. EPA approves this approach and will cooperate with the State, Jefferson County, and Anaconda to determine if redefining RACT will cause some of the laminators to be exempt from the emission control requirements. Finally, the company will be evaluating the feasibility of an alternative emission reduction approach (bubble) at this laminating facility. The company feels it can meet the required 85 percent reduction through process changes and/or conversion to high solids coating in lieu of intalling add-on control equipment. In order for the company to have sufficient time to evaluate the process changes and/or high solids coatings conversion feasibility, a one-year extension of the compliance schedule is needed. According to the revised compliance schedule Anaconda proposes to include the following efforts:

1. Modify laminator #12 such that all exhaust vents to the incinerator—by May 1, 1982.
2. Convert all shellac coatings to water based or high solids coatings—by June 1, 1982.
3. Convert certain lacquer coatings to water based or high solids coatings—by December 1, 1982.
4. Restrict operating hours on uncontrolled equipment—by December 1, 1982.
5. In the event that 1 through 4 does not meet the 85% removal requirement, the compliance schedule includes plans which require control equipment to be installed and ready for start-up no later than December 1, 1982.

Based on the previous information, EPA today approves the extended VOC compliance schedule for Anaconda Aluminum Company's laminating plant in Louisville, Kentucky. This is being done without prior proposal because the compliance schedule extension will cause only negligible changes in air quality between now and when the plant must be in full compliance. Moreover, since compliance schedule extensions of this nature are noncontroversial and of limited impact, no comments are anticipated. The public should be advised that this revision will be effective June 14, 1982. However, if notice is received on or before May 13, 1982, that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307 (b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before June 14, 1982. Under section 307 (b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart S—Kentucky

In § 52.920, paragraph (c) is amended by adding subparagraph (29) as follows:

§ 52.920 Identification of Plan.

* * * * *

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

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(29) Revision of Appendix N, Jefferson County Regulation 6.35, Standard of Performance for Existing Fabric, Vinyl and Paper Surface Coating Operations, submitted on November 17, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

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[FR Doc. 82-10062 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL 2053-4]

Temporary Sulfur-in-Fuel Revision for ATF Davidson Company, Northbridge, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) on December 29, 1981. The revision will allow the ATF Davidson Company, Northbridge, Massachusetts to increase the sulfur content of its residual fuel oil from 0.55 pounds to 1.21 pounds per million Btu heat release potential (approximately equivalent to 1.0% and 2.2% sulfur content by weight, respectively) until December 1, 1983 pending the implementation of measures to conserve fuel oil. The Company will then return to the original sulfur-in-fuel limitation of 1.0% sulfur content oil. The burning of less expensive, higher sulfur content fuel oil will provide this source with some of the capital needed to implement conservation measures.

EPA received no comments on its proposed approval of this revision published on December 16, 1980 (45 FR 82675). In addition, the Massachusetts Department received no public comments during the state comment period pertaining to this action.

EFFECTIVE DATE: Upon April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

ADDRESSES: Copies of the Massachusetts submittal which is

incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. and the Department of Environmental Quality Engineering, 1 Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: This temporary sulfur-in-fuel revision is being approved pursuant to the provisions of Regulation 310 CMR 7.19, "Interim Sulfur-in-Fuel Limitation for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures". EPA approved the addition of this regulation to the Massachusetts SIP on March 19, 1981 (46 FR 82677). Regulation 7.19 specifies the requirements and conditions which sources must meet in order to qualify for temporary sulfur-in-fuel relaxations and the procedures which the Massachusetts Department must use in screening the sources to determine that their emissions will not violate air quality standards. Sources rated at less than 250 million Btu per hour heat input which are currently burning residual fuel oil and have made a commitment to either (a) convert to an alternate fuel or (b) implement conservation measures, are eligible for a temporary sulfur-in-fuel revision not to exceed 30 months under this regulation. Applications under Regulation 7.19 are reviewed by the Massachusetts Department for compliance with air quality standards. A state public comment period is held on each application.

Further details on the requirements of Regulation 7.19 and EPA's reasons for approving it were discussed in the Notice of Proposed Rulemaking (NPR) published on December 16, 1980 (45 FR 82675). In the NPR, EPA also proposed approval of all individual sources which are later determined to meet the eligibility requirements of this new regulation. EPA has determined that the Massachusetts Department has approved AFT Davidson's request to burn higher sulfur fuel oil in accordance with the provisions of Regulation 310 CMR 7.19, and agrees that no air quality standards will be violated by the temporary burning of 2.2% sulfur fuel oil at this facility.

EPA finds good cause for making this action effective immediately because the implementation plan is already in effect under State law and imposes no additional regulatory burden.

As noted above, EPA published a Notice of Proposed Rulemaking approving both Regulation 7.19 and all individual sources later determined to be eligible for a temporary sulfur-in-fuel relaxation pursuant to the new regulation on December 16, 1980. In addition, the Massachusetts Department published a notice and held a comment period to receive comments on its proposed approval of the temporary sulfur-in-fuel relaxation at the ATF Davidson Company. Since the public has had these other opportunities to comment and since the ATF Davidson Company is a small source (less than 250 million Btu per hour heat input), EPA is taking final action today to approve this SIP revision without first publishing a new proposed rulemaking. EPA believes that publishing a new NPR is unnecessary.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27, certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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

The Office of Management and Budget has exempted this rulemaking from the requirements of section 3 of Executive Order 12291. After evaluation of the state's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly this revision is approved as a revision to the Massachusetts State Implementation Plan.

List of Subjects in 40 CFR Part 52

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

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

Note.—Incorporation by reference of the State Implementation Plan for the state of Massachusetts was approved by the Director of the **Federal Register** on July 1, 1981.

Dated: April 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart W—Massachusetts

Section 52.1120, paragraph (c) is amended by adding subparagraph (46) as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) * * *

(46) A revision submitted on December 29, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the ATF Davidson Company, Northbridge, until December 1, 1983.

[FR Doc. 82-10066 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL 2080-1]

Approval and Promulgation of Implementation Plans; Nonattainment Area Plans for the State of Nevada

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On April 14, 1981 the Environmental Protection Agency (EPA) took actions on the Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley Nonattainment Area Plans (NAPs) with regard to the requirements of Part D, "Plan Requirements for Nonattainment Areas," of the Clean Air Act. Among other actions, EPA approved with conditions portions of the NAPs for carbon monoxide (CO), ozone, and particulate matter (PM). The conditions for approval required that the State of Nevada submit specific material as State Implementation Plan (SIP) revisions to correct deficiencies which were identified in the NAPs.

The purpose of this notice is to advise the public that these conditions have

been fulfilled by the State. EPA is therefore taking final action to approve the material, incorporate it into the SIP, and revoke the applicable conditions.

EFFECTIVE DATE: June 14, 1982.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at the EPA Region 9 Office and at the following locations:

The Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. 20408

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

Nevada Division of Environmental Protection, 201 South Fall Street, Carson City, NV 89710

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Acting Director, Air Management Division, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Jerry Clifford, (415) 974–8232

SUPPLEMENTARY INFORMATION:

Background

On April 14, 1981 (46 FR 5965), EPA conditionally approved the Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley NAPs for CO, ozone, and PM. The reader is referred to that Federal Register notice for a detailed discussion of EPA's findings. Today's notice discusses conditions of EPA's approval of the NAP which required the State to submit corrective material by August 12, 1981.

Description

On October 13, 1980; March 4, 1981; October 21, 1981; and November 17, 1981 the State submitted materials to satisfy the conditions of approval promulgated in the April 14, 1981 rulemaking. These portions respond directly to the conditions and, in so doing, update the NAPs. The State submittals are as follows:

October 13, 1980—Rule 25 of General Order No. 3, Nevada Public Services Commission, and Nevada Revised Statutes 704.820–704.900 (Utility Environmental Protection Act). These materials address the provisions of section 172(b)(11)(A), which requires a special preconstruction review program for major emitting facilities.

March 4, 1981—Las Vegas Valley Air Quality Implementation Plan, revised November 18, 1980. This update to the original NAP contains materials responsive to the conditions of approval. These miscellaneous NAP changes include more current and accurate emission inventories, air quality data, modeling analyses, schedules, resource commitments, and strategy evaluations. The entire revision corrects explicit deficiencies in the SIP and, as described below, satisfies EPA's conditions.

October 21, 1981—Letter to Louise Giersch, Director, Air and Hazardous Materials Division, EPA Region 9, from Dick Serdoz, Nevada State Air Quality Officer. This letter substantiates committed resources for implementation of the particulate matter NAPS in Mason Valley/Fernley, Lander County, Carson Desert and Winnemucca. The record of commitment and project completion covers each strategy during the period 1980–1981.

November 17, 1981—Resolution of the Washoe Council of Governments, adopted August 28, 1981, and Endorsement of the State Environmental Commission (October 14, 1981). This material provides the comprehensive commitments to NAP implementation required for the Truckee Meadows nonattainment area, as specified below. The Washoe Council of Governments, representing the cities of Reno and Sparks and Washoe County, is the designated lead agency responsible for plan development and implementation in Truckee Meadows.

Discussion

EPA's conditions of approval, the State submitted materials, and EPA's actions are described below. A more detailed discussion of EPA's findings is included in the Technical Support Document available at the addresses indicated above.

1. *Condition*—The Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows and Las Vegas Valley portions of the Nevada SIP are approved as satisfying Part D requirements for total suspended particulates provided the following conditions are met:

(a) The State must submit an identification and commitment of resources specifically identifying and budgeting all financial and manpower resources necessary for plan implementation for all the plans listed above.

(b) The State must submit the measures referenced in the June 22, 1979 letter from the Clark County Manager for the Las Vegas Valley plan only.

Response—On October 21, 1981 the State submitted evidence of commitments of resources for plan implementation in the following nonattainment areas: Mason Valley/Fernley, Lander County, Carson Desert, and Winnemucca. Commitments for Truckee Meadows were provided by the State on November 17, 1981. An update to the Las Vegas Valley NAP, submitted on March 4, 1981, furnishes commitments of resources as specified in the condition.

EPA Action—This material corrects the deficiencies, and EPA approves the submittals for incorporation into the SIP and revokes the applicable conditions.

2. *Condition*—The Truckee Meadows portion of the Nevada SIP is approved as satisfying Part D requirements for carbon monoxide provided the following condition is met: the State must submit commitments for adopted measures and schedules for the analysis of the other measures listed in Section 108(f).

Response—On November 17, 1981 the above referenced commitments were submitted, with schedules for analysis of other measures.

EPA Action—This material corrects the deficiency, and EPA approves the submittal for incorporation into the SIP and revokes the applicable condition.

3. *Condition*—The Las Vegas Valley portion of the Nevada SIP is approved as satisfying Part D requirements for carbon monoxide and ozone provided the following conditions are met:

(a) The State must submit a demonstration showing attainment by December 31, 1982 of the 0.12 ppm (or the 0.08 ppm) standard for the ozone portion of the plan.

(b) The State must submit the adopted measures and schedules for the analysis of the other measures listed in Section 108(f) for the CO portion of the plan.

(c) The State must submit regulations for the review and permitting of fossil fuel-fired electric steam generators.

(d) The State must submit a commitment to establish, expand, or improve public transportation to meet basic transportation needs for the CO portion of the plan.

(e) The State must submit commitments and schedules to analyze further the Section 108(f) measures not yet included in the CO portion of the plan and a commitment to initiate implementation of those measures shown to be reasonably available.

Response—On March 4, 1981, the State submitted an update to the Las Vegas Valley NAP. This revised NAP responds to the elements of the conditions identified in a, b, d, and e.

On October 13, 1980, the State submitted the following materials in response to element c of the condition: (1) Rule 25 of General Order No. 3 of the Public Services Commission of the State of Nevada and (2) Nevada Revised

Statutes 704.820–704.900 concerning the Utility Environmental Protection Act.

EPA Action—This material corrects the deficiency, and EPA approves the submittals for incorporation into the SIP and revokes the applicable condition.

EPA has determined that good cause (see Administrative Procedure Act, 5 U.S.C. 553(b)) exists to approve the above items without providing further notice and opportunity to comment since the revisions clearly satisfy the conditions of approval described above. EPA has already provided opportunity to comment on the need for and substance of the conditions in the proposed rulemaking.

Under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities." I hereby certify that the action will not have a significant economic impact on a substantial number of "small entities."

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

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 14, 1982. This action may not be challenged later in proceedings to enforce its requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: April 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart DD—Nevada

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

1. Section 52.1470 is amended by adding paragraphs (c)(21), (23), and (24)(ii) to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(21) The following amendments to the plan were submitted on October 13, 1980, by the Governor.

(i) Amendments to the Nevada Revised Statutes: 704.820 through 704.900 (Utility Environmental Protection Act).

(ii) Rule 25, of General Order No. 3, Nevada Public Service Commission.

* * * * *

(23) The following amendments to the plan were submitted on March 4, 1981, by the Governor:

(i) Las Vegas Valley Air Quality Implementation Plan (excluding Clark County Air Pollution Control Regulations).

* * * * *

(24) * * *

(ii) Resolution of the Washoe Council of Governments adopted August 28, 1981 and Endorsement of the State Environmental Commission dated October 15, 1981.

* * * * *

2. Section 52.1474 is amended by removing and reserving paragraphs (a)(1) to (a)(3) to read as follows:

§ 52.1474 Part D conditional approval.

(a) * * *

(1) to (3) [Reserved].

* * * * *

[FR Doc. 82-10083 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 2067-6]

Approval and Promulgation of State Implementation Plan: Michigan

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The State of Michigan submitted a State Implementation Plan (SIP) for lead, as required under section 110(a) of the Clean Air Act (Act) and the October 5, 1978, promulgation of the National Ambient Air Quality Standard (NAAQS) for lead (43 FR 46246). The SIP provides for the implementation of measures for controlling lead emissions for the attainment and maintenance of the NAAQS for lead in Michigan by October 31, 1982 (or within three years from the date of the State's lead SIP submittal). The purpose of this notice is to announce receipt of the submittal, discuss EPA's review of and announce final rulemaking action on the SIP.

EFFECTIVE DATE: This action will be effective on June 14, 1982, unless notice is received within 30 days that someone wishes to submit critical or adverse comments.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments should be sent to Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On October 5, 1978, pursuant to the requirements of section 109 of the Act as amended, EPA promulgated an ambient air quality standard for lead (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms lead per cubic meter of air (μg lead/m^3) maximum arithmetic mean as averaged over a calendar quarter.

Section 172(a)(1) of the Act requires each State to revise its SIP for areas where violations of the standard have been measured to provide for attainment and maintenance of the primary and secondary NAAQS. In addition, the 40 CFR Part 51, § 51.7b (43 FR 46246) requires the states to establish and operate networks for monitoring ambient lead and to report the resulting data to EPA. On September 3, 1981, requirements for air quality monitoring, data reporting, and surveillance for lead were promulgated (46 FR 44159) and codified at 40 CFR Part 58, § 58.14.

On December 27, 1979 the State of Michigan submitted to EPA a revision to the SIP for lead. The plan developed by the State includes an analysis of point sources with annual lead emissions exceeding five tons and an analysis of air quality in the vicinity of ambient lead monitors which have recorded violations of the NAAQS since January 1974. The State's analysis concluded that existing lead and total suspended particulate (TSP) strategies are adequate to attain and maintain the lead NAAQS. Therefore, Michigan's lead SIP does not contain new or revised regulations. On February 9, 1981 the State of Michigan

submitted a letter to EPA, clarifying provisions of its lead SIP. This letter describes the manner in which the State will ensure the attainment and maintenance of the ambient lead standard.

The federal requirements for a lead SIP include submitting air quality data, emission inventory data and a control strategy that demonstrates attainment of the lead NAAQS (43 FR 46246). All lead SIPs must contain a calculation of the maximum lead air quality concentrations and their locations, using an atmospheric dispersion model, based on the emissions of a selected category of sources emitting equal to or greater than 5 tons of lead per year or any other source emitting equal to or greater than 25 tons of lead per year. Specific requirements for developing the lead SIP are discussed in 40 CFR Part 51, Subparts B and E.

These requirements also include:

- An accurate and comprehensive emissions inventory
- Legal authority to develop and enforce the rules
- A control strategy adequate to attain and maintain the NAAQS
- A new source review program

Michigan's lead plan contains an emission inventory which lists the sources in areas where high ambient concentrations of lead have been measured. This inventory includes point area, and line sources in the counties in which the lead NAAQS were exceeded.

The Michigan Air Quality Division screens all construction permit applications for new and modified sources of lead emissions. Since all sources with few exceptions, regardless of size, must receive a permit to install and operate equipment, the State can readily identify all sources of lead emissions of 5 ton per year. Each 5-tons-per-year source receives a technical review which includes an analysis of its impact on the lead air quality standards. In addition, the State requires that all new lead sources install adequate control equipment to satisfy new source performance standards where applicable. It is, therefore, concluded that the State has adequate practices and procedures to protect attainment of the lead air quality standards from violations caused by new emissions of lead.

EPA believes that the Michigan lead SIP meets all the criteria for lead SIP approval, with the exception of the ambient lead monitoring plan. On September 3, 1981, EPA published its final rules pertaining to ambient air quality monitoring, data reporting and surveillance provisions for lead (46 FR 44159). The rules require development of a State monitoring plan for lead for inclusion into the surveillance and ambient monitoring program. The plan should reflect the scheduling and establishment of a monitoring system which leads to a lead monitoring network for determining the impact of point sources on ambient lead levels. EPA approves the Michigan lead SIP, with the understanding that a description of the network will be submitted and lead to the eventual operation of lead monitoring sites.

This action is being taken without proposal because the changes are noncontroversial, of limited impact, and no comments are anticipated. The public is advised that this action will be effective June 14, 1982, unless someone submits adverse or critical comments on or before May 13, 1982. In that event, a subsequent notice will withdraw the final action and issue a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator on January 27, 1981 (46 FR 8709) certified that approvals of SIPs under section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State pursuant to sections 110 and 172 of the Clean Air Act, it falls within this certification. Further, it imposes no new requirements beyond those which the State has already improved.

This regulation was exempted from review by the Office of Management and Budget under section 3 of the Executive Order 12291.

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502))

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

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

1. Section 52.1170 is amended by adding paragraph (c)(51) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

* * * * *

(51) On December 27, 1979, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA a revision to the State Implementation Plan (SIP) for Lead. On February 9, 1981, the State of Michigan submitted a letter clarifying provisions of its Lead SIP. The SIP provides for the implementation of measures for controlling lead emissions for the attainment and maintenance of the national ambient air quality standards for lead in Michigan by October 31, 1982.

[FR Doc. 82-10082 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-4-FRL 2072-2]

Approval and Promulgation of Implementation Plans; Florida: Repeal of Complex Source Rules

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Florida has revised its air pollution control rules by revoking the provisions for the preconstruction review of complex sources—highways, airports, parking facilities. These are known as "indirect" sources since they may indirectly increase emissions by causing increased motor vehicle traffic where they are built. EPA hereby approves this revision. EPA proposed this action on December 17, 1981 (46 FR 61490), and received no comments.

DATE: This action is effective May 30, 1982.

ADDRESSES: The material submitted by the State of Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.
Library, Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460
Air Programs Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.
Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:
Mr. Archie Lee, EPA, Region IV Air Programs Branch at 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: In 1973, EPA promulgated regulations in 40 CFR 51.18 requiring the states to revise their State Implementation Plans (SIPs) to include indirect source regulations. The 1977 Clean Air Act Amendments severely limited EPA's authority to require states to review indirect sources. Section 110(a)(5)(iii) provides that a state may revise its SIP to suspend or revoke any existing indirect source review program, provided that the SIP "meets the requirements of this section." The United States Court of Appeals for the Second Circuit interpreted Section 110(a)(5)(A)(iii) as prohibiting EPA from approving a SIP revision which revokes a state adopted indirect source regulation unless the SIP is fully adequate to assure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) without indirect source regulation. *Manchester Environmental Coalition* v. *EPA*, 612 F. 2d 45 (2d Cir. 1979).

EPA today approves Florida's repeal of its complex source rule, an action which the state submitted as an implementation plan revision on August 11, 1981. EPA issued final approval of the Florida ozone Part D SIP on May 14, 1981 (46 FR 26640). The complex source rule is not included in the Florida SIP as a control strategy necessary to demonstrate attainment and maintenance of the ozone NAAQS.

In addition to ozone, complex sources are a source of carbon monoxide (CO). Through use of the Federal Motor Vehicle Control Program, the existing Flordia CO SIP demonstrates maintenance of the CO standard without relying on the complex source regulation. There are no carbon monoxide nonattainment areas in Florida.

Moreover, the state has informed EPA that other Florida State agencies have adopted similar rules, which require that air quality analyses be conducted in consultation with the Department of Environmental Regulation to assure compliance with the Florida SIP.

EPA proposed this rulemaking on December 17, 1981, and received no comments.

Accordingly, EPA approves the revocation of Florida's complex source rules. This action is effective on May 13, 1982.

Pursuant to the provisions of 5 U.S.C. Section 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 merely ratifies state actions.

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

List of Subjects in 40 CFR Part 52

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

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart K—Florida

Section 52.520 is amended by adding paragraph (c)(38) as follows:

§ 52.520 Identification of plan.

* * * * *

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

* * * * *

(38) Revocation of complex source rules, submitted on August 11, 1981, by the Florida Department of Environmental Regulation.

[FR Doc. 82-10127 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL 2079-6]

Approval and Promulgation of Implementation Plans; Georgia: Revised Permit for Union Camp Corp's. Power Boilers 11 and 12 in Savannah

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a State implementation plan (SIP) revision submitted by the Georgia Environmental Protection Division (GEPD) pursuant to section 110 of the Clean Air Act. The revision consists of a modified permit which imposes special reporting and relaxed opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia. EPA proposed to approve the revision in the **Federal Register** of July 6, 1981 (46 FR 34818), and no comments were received from the public. A slightly revised permit was submitted to EPA on December 22, 1981, by GEPD. Since there were only minor changes to the original permit and there were no comments on the July 6, 1981, proposal, EPA is not reproposing but is taking final approval action on the revised permit.

EFFECTIVE DATE: This action will be effective on June 14, 1982, unless notice is received on or before May 13, 1982, that someone wishes to submit adverse or critical comments.

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

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460
Library, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365
Library, Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20005
Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, S.W., Atlanta, Georgia 30334

FOR FURTHER INFORMATION CONTACT:
Mr. Barry Gilbert, Air Programs Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:
Following notice and public hearing in conformity with 40 CFR 51.4 , the Georgia Environmental Protection

Division on February 20, 1981, issued and submitted to EPA a modified permit which imposes special reporting and opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia. The revision was proposed in the **Federal Register** on July 6, 1981 (46 FR 34818), and no comments were received on the proposal to approve the revision. Subsequently, GEPD made minor modifications to the permit and resubmitted it to EPA on December 22, 1981.

The permit (2631–025–7379–0 states in part, "a. When the Numbers 11 and 12 Power Boilers are operating simultaneously: . . . (2) The visible emissions from the common stack shall not exceed 46 percent opacity for an eight-hour average, and no six-minute average shall exceed 60 percent opacity. The visible emissions shall be measured by an approved continuous opacity monitoring system installed on the common stack serving these boilers. The eight-hour average opacity shall be based on all valid six-minute averages measured during each eight-hour period. The number of six-minute averages during each eight-hour period will normally not be less than 78, with two six-minute periods used to perform zero and span checks on the opacity monitor. The averaging periods shall be 6:00 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 p.m. to 6:00 a.m. of each day. The visible emission limit(s) shall be subject to periodic review and may be adjusted by an amendment to this permit. Any such amendment shall be made to reflect changes in the complying particulate emission rate versus visible emission correlation."

The mass emission limits contained in the present federally approved SIP remain unchanged. The permit provides that the State will conduct a periodic review of the correlated opacity limit and make adjustments to the opacity-mass correlation if necessary. Since the correlated limit (46 percent opacity-eight hour average) is based upon limited test data, it is expected that through its periodic review the State will confirm the validity of the proposed limit once additonal test data is obtained and make adjustments to the limit if necessary.

In summary, special reporting and opacity limitations are imposed on Union Camp Corporation's Power Boilers 11 and 12. The eight-hour limitation of 46% opacity must always be met and a shorter term opacity of 60% must be met under certain specified conditions. The mass emission limits remain unchanged. EPA has reviewed the revision and found it meets the necessary regulatory requirements.

Action: Based on the foregoing, EPA hereby approves Georgia's modified permit which imposes special reporting and opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia. The public should be advised that this action will be effective June 14, 1982. However, if notice is received on or before May 13, 1982, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before June 14, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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

List of Subjects in 40 CFR Part 52

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart L—Georgia

In § 52.570 is amended by adding paragraph (c)(27) as follows:

§ 52.570 Identification of plan.

* * * * *

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

(27) A modified permit submitted on December 22, 1981, by the Georgia Department of Natural Resources which imposes special reporting and opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia.

Note.—Incorporation by reference of the State Implementation Plan for the State of Georgia was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-10128 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL 2080-2]

Oklahoma Submission of Volatile Organic Recommended on Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Oklahoma State Implementation Plan (SIP) which were submitted by the Governor on June 10, 1980, and proposed for conditional approval by EPA in the June 12, 1981 issue of the **Federal Register** (at 46 FR 31024). Specifically, the State revised Regulation No. 15, "Control of Emissions of Organic Materials," to include legally enforceable regulations for several of the source categories addressed in the EPA Control Technique Guideline (CTG) documents which were issued between January 1978 and January 1979 (Set II CTGs).

When originally submitted, portions of the revisions to Regulation No. 15 contained minor deficiencies which the State agreed to correct or clarify. EPA has reviewed the additional revisions or clarifications and found that they satisfy the conditions for approval.

EFFECTIVE DATE: Effective on May 13, 1982.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations.

The Office of the Federal Register, 1100 L St., NW., Washington, D.C., Room 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M St., NW., Washington, D.C., Room 2922

FOR FURTHER INFORMATION CONTACT: Donna Ascenzi, SIP Section, Air Branch, Air and Waste Management Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767–1518.

SUPPLEMENTARY INFORMATION: On June 10, 1980, the Governor of Oklahoma submitted revisions to Regulation No. 15, "Control of Organic Materials." These revisions had been submitted in response to the requirement that, for the stationary source portion of an approvable ozone SIP, States provide for the adoption and submittal of legally enforceable regulations that reflect the application of reasonably available control technology (RACT) for VOC sources covered by the Set II CTGs. The revisions to Regulation No. 15 consisted of legally enforceable regulations for the following Set II CTG source categories: petroleum liquid storage in external floating roof tanks, graphic arts systems, and petroleum refinery equipment leaks. The Governor's submittal also contained certification that there were no major stationary sources in ozone nonattainment areas for the following Set II CTG source categories: gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, and flatwood paneling.

EPA reviewed the State's submittal and in the June 12, 1981 issue of the **Federal Register**, EPA proposed to conditionally approve the revisions for the reasons specified in the Agency's evaluation report[1], and solicited public comment on the Agency's proposed action. The specific deficiencies and conditions for approval as proposed in the June 12, 1981 notice, are outlined below.

1. Under the proposed conditional approval of subsection 15.572, which pertains to the control of VOC emissions from petroleum liquid storage in external floating roof tanks, the State was required to demonstrate that the acceptable exemption in subsection 15.27(b) was applicable to and considered in conjunction with subsection 15.572(b)(2), or revise the regulation.

2. Under the proposed conditional approval of section 15.58, which pertains to control requirements for graphic arts systems, the State was required to revise the regulation to include the appropriate test methods.

3. Under the proposed conditional approval of section 15.59 which pertains to the control of VOC emissions from petroleum refinery equipment leaks, the State was required to revise the regulation or demonstrate that several of the State's requirements represent RACT, and include the appropriate test methods within the regulation.

4. Under the proposed conditional approval of the State's June 10, 1980 submittal, concerning the lack of a test method which addressed the leak tight conditions of tank trucks, the State was required to revise the regulation to include such a test method.

5. Under the proposed conditional approval of the State's proposed regulation for pneumatic rubber tire manufacture, the State was required to justify the deviations or revise the regulation, and submit the adopted regulation to EPA.

6. Under the proposed conditional approval of Regulation No. 15, concerning the lack of a regulation for the surface coating of miscellaneous metal parts and products, the State was required to verify the State's assertion that its existing coating regulation would result in greater reductions than the CTG limitations for this source category, or revise the regulation.

In regard to the proposed conditional approval of subsection 15.572, on July 13, 1981, the State submitted correspondence which specified that it was the State's position that the exemption must be considered in conjunction with the exemption specified in subsection 15.572(b)(2). Based on the Agency's review, EPA has determined that the proposed condition for approval has been met, and is hereby approving this portion of Regulation No. 15.

In regard to the proposed conditional approvals concerning the lack of appropriate test methods (i.e., sections 15.58 and 15.59 and test methods for leak tight conditions of tank trucks), on September 14, 1981 the Governor submitted, among other things, revisions to Regulation No. 15. Specifically, the submittal contained revisions to sections 15.585, 15.59, and 15.524 which specified the appropriate test methods for determining compliance with the requirements for graphic arts systems, petroleum refinery leaks, and leak tight conditions of tank trucks, respectively. EPA has reviewed the State's submittal and developed an evaluation report[2] which discusses the technical aspects of the revisions in detail. Based on the Agency's review, EPA has determined that the proposed conditions for approval have been met and is herby approving these portions of Regulation No. 15.

In addition, EPA proposed conditional approval of section 15.59 on the basis that several of the control requirements which deviated from the presumptive norm, as specified in the December 1980 evaluation report, had not been adequately justified. Through subsequent discussions with the State and additional information obtained by the Agency, as discussed in the January 1982 evaluation report, EPA has determined that the State has submitted adequate justification, and that the State's provisions are substantially equivalent to the presumptive norm. Therefore, EPA has determined that the proposed condition for approval has been met and is hereby approving this portion of Regulation No. 15.

In regard to the proposed conditional approval of the State's proposed regulation for pneumatic rubber tire manufacture, the Governor's September 14, 1981 submittal also contained a legally enforceable regulation for this source category. In addition, the State submitted additional justification for the regulation's deviation from the information in the CTG document. EPA has reviewed the State's submittals, and discusses the technical aspects of them in detail in the January 1982 evaluation report. Based on the Agency's review, EPA concurs with the State that its regulation represents RACT. Therefore, EPA has determined that the proposed condition for approval has been met and is hereby approving this portion of Regulation No. 15.

In regard to the proposed conditional approval pertaining to the lack of a regulation for the surface coating of miscellaneous metal parts and products, on January 8, 1982, the State submitted additional information to verify that its existing coating regulation would result in greater reductions than the corresponding CTG limitations. EPA has reviewed this submittal and discusses the technical aspects of it in the January 1982 evaluation report. Based on the Agency's review, EPA concurs with the State's findings. Therefore, EPA has determined that the proposed condition for approval has been met and is hereby approving Regulation No. 15.

Public Comments

As previously noted, under the June 12, 1981 proposal notice, EPA also solicited public comment. The State's correspondence of July 13, 1981, in addition to supplying clarifying information and specifying what corrective action had been taken for several of the proposed conditional approvals, also contained comments regarding the Agency's proposed action.

[1] EPA Review of Oklahoma's State Implementation Plan Revisions for Set II CTG Source Categories, December 1980.

[2] Addendum to EPA's Review of Oklahoma's State Implementation Plan Revisions for Set II CTG Sources, January 1982.

In regard to the lack of a regulation for the surface coating of miscellaneous metal parts and products, the State reaffirmed its position that the adoption of such a regulation would result in extreme economic hardship to the citizens of Oklahoma, and that its general coating regulation would result in more reduction in VOC emissions than a corresponding regulation based on the CTG emission limitations. In light of the State's subsequent submittal concerning this, EPA concurs with the State. In addition, the State commented that any additional revisions to Regulation No. 15 could not be made any earlier than April 1, 1982, due to the State's legislative requirements. EPA is aware that the State agency is precluded by State law from adopting regulations when the Legislature is not in session, absent an emergency.

Current Action

EPA is hereby approving the revisions to Regulation No. 15 submitted by the Governor on June 10, 1980 (i.e., the addition of sections 15.57, 15.58, and 15.59). In addition, EPA is also approving the revisions to Regulation No. 15 submitted by the Governor on September 14, 1981 (i.e. revisions to sections 15.524, 15.585, and 15.59, and the addition of sections 15.60 and 15.61).

Under section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before June 11, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the **Federal Register** on July 1, 1981.

List of subjects in 40 CFR Part 52

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

(Sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502)

Dated: April 5, 1982.

Anne M. Gorsuch,

Adminstrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

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

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is amended by adding subparagraphs (19) and (20), which read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(19) Revisions to Regulation No. 15 (i.e., the addition of sections 15.57, 15.58, and 15.59) were adopted by the State Board of Health on April 30, 1980 and submitted by the Governor on June 10, 1980.

(20) Revisions to Regulation No. 15 (i.e., revisions to sections 15.524, 15.585, and 15.59, and the addition of Sections 15.60 and 15.61) were adopted by the State Board of Health on May 9, 1981 and submitted by the Governor on September 14, 1981.

[FR Doc. 82-10125 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-43

[FPMR Amdt. H-132]

Excess Personal Property Reporting Requirements

Correction

In FR Doc. 82-4889 appearing on page 8192 in the issue of Thursday, February 25, 1982; on page 8194, in the table, the information for "Group No. 84" should read as set forth below:

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
84—	Clothing and individual equipment and insignia	All except		x	9
		8455 badges and insignia	x		

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 47, No. 71
Tuesday, April 13, 1982

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Physician's Use of Radioactive Drugs

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations in order to provide an exception from certain regulatory requirements for Tc–99m pentatate sodium used for lung function studies. Present NRC regulations state that when a physician uses a drug approved by the Food and Drug Administration (FDA), such as Tc–99m pentatate sodium, for an unapproved use, such as lung function studies, the physician must follow FDA-approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range. Under the proposed amendment, the physician would be able to use Tc–99m pentatate sodium for lung function studies without regard to these restrictions. In the future, NRC may list other radioactive drugs and clinical procedures as exceptions to the FDA-approved labeling restrictions. This proposed rule would relieve a majority of NRC's medical licensees from regulatory requirements.

DATES: Comment period expires June 14, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit written comments and suggestions to: the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Examine copies of comments received at: the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Deborah A. Bozik, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–427–4566).

SUPPLEMENTARY INFORMATION: By letter dated March 28, 1979, George V. Taplin, M.D., (deceased) filed a petition for rulemaking to remove NRC restrictions which apply when physicians use FDA-approved radioactive drugs for clinical procedures that do not have FDA approval.

NRC restrictions

NRC licenses institutions and individual physicians in private practice to use byproduct material on humans under the group [1] medical license.

The group medical license was designed to allow physicians and community hospitals wide access to nuclear medicine services. The "groups" in § 35.100 of 10 CFR Part 35 contain only radiopharmaceuticals that are the subject of an FDA-approved "New Drug Application" (NDA), or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by FDA.

NRC regulations in § 35.14(b)(6) of 10 CFR Part 35, which apply to the group medical licensees, provide that when a physician uses byproduct material for clinical procedures other than those approved by FDA and specified in the product labeling (package insert), the physician must follow the product labeling regarding: (1) Chemical and physical form, (2) route of administration, and (3) dosage range.

These restrictions do not apply to the larger medical institutions possessing the NRC broad medical licenses where both the credentials of the physicians and all proposed uses of radioisotopes are reviewed by a specifically appointed Radiation Safety Committee (RSC) which has been approved by NRC.

[1] Radioactive materials in §35.100 of 10 CFR Part 35 are divided into six groups, each group having similar requirements for user training and experience, facilities and equipment, and radiation safety procedures. The purpose of this grouping is to reduce administrative costs by eliminating the need for licensees to seek an amendment to their license each time they wish to use an additional radiopharmaceutical in a group for which they are licensed. Under the grouping procedure, an application for a specific license for the use of any one radiopharmaceutical in a particular group is treated by NRC as an application for all radiopharmaceuticals in that group.

Basis for NRC Restrictions

Using radioactive drugs safely requires consideration of (1) the radiation safety of the patient and (2) the radiation safety of the worker. The radiation safety of the patient is considered by FDA when it approves the radioactive drug. FDA approves an NDA if it finds substantial evidence of safety and effectiveness for the drug's intended use (clinical indication). This FDA finding is based, in part, on clinical data submitted by the NDA sponsor. The approved drug has labeling (package insert) that specifies the FDA-approved clinical indication, chemical and physical form, route of administration and dosage range. However, FDA does not require that the physician follow the drug labeling, because FDA does not regulate the practice of medicine.

The radiation safety of the worker is considered by NRC when the staff conducts a safety review before incorporating the radioactive drug into the 10 CFR 35.100 "groups" to ensure that the radiation dose to the worker is within 10 CFR Part 20 limits and consistent with the ALARA principle.

NRC relies primarily on FDA's determination of a radioactive drug's safety and effectiveness for its group medical licensees. However, NRC does place restrictions on the chemical and physical form, route of administration, and dosage range—restrictions that apply only when the physician departs from the FDA-approved clinical indication. The basis for NRC's restrictions is that if the effectiveness of the clinical procedure has not been established (i.e., it does not have FDA approval), then NRC is relying on the safety of the FDA-approved chemical and physical form route of administration, and dosage range. Stated alternatively, by restricting the physician to the FDA-approved chemical and physical form of the radioactive drug, route of administration, and dosage range, NRC is attempting to ensure the safety of the radioactive drug and radiation safety to both the worker and the patient while allowing the physician leeway regarding the effectiveness of the clinical procedure.

The Petition

A petitioner, Dr. Taplin, requested that the Commission rescind its restrictions on the FDA-approved chemical and physical form, route of administration, and dosage range of the radioactive drug when a physician uses the radioactive drug for clinical procedures that have not received FDA approval. See petition for rulemaking (PRM–35–1) published in the **Federal Register** (44 FR 26817) on May 7, 1979.

The petitioner stated that these NRC regulations were definitely more restrictive than the current FDA regulations. Specifically, the petitioner pioneered the use of Tc-99m pentatate sodium (formerly called DTPA) as an aerosol for lung function studies, and wanted this clinical procedure to be available to all NRC group licensees. The petitioner stated that the Tc-99m pentatate sodium lung function study provides additional clinical information over the FDA-approved xenon-133 lung function study and with a lower radiation exposure than other FDA-approved uses of Tc-99m pentatate sodium.

Tc-99m pentatate sodium has not been approved by FDA as an aerosol (physical form) or by inhalation (route of administration) or for lung function studies (clinical indication). Thus, this use is prohibited by § 35.14(b)(6) for NRC group licensees, because the drug would be used for an unapproved clinical indication, and because the physical form and route of administration do not conform with the FDA-approved labeling.

Food and Drug Administration

FDA regulations prohibit radioactive drug manufacturers from marketing (advertising, distributing, and selling) radioactive drugs for unapproved uses. Normally, when a drug is being marketed for a different route of administration, FDA requires either that the original NDA be supplemented to show that the drug is safe and effective for that route of administration; or, if that route of administration is also for an entirely different clinical purpose, FDA frequently requires an entirely new NDA, supported by controlled clinical trials to demonstrate that the drug is effective for that use.

However, FDA regulations do not restrict the individual physician's use of a drug solely to those indications listed in the approved labeling. FDA believes that the approved labeling represents an authoritative statement of those uses for which substantial effectiveness has been shown. Basically, under FDA regulations, a physician may use a drug for a clinical indication, chemical and physical form, dosage range or route of administration not expressly labeled in the package insert. FDA cautions that the physician does so at his own risk and with the knowledge that use of the drug for that particular (unlableled) purpose is not supported by substantial evidence of safety and effectiveness.

In addition, early attempts between NRC and FDA were made to find an institutional solution to enable FDA to address the general problem of drug labeling for unapproved indications. Medical advisory committee meetings at both NRC and FDA have also attempted a resolution of Dr. Taplin's petition which is part of the general problem of updating drug labeling. The Commission is aware that FDA is considering a program to add recent but "well established" clinical indications to the labeling of previously approved radioactive drugs. FDA has identified drugs in widespread use for unlabeled clinical indications.

Public Comments

The Commission solicited public comments on the petition. The comment period expired July 6, 1979. Forty-five letters were received. A copy of these public comments is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the comments may be obtained by written request from the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. All of the letters supported the petition. The commenters are representatives of the nuclear medicine profession. They believe that the NRC restrictions unnecessarily constrain the physician to the detriment of patient care without any benefit to the public. Many of them claim that the unapproved use of Tc-99m pentatate sodium for lung scans is a clinically useful, low-risk diagnostic procedure. Several commenters gave other examples of unapproved uses of FDA-approved radioactive drugs, for example: (1) Tc-99m sulfur colloid administered orally for studying gastro-esophageal reflux and gastric emptying time; (2) Tc-99m sulfur colloid injected into the peritoneal space prior to administering therapeutic doses of radioactive colloids; (3) Tc-99m Sn-pyrophosphate for red blood cell labeling; (4) Tc-99m MAA for LeeVeen shunt patency; and (5) Tc-99m DTPA for cisternography for determination of cerebrospinal fluid leaks.

Criteria and Procedures for Evaluating Exceptions to 35.14(b)(6)

Aside from the petition discussed above, the NRC would consider permitting the use of certain radiopharmaceuticals in diagnostic procedures as exceptions to § 35.14(b)(6). It believes in the near future that there might be about ten requests for inclusion of such radiopharmaceuticals as exceptions to this section.

Any interested person should submit a request for an exception to NRC's Office of Nuclear Material Safety and Safeguards detailing the following information:

- Description of the procedure,
- Justification for the exception (including an explanation of why the procedure is not included in the product labelling),
- Purpose and benefits of the procedure,
- Analysis of the radiation dose, and
- Supporting technical and scientific information, including any provisions necessary to ensure occupational safety and patient safety.

In order to reach a conclusion regarding the possible inclusion of these radiopharmaceuticals in the regulations, NRC would expect that such requests would provide evidence that the following two criteria, upon which NRC will conduct its assessment, would be met:

- No unnecessary radiation dose to the patient, and
- Demonstration of adequate occupational radiation protection measures.

The NRC staff would review a request, and based upon its findings as well as the recommendation of its Advisory Committee on the Medical Uses of Isotopes (ACMUI), would publish in the **Federal Register**, as described below, a notice of final rulemaking stating that it had granted or denied the request. The notice would provide for a 30- to 45-day comment period, though this comment period would usually not stay the effective date of the rule. The NRC would consider all comments received, and act promptly to reconsider a decision where the public health and safety would so require.

The proposed method of considering exceptions to § 35.14(b)(6) is similar to the procedure by which NRC presently handles the addition of new radiopharmaceuticals to § 35.100. That section presently lists groups of medical uses of byproduct material that have similar requirements for user training and experience, for facilities and

equipment, and for radiation safety procedures. The purpose of such a grouping is to reduce administrative costs by eliminating the need for licensees to seek an amendment to their license each time they wish to use an additional radiopharmaceutical in a group for which they are licensed. With respect to additions to § 35.100, the Commission has normally found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon, because it would be contrary to the public interest to delay the use of certain FDA-approved products by group medical licensees. Moreover, since the amendments relieve licensees from restrictions under regulations currently in effect, they become effective without the customary 30-day notice period.

Similarly, the Commission believes that good cause will normally exist for omitting the notice of proposed rulemaking with respect to its grant or denial of exceptions under § 35.14(b)(6). The proposed method of handling exceptions to § 35.14(b)(6), would avoid delay and reduce the administrative burden on licensees. Usually, it would be contrary to the public interest, after the requisite NRC findings, not to allow licensees to use certain diagnostic procedures as exceptions to § 35.14(b)(6) which, in many cases, could deliver significantly lower radiation doses than procedures presently permitted. Thus, the Commission expects that its method of handling exceptions to § 35.14(b)(6) would normally preclude the customary public notice before the final rulemaking.

Public comments are actively solicited at this time on NRC's proposed method of handling exceptions to § 35.14(b)(6).

Commission Action

The Commission has given careful consideration to both the petition and the public comments and has decided to propose an exception to the restrictions in § 35.14(b)(6) for Tc–99m pentatate sodium used for lung function studies. This proposed rule would thus allow all of NRC's medical licensees to use Tc–99m pentatate sodium for lung function studies, thereby granting the petition in part. Based on the need to use Tc–99m pentatate sodium for lung function studies, and based on the finding that the radiation dose to the patient from this procedure is within the range of radiation doses for other FDA-approved diagnostic nuclear medicine procedures, the Commission believes that an exception to the restrictions in § 35.14(b)(6) for this radioactive drug is warranted. (The radiation dose from a 3 mCi dosage of Tc–99m pentatate sodium by inhalation is: 0.03 rad to the whole body; 0.21 rad to the lungs; and 0.66 rad to the bladder wall.) Nevertheless, the Commission still finds that its restrictions in § 35.14(b)(6) on the unapproved uses of FDA-approved radioactive drugs are essential to ensure the safety of those radioactive drugs whose effectiveness for unapproved (by FDA) clinical procedures has not been established.

This proposed rule would establish the first exception to the restrictions in § 35.14(b)(6). Future radiopharmaceuticals and uses are expected to be added to the list after a determination of radiation safety is made by NRC. Any future amendment of this nature would be effective upon publication in the **Federal Register** unless circumstances indicate that it should be brought to the Commission's attention and published as a proposed rule.

The Proposed Rule

The proposed rule would apply to two categories of NRC medical licensees in 10 CFR Part 35. Under § 35.11, it would apply to medical institutions. Under § 35.12, it would apply to physicians in private practice outside medical institutions who are also group medical licensees under § 35.14. However, the proposed rule does not apply to broad medical licensees licensed under 10 CFR Part 33.

The proposed rule provides an exception for Tc–99m pentatate sodium from the restrictions in § 35.14(b)(6) when it is used for lung function studies. Under § 35.14(b)(6), as presently written, when a physician uses an FDA-approved drug, such as Tc–99m pentatate sodium, for an unapproved use, such as lung function studies, the physician must follow the FDA-approved labeling regarding (1) chemical and physical form, (2) route of administration, and (3) dosage range. This requirement prevents the use of Tc–99m pentatate sodium for lung function studies because the physical form would be different (aerosol), the route of administration would be different (inhalation), and the dosage range would be different (3 mCi). Under the proposed exception, Tc–99m pentatate sodium could be used as an aerosol for lung function studies. Physicians would administer the radioactive aerosol with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol.

In the future, NRC may add other radioactive drugs and clinical procedures to this exception.

Regulatory Flexibility Certification

Based upon the information available at this stage of the rulemaking proceeding and in accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that, if promulgated, this rule will not have a significant economic impact upon a substantial number of small entities. The proposed rule affects about 2,000 specific licenses under §§ 35.11, 35.12, and 35.14 of 10 CFR Part 35. These licenses are issued principally to medical institutions. Small business entities, primarily physicians in private practice, comprise about 275 of the specific medical licenses.

Because the proposed rule relieves NRC's medical licensees from regulatory requirements, it is not expected to have a significant economic impact on these licensees. However, the NRC is seeking comments and suggested modifications because of the widely differing conditions under which small medical licensees operate.

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates:

(a) The licensee's size in terms of annual income or revenue, number of employees and, if the licensee is a treatment center, the number of beds and patients treated annually;

(b) How the proposed regulation would result in a significant economic burden upon the licensee as compared to that on a larger licensee;

(c) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities:

(d) The benefits that would be gained, or the detriments that would be avoided to the licensee, if the proposed regulations were modified as suggested by the commenter; and

(e) How the regulation, as modified, would still adequately protect the public health and safety.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirments.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 to the United States Code, notice is hereby given that adoption of

the following amendments to 10 CFR Part 35 is contemplated.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended by Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.2, 35.14(b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31(b) and (c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14(b)(5)(ii), (iii) and (v) and (f) (2), 35.25 and 35.31(d) are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

2. Section 25.14 is amended by revising paragraph (b)(6) and adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

* * * * *

(b) * * *

(6) Except for those radiopharmaceuticals listed in paragraph (b)(7) of this section, for Groups I, II, and III any licensee using byproduct material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:

(i) Chemical and physical form;

(ii) Route of administration; and

(iii) Dosage range.

(7) The following radiopharmaceutical(s), when used for the listed clinical procedure(s), are not subject to the restrictions in paragraph (b)(6) of this section:

(i) Technetium-99m pentatate sodium as an aerosol for lung function studies.

(8) Radioactive aerosols must be administered with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol.

* * * * *

Dated at Washington, D.C., this 6th day of April 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-10084 filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is considering amending its regulations which incorporate by reference national codes and standards for the construction of nuclear power plant components. The amendments would increase references to the ASME Boiler and Pressure Vessel Code to include subsections that provide rules for the construction of certain safety systems and clarify existing regulations by removing obsolete provisions no longer applicable. This action is being proposed to establish enforceable requirements to replace previous guidance. The consequences of the amendments would be to ensure appropriate use of the referenced code and to correct confusion as to what the NRC requires in an application for license.

DATES: Comment period expires June 14, 1982. Comments received after June 14, 1982, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: All interested persons who wish to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. A. Taboada, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301-443-5903.

SUPPLEMENTARY INFORMATION:

Background

Commission policy, found in General Design Criterion 1, "Quality Standards and Records," (10 CFR Part 50, Appendix A) and § 50.55a, prescribes that structures, systems, and components important to safety be designed, fabricated, erected, and tested to quality standards commensurate with the importance of the safety function to be performed. In this regard, on June 12, 1971 (36 FR 11423), the Commission incorporated by reference in § 50.55a several codes published by the American Society of Mechanical Engineers (ASME) to be applied to the construction of components of the reactor coolant pressure boundary of water-cooled nuclear power reactors. Section III of the ASME Boiler and Presssure Vessel Code, applicable at that time only to nuclear vessels, was incorporated by reference to establish standards for vessels. Other ASME codes (described below) of more general application were incorporated by reference to establish standards for piping, pumps, and valves.

Subsequently, the ASME Boiler and Pressure Vessel Code Committee expanded Section III of the Code to apply to other nuclear power plant components (including piping, pumps, and valves) in addition to nuclear vessels. The expansion included many of the appropriate provisions from the more general codes incorporated by reference in § 50.55a on June 12, 1971.

On February 12, 1976 (41 FR 6256), the Commission amended § 50.55a to make the expanded Section III the effective code for piping, pumps, and valves of the reactor coolant pressure boundary for water-cooled nuclear plants for which construction permits were issued on or after July 1, 1974. The amendment limited use of the more general codes to plants for which construction permits were issued before July 1, 1974.

Section III of the Code, which applies to systems important to safety in addition to those of the reactor coolant pressure boundary, is regularly updated and expanded by ASME in new editions and addenda to include new developments and to reflect experience with the use of the Code. Those parts of the new editions and addenda that pertain to the reactor coolant pressure boundary are reviewed by the Commission staff and, if acceptable, are incorporated by reference in § 50.55a. Although not included in the regulations, the remaining parts of Section III that pertain to other systems important to safety also are reviewed by the Commission staff and, if acceptable, are used in the evaluation of specific license applications. Several parts of Section III that apply to Class 2 and 3 components have been used as guidance in the evaluation of systems important to safety in this manner for approximately 10 years and are referenced in Regulatory Guide 1.26, "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants."

Presently, other parts of the ASME Nuclear Code (Section III), not incorporated by reference in § 5055a

cover metal containments, component supports, core support structures and concrete vessels. It is the intent of the Commission to incorporate by reference all parts of the ASME Nuclear Code after appropriate evaluations and as adequate experience with use of each part of the Code, confirm their acceptability.

Substance of the Proposed Rule

Now that experience has shown additional parts of Section III of the ASME Boiler and Pressure Vessel Code to be adequate for use on a general basis, the Commission proposes to incorporate by reference these additional parts into § 5055a. These incorporations by reference would include the requirements for Class 2 Components, which are found in Subsections NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code.

The systems and components to be constructed to Class 2 and Class 3 requirements are identified in paragraphs (d)(1) and (e)(1) of § 50.55a, respectively, of the proposed rule. These paragraphs are included only to defined the boundaries of Class 2 and Class 3 systems and do not necessarily relate to rules for assuring operability or inservice testing of components. These descriptions for Class 2 and Class 3 components are similar to those for Quality Group B and Quality Group C found in Regulatory Guide 1.26, "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants," and in Section 3.2.1 of NUREG–75/087, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants."

Two systems have been classified in a manner that differs from their classification in Regulatory Guide 1.26. These are auxiliary feed-water systems of pressured water reactors and safety/relief valve discharge systems for boiling water reactors. These changes from the NRC position in Regulatory Guide 1.26 reflect new safety functions for these systems and new importance of these systems in the mitigation of transients and accidents.

To simplify § 50.55a, the Commission also proposes to delete obsolete incorporations by reference of the general codes which are superseded by Section III of the ASME Code. However, any previous acceptance of general codes by the Commission for nuclear plants for which construction permits were issued prior to these deletions will continue to be in effect, and deletion of these Codes from § 50.55a should not be construed otherwise. The Codes proposed to be deleted include:

(a) For piping of the Reactor Collant Pressure Boundary:

- American Standard Code for Pressure Piping, ASA B31.1.
- USA Standard Code for Pressure Piping, USAS B31.1.0.
- USA Standard for Nuclear Power Piping, USAS B31.7
- ASA B31.1 Code Cases N7, N9, and N10.

(b) For pumps of the Reactor Coolant Pressure Boundary:

- Draft ASME Code for Pumps and Valves for Nuclear Power.
- ASA B31.1 Code Cases N7, N9, and N10.

(c) For valves of the Reactor Coolant Pressure Boundary:

- American Standard Code for Pressure Piping, ASA B31.1.
- USA Standard Code for Pressure Piping, USAS B31.1.0.

Draft ASME Code for Pumps and Valves for Nuclear Power.

- ASA B31.1 Code Cases N2, N7, N9, and N10.

The Commission also proposes two procedural changes in the amendment to § 50.55a. One change deals with the need for NRC authorization for a proposed alternative to requirements in the regulation. The proposed amendment would modify the existing regulation by providing that the Director of Nuclear Reactor Regulation may authorize alternatives to the requirements in §50.55a after demonstration by the applicant that (a) the proposed alternative would provide an equivalent level of quality and safety and (b) compliance with specific requirements would result in a hardship or unusual difficulty without a compensating increase in the level of quality or safety.

The other procedural change would delete the obsolete provision of paragraph (a) that exempts nuclear components constructed to ASME Code rules from the Code requirement that the Code N-symbol be applied to these components. This exemption was initiated when there was no provision for foreign suppliers to comply with the administrative enforcement aspects of the Code. For that reason, foreign suppliers, fully qualified in other respects, could not be issued a Code N-symbol to apply to components and, hence, would be excluded from supplying components for domestic nuclear plants. This situation has been changed and foreign suppliers may now participate in ASME and be issued Code N-symbols.

Paperwork Reduction Act Statement

The application, reporting and recordkeeping requirements contained in this proposed regulation have been approved by the Office of Management and Budget; OMB approval No. 3151–0011.

Regulatory Flexibility Statement

The proposed rule would require nuclear power plant licensees (which are not considered small entities) to obtain selected components important to safety, for nuclear power plants, that meet the requirements of the ASME Boiler and Pressure Vessel Code. This code requires that manufacturers of such components be audited and issued a Code symbol N stamp to be applied to each component manufactured to the ASME Code. As stated earlier in this notice, use of the ASME Code is currently called for in existing Regulatory Guide 1.26, but is not legally binding on NRC licensees.

At present, approximately 700 manufacturing companies are certified as N stamp holders by ASME. An estimated additional 30 companies per year will apply for ASME approval. The ASME will charge applicant companies approximately $15,000 for ASME auditors to make the accreditation survey (i.e., audits and evaluations) necessary to make a determination of whether or not an N stamp should be issued to the company. ASME accreditation is valid for 3 years, thus it represents an annual cost of approximately $5,000 to the applicant companies.

The NRC assumes that no significant additional costs will be incurred by small entities in the manufacture of components to the ASME Code for use in nuclear power plants as a result of this proposed rule change. This assumption is based on the facts that Appendices A and B of this part already require in a general manner quality standards and a quality assurance program that parallel the requirements of the ASME Code. In fact, the ASME Code has become the NRC and Industry standard for acceptance in the compliance with these appendices. Incorporating by reference the ASME Code would standardize such requirements in a more specific manner.

The NRC further assumes that a manufacturing company which is engaged in the production of these components will realize annual earnings in exccess of $100,000. Thus, even if a manufacturing company is considered a small manufacturing business as defined in the Small Business Size Standards

issued by the SBA at 13 CFR Part 121 or a small entity as set forth at Section 601(3) of the Regulatory Flexibility Act, the estimated amortized annual cost of $5,000 for ASME approval of their manufacturing operation would not appear to represent a significant economic impact.

Thus, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC hereby certifies that this rule, if promulgated, will not have a significant economic impact upon a substantial number of small entities.

A public meeting on this rule was announced in the **Federal Register** on December 29, 1980 (45 FR 85464) and was held on January 30, 1981. Although no adverse comments were received in this public meeting, the NRC would appreciate comments on the economic impact of this rule on particular small businesses. These small businesses would include (1) any small business which has ASME N stamp approval, (2) any small business which has pending an application for ASME N stamp approval, or (3) any small business which is considering applying for ASME N stamp approval in order to conduct business with nuclear power plant licensees. Specifically, these comments should discuss:

(a) The validity of the assumption that a company which manufactures these components would have annual earnings in excess of $100,000,

(b) Whether the terms of this rule would create an economic disadvantage for a small business which has applied or is considering applying for ASME N stamp approval,

(c) How the proposed regulations could be modified to take into account the differing needs or capabilities of small businesses,

(d) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter, and

(e) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access for businesses to participate in this industry as opposed to providing special advantages to any individual company or groups of companies.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Pursuant to the Atomic Energy Act of 1954, as amended the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

1. The authority citation for Part 50 continues to read as follows:

Authority: Sec. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)), §§50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.55a, paragraph (a)(2) is revised, a new paragraph (a)(3) is added; paragraphs (c), (d), and (e) are revised to read as follows; and paragraphs (f) and (j) are deleted and the space is reserved:

§ 50.55a Codes and standards.

* * * * *

(a)(2) Systems and components of light water nuclear power reactors must meet the requirements of Section III of the ASME Boiler and Pressure Vessel Code specified in paragraphs (b), (c), (d), (e), and (g) of this section as a minimum, except as provided in paragraph (a)(3) of this section. Protection systems of nuclear power reactors of all types must meet the requirements specified in paragraph (h) of this section.

(3) Proposed alternatives to the requirements of paragraphs (b), (c), (d), (e), (g), and (h) of this section or portions thereof may be used when authorized by the Director of the Office of Nuclear Reactor Regulation. The applicant must demonstrate that (i) the proposed alternatives would provide an equivalent level of quality and safety, and (ii) compliance with the specified requirements would result in hardship or unusual difficulties without a compensating increase in the level of quality and safety.

* * * * *

(c) Reactor coolant pressure boundary.

(1) Components which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components in Section III [3, 4, 5] of the ASME Boiler and Pressure Vessel Code, except as provided in paragraphs (c) (2), (3) and (4) of this section.

(2) Components which are connected to the reactor coolant system and are part of the reactor coolant pressure boundary as defined in § 50.2(v) of this part need not meet the requirements of paragraph (c)(1) of this section, *Provided:*

(i) In the event of postulated failure of the component during normal reactor operation, the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system which is operable from on-site emergency power, or

(ii) The component is or can be isolated from the reactor coolant system by two valves (both closed, both open, or one closed and the other open). Each open valve must be capable of automatic actuation and, assuming the other valve is open, its closure time must be such that, in the event of postulated failure of the component during normal reactor operation, each valve remains operable and the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only.

(3) The Code Edition, Addenda, and Optional Code Cases [6] to be applied to components of the reactor coolant pressure boundary must be determined by the provisions of paragraph NCA–1140, Subsection NCA of Section III of the ASME Boiler and Pressure Vessel Code, but (i) the edition and addenda applied to a component must be those which are incorporated by reference in paragraph (b)(1) of this section, (ii) the ASME Code provisions applied to the pressure vessel may be dated no earlier than the Summer 1972 Addenda of the 1971 edition, (iii) the ASME Code provisions applied to piping, pumps and valves may be dated no earlier than the Winter 1972 Addenda of the 1971 edition, and (iv) ASME Code Cases [6] must have been determined suitable for use by the NRC.

(4) Any acceptance of Codes, Standards, and Code Cases by the Commission for application to components of the reactor coolant pressure boundary of nuclear plants with construction permits issued prior to

———* will continue to be in effect for those plants.

(d) Class 2 components.

(1) For a nuclear power plant whose application for a construction permit is docketed after ———,* the requirements for Class 2 Components in Section III of the ASME Boiler and Pressure Vessel Code must be applied to systems and components that are either part of the reactor coolant pressure boundary as defined in § 50.2(v) of this part, but excluded from the requirements of paragraph (c) of this section by paragraph (c)(2) of this section, or are not part of the reactor coolant pressure boundary but are part of any one of the following systems:

(i) Systems or portions of systems [9] important to safety that are designed for emergency core cooling, postaccident containment heat removal, or postaccident fission product removal.

(ii) Systems or portions of system [9] important to safety that are designed for reactor shutdown or residual heat removal.

(iii) Those portions of the steam systems of boiling water reactors extending from the outermost containment isolation valve up to, but not including the turbine stop and bypass valves and connected piping up to and including the first valve that is either normally closed or capable of automatic closure during all modes of normal reactor operation. Alternatively, for boiling water reactors containing a shutoff valve (in addition to the two containment isolation valves) in the main steam line and in the main feedwater line, these requirements must be applied to those portions of the steam and feedwater systems extending from the outermost containment isolation valves up to and including the shutoff valve or the first valve that is either normally closed or capable of automatic closure during all modes of normal reactor operation.

(iv) Those portions of the steam and feedwater systems of pressurized water reactors extending from and including the secondary side of steam generators up to and including the outermost containment isolation valves and connected piping up to and including the first valve (including a safety or relief valve) that is either normally closed or capable of automatic closure during all modes of normal reactor operation.

(v) Systems or portions of systems [9] that are connected to the reactor coolant pressure boundary and are not capable of being isolated from the boundary during all modes of normal reactor operation by two valves, each of which is either normally closed or capable of automatic closure.

(vi) Auxiliary feedwater systems for pressurized water reactors.

(vii) Safety/relief valve discharge systems for boiling water reactors.

(viii) Letdown loops of chemical and volume control systems.

(2) The requirements of paragraph (d)(1) of this section need not apply to vent, drain, fill, and test lines that are part of the reactor coolant pressure boundary, defined in § 50.2(v) of this part, but that are isolated from the reactor coolant system by closed isolation valves.

(3) The Code Edition, Addenda, and optional Code Cases [6] to be applied to the systems and components identified in paragraph (d)(1) of this section must be determined by the rules of paragraph NCA–1140, Subsection NCA of Section III of the ASME Boiler Vessel and Pressure Code, but (i) the edition and addenda must be those which are incorporated by reference in paragraph (b)(1) of this section, (ii) the ASME Code provisions applied to the systems and components may be dated no earlier than the 1980 Edition, and (iii) the ASME Code Cases[6] must have been determined suitable for use by the NRC.

(e) Class 3 components:

(1) For a nuclear power plant whose application for a construction permit is docketed after ———,* the requirements for Class 3 components in Section III of the ASME Boiler and Pressure Vessel Code must be applied to systems and components not part of the reactor coolant pressure boundary or not subject to Class 2 component requirements as defined in paragraph (d)(1) of this section but that are part of any one of the following systems:

(i) Cooling water systems or portions of these systems [9] important to safety that are designed for emergency core cooling, postaccident containment heat removal, postaccident containment atmosphere cleanup, or residual heat removal from the reactor and from the spent fuel storage pool (including primary and secondary cooling systems). Those portions of these systems that are required for their safety functions which do not operate during any mode of normal reactor operation and cannot be tested adequately must be classified as Class 2 components.

(ii) Cooling water and seal water systems or portions of these systems [9] important to safety that are designed for functioning of components and systems important to safety, such as reactor coolant pumps, diesels, and control room.

(iii) Systems or portions of systems [9] that are connected to the reactor coolant pressure boundary and are capable of being isolated from that boundary during all modes of normal reactor operation by two valves, each of which is either normally closed or capable of automatic closure. Components in influent lines must be classified as Class 3 components unless they are capable of being isolated from the reactor coolant pressure boundary by an additional valve which has high leaktight integrity.

(iv) Systems, other than radioactive waste management systems, not covered in paragraphs (e)(1)(i), (ii) or (iii) of this section that contain or may contain radioactive material and whose postulated failure would result in conservatively calculated potential offsite doses [10] that exceed 0.5 rem to the whole body or its equivalent to any part of the body. For those systems located in Seismic Category I structures, only single component failures need be assumed. (However, no credit for automatic isolation from other components in the system or for treatment of released material may be taken unless the isolation or treatment capability is designed to the appropriate seismic standards and codes and can withstand loss of offsite power and a single failure of an active component.)

(v) Vessels, heat exchanges, storage tanks, piping, pumps and valves that are part of systems for emergency diesel engines, and are designated for fuel oil storage and transfer, cooling water, starting, air intake and exhaust, or lubrication.

(vi) Ventilation systems that perform a safety function, such as for the control room areas, spent fuel pool areas, and engineered safety feature ventilation areas.

(2) The Code Edition, Addenda, and optional Code Cases[6] to be applied to the systems and components identified in paragraph (e)(1) of this section must be determined by the rules of paragraph NCA–1140, subsection NCA of Section III of the ASME Boiler and Pressure Vessel Code, but (i) the edition and addenda must be those which are incorporated by reference in paragraph (b)(1) of this section, (ii) the ASME Code provisions applied to the systems and components may be dated no earlier than the 1980 Edition, and (iii) the ASME Code Cases[6] must have been determined suitable for use by the Commission staff.

3. In § 50.55a, footnotes 2 and 3 are removed and reserved, footnote 6 is revised and footnotes 9 and 10 are added to read as follows:

*The effective date of the amendment will be inserted.

[9] ASME Code cases which have been determined suitable for use by the Commission staff are listed in NRC Regulatory Guide 1.84, "Code Case

Acceptability—ASME Section III Design and Fabrication" and NRC Regulatory Guide 1.85, "Code Case Acceptability—ASME Section III Materials." The use of other Code cases may be authorized by the Director of the Office of Nuclear Reactor Regulation upon request pursuant to § 50.55a(a)(3).

[9] The system boundary includes those portions of the system required to accomplish the specified safety functions and connected piping to lesser quality systems up to and including the first valve (including a safety or relief valve) that is either normally closed or capable of automatic closure when the safety function is required.

[10] Potential offsite doses may be calculated by using meteorology as recommended by Regulatory Guide 1.3, "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Boiling Water Reactors," and Regulatory Guide 1.4, "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Pressurized Water Reactors."

Dated at Washington, D.C. this 8th day of April 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-10081 Filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Doc. No. RM79-76 (Kentucky-1)]

High-Cost Gas Produced From Tight Formations Kentucky

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 Kentucky that the Berea Sandstone be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on May 7, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 22, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or John Roy Johnson, (202) 357-8731.

Issued April 7, 1982.

I. Background

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (Kentucky-1) notice of proposed rulemaking by Director, OPPR.

On March 29, 1982, the Commonwealth of Kentucky Public Service Commission (Kentucky) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Berea Sandstone located in Lawrence County, Kentucky, 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 Kentucky's recommendation that the Berea Sandstone be designated a tight formation should be adopted. Kentucky's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of recommendation

The recommended area includes all of Lawrence County in northeastern Kentucky, except for about three square miles in the south-central part. The Berea Sandstone (called Berea grit by drillers) is a depositional unit of early Mississippian (Kinderhookian) age which consists of very fine-grained argillaceous, calcareous sandstone to siltstone with shale laminations. This recommended interval is delimited by the underlying Ohio Shale (called Devonian shale by drillers) and the overlying Sunbury Shale (called coffee shale by drillers). In this area, the Berea Sandstone is used as a marker for the base of Mississippian age deposits. Thickness of the Berea Sandstone is approximately 100 feet throughout the proposed area; the average drilling depth to the top of the unit is 1,400 feet.

III. Discussion of recommendation

Kentucky claims in its submission that evidence gathered through information and testimony presented at a public hearing in Docket No. PSC 673 convened by Kentucky 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.

Kentucky further asserts that existing State and Federal Regulations assure that development if 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 Kentucky that the Berea Sandstone, as described and delineated in Kentucky'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 ge a13ap0.085Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 7, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Kentucky-1), 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 Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 22, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Tight formations, Incentive price.

(Natural Gas Policy Act of 1978, 15 U.S.C. Sections 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Kentucky's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is revised by adding new subparagraph (108) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(77) through (107) [Reserved]

(108) *Berea Sandstone in Kentucky.* RM79-76 (Kentucky-1).

(i) *Delineation of formation.* The Berea Standstone (called Berea grit by drillers) is found in all of Lawrence County, Kentucky, with the exception of an area approximately three miles square, in the south-central part.

(ii) *Depth.* The Berea Sandstone occurs at the base of Mississippian age deposits between the Sunbury Shale (called coffee shale by drillers) and the Ohio Shale (called Devonian shale by drillers). The average depth to the top of the Berea Standstone is 1,400 feet.

[FR Doc. 82-10064 Filed 4-12-82; 8:45 am]

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18 CFR Part 271

[Doc. No. RM79-76 (New Mexico-13)]

High-Cost Gas Produced From Tight Formations; New Mexico

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 New Mexico that the Permo-Penn Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on May 7, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 22, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

Issued April 7, 1982.

I. Background

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (New Mexico-13) Notice of Proposed Rulemaking by Director, OPPR.

On March 26, 1982, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Permo-Penn Formation located in Eddy County, New Mexico, 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 New Mexico's recommendation that the Permo-Penn Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service (formerly the U.S. Geological Survey) concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies a portion of Eddy County in southeast New Mexico. The area encompasses portions of Townships 17 through 22 South, and Ranges 21 through 26 East, NMPM. The Permo-Penn Formation lies between the base of the Wolfcamp Formation and the top of the Canyon Formation and includes the Third Sister, the Antelope Sink, and the Cisco Formations. The average depth to the top of the formation is 5,822 feet. The Permo-Penn Formation varies in thickness from 1,000 to 1,400 feet.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7352 convened by New Mexico 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.

New Mexico 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 New Mexico that the Permo-Penn Formation, as described and delineated in New Mexico'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, NE., Washington, D.C. 20426, on or before May 7, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico-13), 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 Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 22, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Tight formations, Incentive price.

(Natural Gas Policy Act of 1978, 15 U.S.C. Sections 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18 *Code of Federal Regulations*, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is revised by adding new subparagraph (107) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(77) through (106) [Reserved]

(107) *Permo-Penn Formation in New Mexico.* RM79–76 (New Mexico-13).

(i) *Delineation of formation.* The Permo-Penn Formation is located in Eddy County, New Mexico, in Township 17 South, Ranges 24 through 26 East; Township 18 South, Ranges 24 and 25 East; Township 19 South, Ranges 23 through 25 East; Township 20 South, Ranges 21, 23, and 24 East; Township 20½ South, Ranges 21 and 22 East; Township 21 South, Ranges 21 and 22 East; Township 22 South, Range 21 East, Sections 1 through 12; and Township 22 South, Range 22 East, Sections 1 through 12 NMPM.

(ii) *Depth.* The Permo-Penn Formation varies in thickness from 1,000 to 1,400 feet and lies between the base of the Wolfcamp Formation and the top of the Canyon Formation. The Permo-Penn includes the Third Sister, the Antelope Sink, and the Cisco Formations. The average depth to the top of the Permo-Penn Formation is 5,822 feet.

[FR Doc. 82–10065 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

April 5, 1982.

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda is published in accordance with the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq*). The agenda lists those guidelines which have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the **Federal Register** for public comment; the need and legal basis for the actions being considered; the name and telephone number of a knowledgeable EEOC official, and the status of items previously reported; and a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development does not show that any of the proposed regulations or guidelines fall within the Executive Order's definition of a major rule. In addition, one pending proposed regulatory action, identified in this agenda by an asterisk, has been determined by the Commission to be subject to the Regulatory Flexibility Act. It is published here in order to allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

FOR FURTHER INFORMATION CONTACT: Chris Roggerson, Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506; telephone (202) 634–6334.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require that a regulatory agenda of regulations under development and review be published in the **Federal Register** in April and October of each year. Signed at Washington, D.C. this 6th day of April 1982.

For the Commission.

Cathie A. Shattuck,

Chairman (Acting), Equal Employment Opportunity Commission.

Title	Description	Authority	Status	Contact
A. Guidelines To Be Reviewed Pursuant to Executive Order 12291				
Uniform Guidelines on Employee Selection Procedures.	The guidelines, issued pursuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. A survey designed to assess the practical utility of the guidelines' recordkeeping requirements was sent to the Office of Management and Budget for clearance on February 26, 1982. Upon approval, the survey will be mailed to about 4,000 employers, and a small number of unions, lawyers, industrial psychologists and public interest groups. In addition, a study on the feasibility of a uniform government-wide equal employment opportunity recordkeeping regulation is also being conducted by the Commission. Pursuant to the designation of these guidelines for review by the Presidential Task Force on Regulatory Relief, a continuing review is under way to ascertain what further initiatives if any, need to be undertaken with respect to the guidelines.	Raj K. Gupta, Office of Policy Implementation, Equal Employment Opportunity Commission ("EEOC"), 2401 E Street N.W., Washington, D.C. 20506, (202) 634-6334.
Guidelines on Discrimination Because of Sex; Sexual Harassment.	The guidelines re-affirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	The guidelines on sexual harassment became final on Nov. 10, 1980, upon publication in 45 FR 74676. EEOC will be reviewing these guidelines for adequacy of guidance provided to employers as to what constitutes prohibited conduct.	Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-6334.
B. Proposed Regulations or Guidelines				
Employment Discrimination; Procedures for Handling Complaints.	These regulations, proposed by EEOC and Department of Justice, contemplate that most individual complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other federal laws will be referred to EEOC for processing.	Executive Order 12067, 43 FR 28967 (June 30, 1978), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	Notice of proposed rule was published in 46 FR 22395 on April 17, 1981. The comment period ended on June 16, 1981. The proposed final rule was coordinated with affected agencies for comment under Executive Orders 12067 and 12250. Publication of the final regulations is anticipated by June 1982.	Douglas Bielan, Office of Interagency Coordination, EEOC, (202) 653-6290. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, Washington, D.C. 20503, (202) 633-3831.
Recordkeeping Regulations[1].	The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a Commission or court proceeding.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	Notice of proposed revisions was published in 43 FR 32280 on July 25, 1978. The comment period ended Sept. 21, 1978. A public hearing was held on September 21, 1978, and the record was held open until October 1, 1978. The Commission is considering further revisions to the proposed amendments pending completion of a study on the feasibility of a uniform government-wide equal employment opportunity recordkeeping regulation. Publication of the final regulations is anticipated by July 1984.	Anthony DeMarco, Legal Counsel Division, Office of the General Counsel, EEOC (202) 634-6595.
Non-Discrimination on the Basis of Handicap in Federally assisted programs.	Proposed regulations setting forth procedurs and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistance from the Equal Employment Opportunity Commission.	Rehabilitation Act of 1973, as amended, 29 USC 794.	Proposed regulations published in 44 FR 68482 on November 29, 1979. Comment period ended on January 28, 1980. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
Collection of Applicant Data for Affirmative Action purposes.	This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes.	Rehabilitation Act of 1973, as amended, 29 USC 791; Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38 USC § 2014.	Interim guidelines published in 46 FR 11285 became effective on Feb. 6, 1981. The period for written comments expired April 7, 1981. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.	Clayton J. Boyd, Division of Programs for Handicapped Individuals, Office of Government Employment, EEOC, (703) 756-6040.
Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717.	Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.	Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16.	Interim regulations, effective April 11, 1980, were published in 45 FR 24130 on April 9, 1980. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
The Equal Pay Act Interpretations.	The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor which appear at 29 C.F.R. Part 800.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq;* Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 210 *et seq,* and Portal-to-Portal Act of 1947, 29 U.S.C. 225.	Proposed regulations were published in 46 FR 43848 on Sept. 1, 1981. Comment period ended on Nov. 2, 1981. Comments are being reviewed.	Anthony J. DeMarco, (202) 634-6595 or Clement Hyland (202) 653-5490, Legal Counsel Division, Office of the General Counsel, or Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-7062.
Procedures: Age Discrimination in Employment Act.	Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and opinions under the ADEA.	Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *seq.*	Proposed regulations were published on Jan. 30, 1981, 46 FR 9970. Comment period ended on March 31, 1981. Commission vote on final regulation is anticipated in 1982.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.

Title	Description	Authority	Status	Contact
Privacy Act of 1974; proposed Privacy Act System of Records.	The EEOC has proposed regulations that will establish a system of records which will contain information on individuals who file charges or complaints under the ADEA or EPA and exempting this system of records from certain provisions of the Privacy Act.	Privacy Act of 1974, 5 U.S.C. 301 and 552a; Equal Pay Act, 29 U.S.C. 206(d) *et seq;* Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*, Public Printing and Documents, 44 U.S.C. 3101.	Notice of the proposed privacy act system of records was published in 46 FR 21819 on April 14, 1981. The comment period ended on June 15, 1981. Approved by the Commission on March 9, 1982 and now in the the clearance process under E.O. 12291.	Anthony J. DeMarco, (202) 634-6595 or Clement Hyland (202) 653-5490, Legal Counsel Division, Office of General Counsel, EEOC.
Privacy Act Regulations	The proposed rule exempts system EEOC-1, Age and Equal Pay Act Discrimination Case Files from certain provisions of the Privacy Act.	Equal Pay Act, 29 U.S.C. 206(d) *et seq;* Age Discrimination in Employement Act, 29 U.S.C. 621 *et seq.*	Proposed rule was published in 46 FR 21784 on April 14, 1981; the comment period ended on June 15, 1981. Approved by the Commission on March 9, 1982 and now in the clearance process under E.O. 12291.	Do.
		C. Final Regulations		
706 State and Local Agencies.	Revision of procedural regulations to establish certification procedures for 706 deferral agencies.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Final rule became effective on October 19, 1981, upon publication in 46 FR 50366.	Nicholas M. Inzeo, Legal Counsel Division, Office of General Counsel, EEOC (202) 634-6595.
Equal Employment Opportunity in the Federal Government; Complaints of Handicap Discrimination.	Amends the Federal sector procedural regulations so that individuals complaining of handicap discrimination have available the same remedies, procedures and rights as are provided under section 717 of Title VII; makes the Commission's regulations concerning the right to file a civil action (§§ 1613.281-1613.283) applicable to handicap discrimination complaints.	Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 and 794a.	Final rule became effective on October 20, 1981 upon publication in 46 FR 51383.	Thomas L. Saltonstall, Office of Field Services, EEOC (202) 634-6855.
Proposed Interpretations of the Age Discrimination in Employment Act.	Commission interpretations of the ADEA; these interpretations rescind the interpretations issued by the Dept. of Labor.	Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*	Final rule became effective on September 29, 1981 upon publication in 46 FR 47724.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
		D. Regulations Currently Under Development or Being Considered for Development		
Title VI regulations	These regulations will establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC.	Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*	Under development	Gary L. Janus, Legal Counsel Division, Office of General Counsel, EEOC (202) 653-5490
Coordination of Federal Equal Employment Opportunity Programs.	These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250,[3] and from OMB under E.O. 12291 and the Paperwork Reduction Act.	Executive Order 12067, 43 FR 28967, (June 30, 1978), sections 1-303 and 1-304.	Technical amendments have been coordinated with affected Federal agencies and are ready to go to OMB for review.	Douglas J. Bielan, Office of Interagency Coordination, EEOC (202) 653-6290.
Equal Employment Opportunity (EEO) in the Federal Government.	Revision of regulations for processing individual and class EEO complaints in the Federal sector.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16, Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act 29 U.S.C. 621 *et seq.*	Under Development	Thomas Saltonstall, Office of Field Services, EEOC (202) 634-6855.
	Revision of regulations on affirmative action in the Federal Sector.	do	do	Do.
	Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints.	do	do	Do.
	Development of interim procedural regulations for the Federal sector providing for consolidation of substantially similar and/or identical complaints for joint processing.	do	do	Do.
	Development of interim procedural regulations for the Federal sector for processing complaints of discrimination when the matter which forms the basis of the complaint is being or has been processed as a grievance.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16, Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* Civil Service Reform Act of 1978, 6 U.S.C. 7121.	do	Do.
	Development of interim regulations for processing charges of discrimination which arise in connection with a personnel action appealable to the Merit Systems Protection Board.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16 and section 205 of the Civil Service Reform Act of 1978, 5 U.S.C. 7702.	do	Do.
	Development of procedural regulations for the Federal sector under the Equal Pay Act of 1963.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.* and Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d).	do	Do.
	Development of regulations for EEOC review of a final decision on any matter involving discrimination that is not otherwise appealable to the Merit Systems Protection Board by a grievant.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16, and Civil Service Reform Act of 1978, 5 U.S.C. 7121.	do	Jennifer Johnson, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.

[1] This proposed regulatory action is also published pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) which requires that the Commission publish a semiannual agenda of regulatory actions which are likely to have a significant economic impact on a substantial number of small entities.
[2] In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

[FR Doc. 82-9986 Filed 4-12-82; 8:45 am]
BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2063-7]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes approval of a revision to the Michigan State Implementation Plan (SIP), to control volatile organic compound emissions from stationary industrial source categories addressed in EPA's control technique guideline (CTG) documents issued between January 1978 and January 1979. This revision was submitted to the EPA in response to the requirements of Part D of the Clean Air Act. The revised plan will assist the State to attain and maintain the National Ambient Air Quality Standard (NAAQS) for ozone (O_3).

DATES: Comments must be received on or before May 13, 1982.

Copies of the SIP revision and EPA's review are available for public inspection during normal business hours at: Air Programs Branch, Region V, Air Management Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the State's submittal are available for inspection during normal business hours at: Michigan Department of Natural Resources, State Secondary Complex, 750 Harris Drive, Lansing, Michigan 48917.

ADDRESSES: Comments should be sent in triplicate, if possible, to Gary Gulezian, Chief, of EPA's Regulatory Analysis Section, Air Programs Branch, at the Region V address listed above.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders at (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Act, the EPA designated certain areas in each State as not attaining the NAAQS for O_3. Part D of the Act requires States to revise their SIP for nonattainment areas to demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. The Part D requirements for an approvable SIP are described in the April 4, 1979 **Federal Register** (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

An adequate SIP for O_3 is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the standard. For stationary sources, the plan must include legally enforceable requirements reflecting the application of reasonably available control technology (RACT) requirements for sources of VOC emissions for which the EPA has published a CTG by January of the preceding year. In general, where the State regulations are not supported by the information in the CTG's the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the CTG's.

In accordance with the Part D requirements, adoption and submittal of RACT regulations for sources addressed in an EPA CTG published by January 1978 (Group I CTGs) were due July 1, 1979. Adoption and submital of additional RACT regulations for sources covered by a CTG published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980. Because State regulatory processes are taking longer than anticipated and in most cases States are making good faith efforts to adopt the necessary regulations, the EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

Summary of Michigan's Actions

The State of Michigan has amended the Michigan Administrative Code to require additional control of emissions of VOC from stationary industrial source categories addresssed in the CTG documents issued between 1978 and 1979. The Group II CTG documents address the following source categories:

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emission (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks.

In response to the requirements of Part D of the Act, the State submitted the amendments to the EPA as a SIP revision on September 2, 1981. The additional regulations and definitions are codified as follows:

- R336.1101-3, R336.1105-9, R336.1114-6, R336.1118-21 and R336.1123—Definitions
- R336.1601—Definition of Existing Source
- R336.1603—Compliance Program
- R336.1604—Storage of Organic Compounds
- R336.1610—Existing Coating Lines
- R336.1619—Perchloroethylene Dry Cleaning
- R336.1620—Flat Wood Paneling Coating
- R336.1621—Metallic Surfaces Coating
- R336.1622—Petroleum Refinery; Refinery Monitoring Program
- R336.1623—Petroleum Liquid Storage
- R336.1624—Graphic Arts Lines
- R336.1625—Synthesized Pharmaceutical Products
- R336.1626—Pneumatic Rubber Tire Manufacturing
- R336.1627—Delivery Vessels and Vapor Collection Systems
- R336.2005—Other Reference Test Methods

EPA's analysis of these regulations is contained in technical support memoranda dated December 30, 1981, and January 14, 1982, which are available for inspection at the EPA Region V office.

Summary of EPA's Actions

Based on the results of its analysis, EPA finds that the SIP revision submitted by Michigan consists of legally enforceable regulations that reflect the application of RACT to the sources discussed above. The EPA proposes to approve the revision with the understanding that the State will change R336.1624, regulating Graphic Arts Lines. This rule is generally supported by the recommended control technique in the CTG with the exception

of one provision, section 2(a), which allows an annual weighted average of pounds of VOC per gallon of solid inks applied. This weighted average is used to determine compliance with the reduction requirements specified in subsequent sections of the rule.

The EPA has requested the State of Michigan to examine this rule since averaging on an annual basis is a longer averaging time than that which has been achieved in similar types of operations. On January 5, 1982, the State committed to change the rule, early in 1982, to substantially shorten the averaging time.

Therefore, the EPA is proposing approval of this rule based on Michigan's commitment to revise this provision.

Pursuant to the of 5 U.S.C. 605(b), the Administrator has certified that SIP revisions, under Section 110 of the Clean Air Act, will not have a significant economic impact on a substantial number of small entities (46 FR 8709). This proposed rule constitutes a SIP revision within the terms of the certification.

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

List of Subjects in 40 CFR Part 52

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

This notice of proposed rulemaking is issued under the authority of section 110, 172 and 301 of the Clean Air Act.

Dated: February 16, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-10070 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-2-FRL 2074-6]

Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces receipt from the State of New York of a proposed revision to its State Implementation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision will allow the New York State Office of Mental Health, Kings Park Psychiatric Center Facility to burn coal with a sulfur content of 2.2 pounds of sulfur per million BTU gross heat content. The use of this higher sulfur content coal could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation coal sulfur content at this facility is currently limited to a maximum of 0.6 pounds of sulfur per million BTU gross heat content.

A public hearing on this proposal was held by the New York State Department of Environmental Conservation on March 10, 1982. Concurrently, EPA is proposing to approve New York's request contingent upon final adoption by the State of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing," is designed to expedite EPA action on SIP revisions..

DATES: Comments must be received on or before May 13, 1982.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, Federal Plaza, New York, New York 10278

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

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTAL INFORMATION: On February 2, 1982 New York State informed the Environmental Protection Agency (EPA) of its intention to revise its State Implementation Plan (SIP). The proposed SIP revision, if approved by EPA, will allow the New York State Office of Mental Health to burn coal with a maximum sulfur content of 2.2 pounds of sulfur per million BTU gross heat content at its Kings Park Psychiatric Facility, located in Smithtown, New York. The use of this coal could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation coal sulfur content at this facility is currently limited to a maximum of 0.6 pounds of sulfur per million BTU gross heat content. The State's proposed SIP revision, known as a "special limitation," is authorized by section 225.2 of Title 6 of the Official Compilation of Codes, rules and regulations of the State of New York.

The State's submittal consists of a letter indicating the State's intention to approve its proposed "special limitation," a notice of a proposed State public hearing for March 10, 1982, and a technical report prepared by the State in support of its proposal.

EPA has reviewed the technical material submitted by New York and concurs with the State's preliminary determination that no violation of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur anywhere as a result of the use of higher sulfur content coal by the Kings Park Psychiatric Center Facility.

EPA's review of the material submitted by the State indicates that this revision to the New York SIP will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting federal review, EPA is proposing approval of this SIP revision now, before final submittal of the revision to EPA by the State. EPA refers to this new procedure as "parallel processing." If the revision currently proposed by the State is substantially altered as a result of the State public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the **Federal Register**. Alternatively, if it is determined based on public comment that substantial revision is not required, EPA will take final rulemaking action on today's proposal.

While EPA encourages the public to participate in the State's public review process, direct comment to EPA on today's proposal is also invited. This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that such comments may be submitted on or before [30 days from date of publication] on whether the proposed SIP revision should be approved or disapproved.

The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981).

The Office of Management and Budget has exempted this proposed rule from

the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

Dated: March 3, 1982.

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

Richard T. Dewling,

Acting Regional Administrator.

[FR Doc. 82-10069 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL-2066-8]

Approval and Promulgation of State Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve revised portions of the Ohio State Implementation Plan (SIP) to control volatile organic compounds (VOC) emissions from refinery wastewater separators and other stationary industrial sources of VOC emissions addressed in the EPA's Group I and II Control Technique Guidelines (CTG). These revisions were submitted to the EPA in response to the requirements of Part D of the Clean Air Act (Act)—Plan Requirements for Nonattainment Areas. The proposed revisions will assist the State to attain and maintain the National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: Comments on this proposed rulemaking must be received on or before May 13, 1982.

ADDRESSES: Copies of the SIP revision, supporting data and EPA's review are available for public inspection during normal business hours at: Air Programs Branch, Air Management Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the revisions and supporting data submitted by the State of Ohio may be examined during normal business hours at the following location: Office of Air Pollution Control, Ohio EPA, 361 East Broad Street, Columbus, Ohio 43216.

Comments should be sent in triplicate, if possible, to Gary Gulezian, Chief of EPA, Region V, Air Programs Branch (see EPA Region V address above).

FOR FURTHER INFORMATION CONTACT:

Sharon Reinders, Air Programs Branch, Region V, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Act, the EPA designated certain areas in each State as not attaining the NAAQS for ozone (O_3). Part D of the Act requires each State to revise its SIP for areas that have not attained the NAAQS. For States with O_3 nonattainment areas, these SIP revisions must demonstrate attainment of the primary NAAQS by December 31, 1982. These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable. The Part D requirements for an approvable SIP are described in the April 4, 1979, **Federal Register** (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

An adequate SIP for O_3 is one which provides for sufficient control of VOC from stationary and mobile sources to provide for attainment of the standard. For stationary sources, the plan must include legally enforceable requirements reflecting the application of reasonably available control technology (RACT) requirements for sources of VOC emissions for which EPA has published a CTG by January of the preceding year. In general, where the State regulations are not supported by the information in the CTG, the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the information in the CTG's.

Adoption and submittal of RACT regulations for sources addressed in a CTG published by January 1978 (Group I CTGs) were due July 1, 1979. Adoption and submittal of additional RACT regulations for sources covered by a CTG published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980 (44 FR 50371; August 28, 1979). Because State regulatory processes are taking longer than anticipated and, in most cases, States are making good faith efforts to adopt the necessary regulations, the EPA revised the July 1, 1980, deadline to January 1, 1981 (45 FR 78121; November 25, 1980).

Summary of Ohio's Actions

The State of Ohio has amended the Ohio Administrative Code pertaining to additional control of emissions of organic compounds from existing stationary sources. In response to the requirements of Part D of the Act, the State submitted the amendments to the EPA as a SIP revision on February 12, 1981. The State submitted supporting technical data, requested by the EPA, on January 8, 1982. The SIP revision consists of modifications to existing VOC RACT regulations for certain Group I source categories and newly adopted VOC RACT requirements for Group II CTG VOC source categories. The Ohio SIP revision includes VOC emission control regulations for the following CTG source categories.

Group I CTGs:

- Refinery Wastewater Separators
- Vinyl Coating Lines

Group II CTGs:

- Petroleum Refinery Fugitive Emissions (Leaks)
- Pharmaceutical Manufacture
- Rubber Tire Manufacture
- Surface Coating of Miscellaneous Metal Parts and Products
- Graphic Arts (Printing)
- Dry Cleaning (Perchloroethylene)
- Gasoline Tank Trucks, Leak Prevention, and Vapor Collection Systems
- Petroleum Liquid Storage, Floating Roof Tanks

The regulations are embodied in Ohio Administrative Code as follows:

- Definitions, Rule 3745-21-01
- Attainment Dates and Compliance Time Schedule, Rule 3745-21-04
- Control of Emission of Organic Compounds From Stationary Sources, Rule 3474-21-09
- Compliance Test Methods and Procedures, Rule 3745-21-10

The EPA analysis of these regulations is contained in technical support memoranda dated June 30 and September 25, 1981, and February 12, 1982, which are available for inspection at the EPA Region V office. The conclusions of the memoranda are summarized below.

Summary of EPA's Review and Proposed Action

1. Group I CTG Source Categories

a. The EPA is proposing to approve Rule 3745-21-09(M) of Ohio's implementation plan, as amended, to regulate VOC emitted from refinery wastewater separators. EPA has determined that Ohio's amended rule is consistent with RACT. Final approval of this rule will satisfy the EPA conditional

approval published on October 31, 1980 (45 FR 72138), affecting these separators in Ohio. Today's action does not address the other conditions of approval published at 45 FR 72138 pertaining to the Ohio SIP to control O_3.

b. *Rule 3745-21-09(H) Vinyl Coating Lines.* This rule originally contained an emission limitation recommended and approved by the EPA for vinyl coating lines (45 FR 72138; October 31, 1980). Ohio has revised the rule to reflect an emission limitation and associated requirements for specialty printing on vinyl substrates similar to the graphic arts cateory. An EPA memorandum addressing RACT for specialty printing operations allows the States to control specialty printing using the criteria specified for the graphic arts category. ("RACT for Specialty Printing Operations", December 2, 1980.) The EPA has reviewed the technical documentation submitted by the State and agrees that all of the affected sources in the State are specialty printers. Therefore, it is appropriate to use the emission limits specified in the Graphic Arts CTG. We propose to approve this rule.

2. Group II CTG Source Categories

The EPA has determined that the regulations adopted by Ohio to control VOC emissions from the Group II CTG source categories listed above represent RACT and proposes to approve all portions of the regulations as submitted.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP revisions, under Section 110 of the Clean Air Act, will not have a significant economic impact on a substantial number of small entities (46 FR 8709). This proposed rule constitutes a SIP revision within the terms of the certification.

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

List of Subjects in 40 CFR Part 52

Air pollution control, ozone, sulfur oxides, nitrogen dioxide, lead, particulate matter, carbon monoxide, hydrocarbons.

(Sections 110, 172 and 301 of the Clean Air Act)

Dated: February 24, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-10071 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2075-1]

Milwaukee Nonattainment Designation for Sulfur Dioxide; Denial of Petition for Reconsideration and Request for Redesignation

AGENCY: Environmental Protection Agency.

ACTION: Denial of petition for reconsideration and request for redesignation of the Milwaukee nonattainment designation for sulfur dioxide.

SUMMARY: On October 10, 1980, EPA approved the redesignation of portions of Milwaukee, Wisconsin, from attainment to nonattainment for the primary national ambient air quality standard for sulfur dioxide (45 FR 67348). Wisconsin Electric Power Company (WEPCO) petitioned the Environmental Protection Agency (EPA) for reconsideration and postponement of the redesignation on December 3, 1980, and on January 22, 1981, requested redesignation to attainment. On July 20, 1981, petitioner WEPCO submitted additional monitoring data that show no violations of the SO_2 primary standard for eight consecutive calendar quarters. However, the State of Wisconsin objects to redesignation of the area to attainment, and in January, 1982, submitted modeling data that predict numerous and widespread violations of the primary NAAQS. The modeling also shows that the monitors are not placed at the points of maximum impact from the WEPCO Valley plant. Therefore EPA is denying the petition for reconsideration and the request for redesignation.

FOR FURTHER INFORMATION CONTACT: Catherine Cotter, A-133, Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; (202) 472-7806.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d)(1) of the Clean Air Act (Act) required States to submit to the Administrator a list identifying all air quality control regions, or portions thereof, that had not attained the national ambient air quality standards (NAAQS). The Act further required that the Administrator promulgate this list, with such modifications as he deemed necessary. The Administrator promulgated nonattainment designations for Wisconsin on March 3, 1978 (43 FR 8962). Section 107(d)(5) of the Act provides that a State may review and revise its designations and submit these redesignations to the Administrator for promulgation.

On May 3, 1979, the Secretary of the Wisconsin Department of Natural Resources (DNR), acting for the Natural Resources Board, recommended redesignating portions of Green Bay and Milwaukee to nonattainment for sulfur dioxide (SO_2). This recommendation was based on numerous monitored violations of the primary SO_2 standard during 1977 and 1978. On September 4, 1979, EPA proposed approval of the redesignation (44 FR 5354), and final approval was published on October 10, 1980 (45 FR 67348).

The Petition for Reconsideration

Wisconsin Electric Power Company (WEPCO) petitioned for reconsideration and postponement of the Agency's decision pursuant to Section 307(d)(7)(B) of the Clean Air Act. However, Section 307(d) applies only to certain enumerated actions, not including redesignations under Section 107(d). See 42 U.S.C. 7607(d)(1). Therefore, EPA has decided to treat the petition and the subsequent request for redesignation as a petition for revision of a rule under Section 3(e) of the Administrative Procedure Act which establishes a general right to petition for "issuance, amendment or repeal" of an administrative rule (5 U.S.C. 553(e)).

In support of its petition, WEPCO submitted ambient air quality monitoring data for four quarters in 1980 and two quarters in 1981 that show no violations of the SO_2 standard. The last two quarters of data in 1979 also showed no violations. In response, the State of Wisconsin performed a RAM-urban modeling analysis of air quality in the Milwaukee area. This analysis incorporated information on plant characteristics and emissions provided by WEPCO, utilized and EPA-approved model, and complied with applicable EPA guidelines. It predicted numerous violations of the primary NAAQS, with a maximum high, second high concentration of 558 ug/m^3 and as many as 19 violations of the NAAQS at a single monitor.[1]

Furthermore, Wisconsin's modeling has demonstrated that the available monitored air quality data may not accurately reflect air quality near the WEPCO Valley plant, since the monitors are not located in the areas of maximum impact. The two monitors located in the

[1] The primary NAAQS for SO_2 is 365 ug/m3, not to be exceeded more than once per year. 40 CFR 50.4.

direction of a "hot spot"—Jones Island, S.E. and Boy Scouts, N.W.—are both beyond the area of maximum impact from the WEPCO plant. According to the modeling, the concentrations at these monitors are less than concentrations at the hot spots. The third monitor in the vicinity of the WEPCO plant is located north of the plant in an area in which the modeling predicts no high concentrations. Consequently, the monitors are not recording the maximum concentrations from the plant.

EPA has concluded that the modeling performed by Wisconsin supports the retention of the Milwaukee nonattainment designation. Section 171(2) of the Clean Air Act defines a nonattainment area as "an area which is shown by monitored data *or* which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant." (Emphasis added.) The United States Court of Appeals for the Sixth Circuit has upheld EPA's authority under Section 171(2) to designate air quality areas on the basis of modeling. *PPG Industries v. EPA*, 630 F.2d 462(1980).

Furthermore, there are presently no enforceable emission limits applicable to the WEPCO Valley plant. According to the Wisconsin DNR, the facility is currently operating at only 50% of its capacity, and during 1980 purchased coal with an average sulfur content significantly lower than the average sulfur content of the coal burned during 1978 and 1979 when numerous violations were monitored. Without emission limits, the facility is free to increase either its operating capacity or the sulfur content of its fuel at any time. Since it appears that the primary SO_2 standard is not maintained even under current conditions, any such change would almost certainly result in future violations.

Section 107(d) of the Clean Air Act assigns the initial responsibility for designating air quality areas to the states. Although the Administrator may modify the designations if necessary. Section 107(d)(2) specifies that the state must be given an opportunity to demonstrate why the modification is inappropriate. Wisconsin has performed air quality modeling which supports the retention of the SO_2 nonattainment designation for Milwaukee. Since the monitoring data supplied by WEPCO are derived from monitors which are not located in areas of maximum impact and therefore provide no basis for invalidating the modeling results, EPA believes it would be inappropriate for EPA to modify the designation.

Conclusion

On the basis of the air quality modeling submitted by Wisconsin, EPA denies WEPCO's petition for reconsideration and request for redesignation, and reaffirms the nonattainment designation for the Milwaukee area. The request for a stay pending reconsideration is also denied.

Under Section 307(b)(1) of the Clear Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

List of Subjects in 40 CFR Part 52

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

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-10126 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL-2075-6]

Ohio State Implementation Plan; Sulfur Dioxide Standards

AGENCY: Environmental Protection Agency.

ACTION: Response to Petitions for Reconsideration of the Ohio Sulfur Dioxide State Implementation Plan.

SUMMARY: The State of Ohio and a group of Ohio utilities submitted petitions for reconsideration of the Environmental Protection Agency's (EPA's) partial disapproval of the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) that was promulgated on January 27, 1981 (46 FR 8481). The State of Ohio questioned both EPA's disapproval of the portion of the SIP applicable to Summit County, Ohio, and EPA's disapproval of the thirty day averaging method for emission limitations. The Ohio utilities requested reconsideration of the thirty day averaging method only. This notice announces EPA's actions on the petitions.

DATE: Effective April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION:

Background

On August 27, 1976, EPA promulgated regulations establishing a SIP for the control of SO_2 in the State of Ohio (41 FR 36324, amended November 20, 1976, 41 FR 52455; May 31, 1977, 42 FR 27588; August 15, 1979, 44 FR 47769; December 5, 1979, 44 FR 69928; January 4, 1980, 45 FR 1022; January 21, 1980, 45 FR 3906; June 24, 1980, 45 FR 42279; July 25, 1980, 45 FR 49550; September 22, 1980, 45 FR 62815; November 4, 1980, 45 FR 73043; November 7, 1980, 45 FR 73927; November 26, 1980, 45 FR 78684; December 1, 1980, 45 FR 79451; March 19, 1981, 46 FR 17550, 17554; April 14, 1981, 46 FR 21767; March 19, 1981, 46 FR 17550, 17554; April 14, 1981, 46 FR 21767; April 29, 1981, 46 FR 23926; May 4, 1981, 46 FR 24946; May 26, 1981, 46 FR 28157; June 12, 1981, 46 FR 31012; August 26, 1981, 46 FR 43045; October 6, 1981, 46 FR 49123). Enforcement of the regulations for Summit County was stayed pending data corrections in EPA's modeling. Revisions to the Summit County regulations for most sources were published on December 5, 1979 (44 FR 69928).

On September 12, 1979, the Governor of Ohio submitted an SO_2 control plan for the State of Ohio to EPA for inclusion in the Ohio SIP. Ohio requested that the SO_2 control plan be substituted for the existing federal regulations. On February 25, 1980 (45 FR 12266) EPA proposed to approve in part and disapprove in part the Ohio plan. The 60 day comment period announced in that notice was extended on April 25, 1980 (45 FR 27957) to May 26, 1980, to allow additional public participation. EPA took final action on Ohio's proposed plan on January 27, 1981 (46 Fed. Reg. 8481). EPA disapproved the SO_2 emission limits for Summit County, and generally disapproved Ohio's use of the thirty day averaging method for all counties.

Discussion

The State of Ohio and a group of Ohio utilities have formally petitioned for reconsideration, but did not state the grounds for their petition.

Section 307(d) of the Clean Air Act which provides for petitions for reconsideration applies only to certain enumerated actions, not including EPA's approval or disapproval of a state SIP under Section 110(a). See 42 U.S.C. 7607(d)(1). Therefore, EPA has decided to treat the petitions as petitions for revision of a rule under Section 3(e) of the Administrative Procedure Act which establishes a general right to petition for

"issuance, amendment or repeal" of an agency rule. 5 U.S.C. 553(e).

The standard of review for such petitions is whether the petitions present new information that warrants reconsideration of the rule. See generally, *Oljato Chapter of the Navajo Tribe* v. *Train*, 515 F.2d 654 (D.C. Cir. 1975). Under this standard, petitioner State of Ohio has presented a basis for reconsidering the disapproval of the Summit County control strategy. The requests for reconsideration of the disapproval of thirty day averaging are moot, since elsewhere in today's **Federal Register** EPA has announced a withdrawal of that disapproval.

List of Subjects in 40 CFR Part 52

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

1. Petition for Reconsideration of the Summit County Regulations

The State of Ohio has notified EPA that it intends to revise its plan for Summit County, and is currently working with the Agency to devise an amended plan which will provide for attainment and maintenance of the NAAQS. EPA expects work on the revised plan to be completed expeditiously. Therefore, EPA is granting Ohio's petition for reconsideration, and will take action on the revised plan in response to the petition.

2. Petition for Reconsideration of Thirty Day Averaging

Since EPA is generally re-evaluating the use of longer averaging times, the Agency has decided to take no action on the thirty day averaging provisions in the Ohio plan at this time. Elsewhere in today's **Federal Register**, EPA is announcing its withdrawal of that disapproval. Consequently, the petitions for reconsideration of EPA's disapproval of the thirty day averaging provisions are moot.

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-10031 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-9-FRL-2100-2]

Designation of Areas for Air Quality Planning Purposes; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On November 12, 1981 (46 FR 55722), EPA invited comments on certain California attainment status designations. Comments were received from the Monterey Bay Unified Air Pollution Control District requesting an extension of the comment period for the Monterey area. In order to provide the District an opportunity to incorporate into their comments recent air quality data, EPA is extending the public comment period, for the Monterey area only, to May 17, 1982.

DATE: Comments are due on or before May 17, 1982.

ADDRESSES: Comments should be submitted to: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8222.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, (415) 974-8222.

DATED: March 29, 1982.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82-10032 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 47, No. 71
Tuesday, April 13, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

National Voluntary Service Advisory Council; Meeting

AGENCY: ACTION.

ACTION: Amendment to notice of meeting of the National Voluntary Service Advisory Council.

SUMMARY: On April 1, 1982, notice was given by publication in the **Federal Register** (47 FR 13848) of a meeting of the National Voluntary Service Advisory Council (Council) on April 15, 1982 from 9:00 A.M.–12:00 noon in Washington, D.C. The purposes of the meeting are to organize the Council and to advise the Director concerning the implications of current social and economic trends for voluntary action.

Due to the amount of material to be considered by the Council, the meeting has been extended to 9:00 A.M.–11:00 A.M. and 2:00 P.M.–4:30 P.M. The meeting will take place at the Washington Hilton, 1919 Connecticut Ave., NW., Washington, D.C. 20009.

Signed this 7th day of April 1982 in Washington, D.C.

Thomas W. Pauken,

Director.

[FR Doc. 82-9991 Filed 4-12-82; 8:45 am]

BILLING CODE 6050-01-M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 1:30 p.m., Tuesday, May 11, 1982 at the offices of Covington & Burling, Main Conference Room-11th Floor, 1201 Pennsylvania Avenue, NW., Washington, D.C.

The Committee will meet to discuss proposals to change the venue laws pertaining to actions filed against the Government.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Jeffrey S. Lubbers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

April 7, 1982.

[FR Doc. 82-10108 Filed 4-12-82; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[REA Bulletins 20–5:320–2, 320–9, 324–1, 325–1, and 326–1]

Completion of Review of Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice that REA has completed review of certain REA bulletins and has determined that they should be retained.

SUMMARY: In accordance with the requirements of Executive Order 12291, Federal Regulation, and Secretary's Memorandum 1512–1, Reduction of Regulatory Burdens and Simplification of USDA's Decisionmaking Procedure, REA has reviewed the bulletins listed below and has determined that there continues to be a need for them and that they reflect current REA policy. Therefore these bulletins will be retained without change.

REA Bulletin 20–5–320–2, Extensions of Payments of Principal and Interest
REA Bulletin 320–9, Organization and Capital Structure of Telephone Borrowers
REA Bulletin 324–1, Loans for Refinancing Outstanding Indebtedness of Telephone Borrowers
REA Bulletin 325–1, Financing Lines, Facilities, or Systems Outside of Rural Areas
REA Bulletin 326–1, Acquisitions of Telephone Facilities and Systems

FOR FURTHER INFORMATION CONTACT: David Cohen, Loans, Management and Marketing Specialist, Telecommunications Management Division, Room 2913, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382–8545, or Francis E. Saulnier, Loans Specialist, Electric Loans and Management Division, Room 3851, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382–1901.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, requires federal agencies to initiate reviews of currently effective rules to identify whether an existing regulation is still needed and, if needed, whether simplification or modification should be proposed to reduce costs to the regulated entities or the agency. The bulletins listed above have been reviewed in accordance with this requirement and it has been determined that they reflect current REA policies and there continues to be a need for them. These bulletins are currently in effect, therefore no further actions are necessary. Individuals interested in commenting on the determination to retain these bulletins should submit comments to REA June 14, 1982. Copies of all comments received will be available for inspection during regular business hours at the address given above. These bulletins are associated with the following programs listed in the Catalog of Federal Domestic Assistance.

10.850—Rural Electrification Loans and Loan Guarantees
10.851—Rural Telephone Loans and Loan Guarantees
10.852—Rural Telephone Bank Loans

Dated: April 6, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-9776 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-13-M

Tri-State Generation and Transmission Association, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance by REA to Tri-State Generation and Transmission Association, Inc., (Tri-State) of Denver, Colorado, for the construction of the North Julesburg 230/115 kV Substation and 1.0 km (0.6 mile) of double circuit 230 kV transmission line.

The North Julesburg Substation and associated 230 kV transmission line will be located approximately 17.7 km (11 miles) east of Chappell in Deuel County, Nebraska. Tri-State has prepared a Borrower's Environmental Report (BER) concerning the proposed project. Based upon the BER and information from other sources, an Environmental Assessment was prepared by REA.

REA's Environmental Assessment judges impacts upon threatened and endangered species, important farmland, cultural resources, wetlands, floodplains and other potential impacts of the project to be minimal.

Various alternatives to the proposed transmission line were reviewed by Tri-State and REA. The alternatives included no action, load management and conservation, construction of a new substation and a new switching station, and alternate substation sites. The proposed project is the most viable alternative to improve system reliability and increase system protection in southwest Nebraska.

Copies of REA's FONSI and supporting documents may be reviewed at or obtained from Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and William Mickey, General Manager, Tri-State Generation and Transmission, Inc., 12076 Grant Street, Denver, Colorado 80233.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 7th day of April, 1982.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 82-10027 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Patagonia Critical Area Treatment RC&D Measure, Arizona; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Patagonia Critical Area Treatment RC&D Measure, Town of Patagonia, Santa Cruz County, Arizona.

FOR FURTHER INFORMATION CONTACT: Verne M. Bathurst, State Conservationist, Soil Conservation Service, 230 North First Avenue, Room 3008, Phoenix, Arizona 85025, telephone (602) 261-6711.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Verne M. Bathurst, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for protection of 14 mobile homes, one modular home, and a major city street, from damage or loss due to streambank erosion. The planned works of improvement are to riprap three eroding critical areas (a total of 1570 feet of riprap).

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Verne M. Bathurst.

No administrative action on implementation of the proposal will be taken until May 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 5, 1982.

Verne M. Bathurst,

State Conservationist.

[FR Doc. 82-9897 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-16-M

Upper Big Blue River Watershed, Indiana; Availabilty of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, Corporate Sq.-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-248-4350.

Notice: Robert L. Eddleman, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Indiana, is hereby providing notification that a record of decision to proceed with the installation of the Upper Big Blue River Watershed project is available. Single copies of this record of decision may be obtained from Robert L. Eddleman at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 5, 1982.

Robert L. Eddleman,

State Conservationist.

[FR Doc. 82-9898 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-16-M

State Highway 109; Critical Area Treatment, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624-4360.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7

CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the State Highway 109 Critical Area Treatment RC&D project, Choctaw County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project objectives are to install concrete channel liners, diversion terraces, bermudagrass sod mulching, and bermudagrass sprigging to control serious roadside erosion.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10-901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-05 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 5, 1982.

Billy R. Littlefield,

Assistant State Conservationist (Programs).

[FR Doc. 82-10037 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-16-M

Office of the Secretary

National Plant Genetic Resources Board; Intent to Reestablish

The Department of Agriculture proposes to reestablish the National Plant Genetic Resources Board for a 2-year period.

This Board was originally established in July 1975 by the Secretary and was renewed on March 4, 1980.

The purpose of the Board is to advise the Secretary of Agriculture and officers of the National Association of State Universities and Land Grant Colleges in order to assess national needs and identify high priority programs for conserving and utilizing plant genetic resources, including such things as collection, maintenance and description of genetic stocks, utilization of the stocks in plant improvement programs, and research thrusts in germplasm biology.

The Secretary has determined that continuation of the Board is necessary and in the public interest in order to assure adequate supplies of food, feed, and fiber by minimizing the genetic vulnerability of crops through enhancing and genetically diversifying plant germplasm available to the public.

Comments of interested persons concerning the reestablishing of this Board may be submitted to Dr. C. O. Grogan, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, on or before April 28, 1982.

All written submissions made pursuant to this notice will be made available for public inspection at Dr. Grogan's office during regular business hours.

This notice is given in compliance with Pub. L. 92-463.

Done at Washington, D.C., this 5th day of April 1982.

John Schrote,

Deputy Assistant Secretary for Administration.

[FR Doc. 82-9990 Filed 4-12-82; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Marketing Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on May 6, 1982, at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and major budget and program developments; (2) comparison of alternative questionnaires in the 1980 census; (3) evaluation of the public information campaign in the 1980 census; (4) report on the request for census use "case study" experience; (5) Center for Economic Studies—plans and direction; (6) planning for the 1990 census; (7) general discussion and Committee recommendations; and (8) plans and date for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Bobby Russell, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7644.

Dated: April 8, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-9994 Filed 4-12-82; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2097 of the Department of Commerce Building, 14th and

Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00088. Applicant: University of Washington, Department of Purchasing, ND–10, Seattle WA 98195. Article: Excimer Laser-pumped Dye Laser System. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: The article is intended to be used as a research diagnostic tool to measure concentrations of highly reactive, trace gases in combustion and air pollution chemistry studies. The laser system and excimer laser alone will be used to study the effect of intense laser radiation on surface chemical reactions. The article will also be used for the training of students in laser diagnositcs, and these students will subsequently use the laser to perform their research. Application received by Commissioner of Customs: January 7, 1982.

Docket No. 82–00096. Applicant: University of Chicago, 5801 So. Ellis Ave., Chicago, IL 60637. Article: Plastic Scintillation Sheets. Manufacturer: Nuclear Enterprises Ltd., United Kingdom. Intended use of article: The article is intended to be used as part of a particle detector system in an experiment involving the study of the fundamental properties of matter. Graduate students in the Ph. D. program of the High Energy Physics department will help construct a detector made from the material in question. The students will also assist in the analysis of data obtained from this detector. Application received by Commissioner of Customs: March 8, 1982.

Docket No. 82–00113. Applicant: University of Florida, College of Engineering, Department of Materials Science & Engineering, Gainesville, Florida 32611. Article: Accessories for a JEM 200CX Electron Microscope consisting of: Solid Pair Backscattered Electron Detector, Image Selector Switch, Hard X-ray Shielding System and High Angle Energy Dispersive Spectrometer Interface. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will be used in research projects entitled:

(1) The Nucleation of Point Defects and Heterogeneous Precipitation and

(2) Strengthening Effects in Intermetallic Ni (Mo-Al) Alloys.

Application received by Commissioner of Customs: March 3, 1982.

Docket No. 82–00123. Applicant: Leland Stanford Junior University, Department of Chemical Engineering, Stanford CA 94305. Article: Nanosecond Flourometer System 3000. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: The article is intended to be used in the study of intramolecular rotational motion in excimer forming aromatic dimers, such as 1,3-bis(2-naphthyl propane). Application of hydrostatic pressure to 60,000 psi will be used to achieve a continuous variation of solvent viscosity. This will have a strong effect on the rate of rotational motion. Application received by Commissioner of Custom: February 22, 1982.

Docket No. 82–00125. Applicant: University of California, Los Angeles, School of Engineering and Applied Science, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Carcinotron Power Supply. Manufacturer: Siemel Corporation, France. Intended use of article: The article is intended to be for measurement of microturbulence, Faraday rotation and B in prototype fusion reactors, Tokamaks. Investigations are carried out via Thomson scattering of far-infrared radiation. Measurements are made on both UCLA fusion devices and those located at various other National Laboratories. The general objective of the investigations is to develop fusion plasma diagnostics for measuring electron and ion temperatures and densities along with magnetic field fluctuations and current distributions. Application received by Commissioner of Customs: February 22, 1982.

Docket No. 82–00126. Applicant: State University of New York at Stony Brook, Stony Brook, N.Y. 11794. Article: Temperature-Jump Spectrophotometer System. Manufacturer: Dialog, Gesellschaft Fur Digital-Analoge Datentechnik GMBH, West Germany. Intended use of article: The article is intended to be used in the research project entitled "Mechanism and Regulation of Gene Transcription." One principal objective of this project is to resolve the complex processes of gene transcription into their primary molecular reactions by modern fast kinetic techniques such as temperature jump. Application received by Commissioner of Customs: February 22, 1982.

Docket No. 82–00127. Applicant: University of Maryland School of Medicine, Department of Neurology, 655 W. Baltimore Street, Baltimore MD 21201. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of biological cells and tissues including mainly nervous and vascular tissues, both in the normal state and after experimentally-induced or pathological alterations. Ultrastructural features of these tissues will be correlated with known functional attributes of the tissues. Studies to be undertaken will vary considerably, and include the following:

(a) Studies of the relationships of blood vessels within the nervous system to brain tissues.

(b) Studies of the innervation of the cerebrovascular system by both axons from the peripheral autonomic system and by projections from systems of central neurons within the brain.

(c) Investigations of the pathogenic processes involved in the development of atherosclerosis in the walls of systemic and cerebral blood vessels.

(d) Studies of the infections of neural cells by measle virus, both *in vivo* and *in vitro*.

The article will also be used extensively for educational purposes, in conjunction with the research applications above. Application received by Commissioner of Customs: February 22, 1982.

Docket No. 82–00128. Applicant: National Radio Astronomy Observatory, Associated Universities Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85745. Article: Klystron VRT2123A and Heat Sink VAT2002B9. Manufacturer: Varian Canada, Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation. Application received by Commissioner of Customs: March 3, 1982.

Docket No. 82–00129. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: SHTH Specimen Heating Holder and SHU Power Control Unit for SHTH. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of structural and chemical changes of photovoltaic semiconductors SI, GaAs, InP, CdTe, $CuInSe_2$, etc. Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82–00130. Applicant: The University of Texas at Dallas, Biology Program, Box 688, Richardson, TX 75080. Article: Electron Microscope, Model EM IOCA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for conducting research on a wide variety of specimens of biological origin, for the purpose of helping to elucidate molecular-biological mechanisms which are the basis for all life processes. The specimens will include nucleoprotein complexes involved in genetic

replication and expression; DNAs and RNAs, either naturally occurring, or reconstructed; viruses; cellular organelles or other structures (e.g., high-order structures containing chromatin) isolated from living cells; and thin sections of whole cells, chemically labeled to identify one or more components of interest. Experiments to be conducted consist of obtaining highly magnified images of the specimens, photographing these images, and carrying out measurement on the photographic negatives. The article may be used occasionally in organized courses, chiefly for demonstrations, for example in the course, BIO 6332, "Electron Microscopy". Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82-00131. Applicant: The Regents of the University of California, Riverside, Material Management Department, Riverside, CA 92521. Article: Airborne Sonar Spatial Sensor. Manufacturer: Department of Electrical Engineering, University of Cantebury, New Zealand. Intended use of article: The article is intended to be used to study the ability of infant monkeys to learn to use an artificial spatial sensor in place of vision when reared from birth with such devices on their heads. Studies will be conducted to assess the neural and behavioral development of these animals. Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82-00132. Applicant: U.S. Department of Energy, Pinellas Area Office, P.O. Box 11500, Bryan Dairy Road, St. Petersburg, FL 33733. Article: Electron Microscope, Model JEM-100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of ceramics (Al_2O_3 and PXT), weldmets (stainless steel, other ferrous and non-ferrous components), and Mo-Mn metallized ceramics and cermets. The objectives of the studies will be to improve material reliability, increase physical parameters, investigate various fabrication possibilities, and maximize bonding characteristics. Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82-00133. Applicant: Trustees of Columbia University in the City of New York, 315 Havemeyer Hall, New York, NY 10027. Article: Excimer Laser Pumped Dye Laser System. Manufacturer: Lambda Physik, GMBH, West Germany. Intended use of article: The article is intended to be used for studies of matrix isolated Br_2, I_2, CO, CO_2, as well as other matrix isolated species. Emission and absorption by the irradiated samples will be investigated. The goals of these investigations include the determination of the mechanism of energy storage and energy relaxation in low temperature solids. The article will also be used for independent scientific research by graduate students in the area of ultra violet photochemistry and photofragmentation. Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82-00134. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, MA 02138. Article: Gamma Camera Tube, Model THX1427. Manufacturer: Thomson-CSF Company, France. Intended use of article: The article will be used as part of a prototype detector for a hard X-ray imaging experiment for balloon-borne observations of cosmic X-ray sources. The imaging properties (i.e., spatial and spectral resolution) of the tube will first be measured. Ultimately, hard X-ray images of cosmic X-ray sources will be studied. The article will be evaluated thoroughly to determine whether it is indeed the best detector concept for the prototype hard X-ray imaging detector. Application received by Commissioner of Customs: March 4, 1982.

Docket No. 82-00135. Applicant: Harvard University, Department of Biochemistry, 7 Divinity Avenue, Cambridge, MA 02138. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out high resolution investigations of macromolecular structure. Specific studies include: virus assembly, structure and assembly of coated vesicles and related organelles, and a number of studies of nucleic-acid/protein interaction and regulation of gene expression. The article will also be used in training of graduate students who are candidates for the Ph. D. degree in Biochemistry, Biophysics, or Chemistry. It will also be used for undergraduate teaching in connection with research-project courses and senior honors thesis. Application received by Commissioner of Customs: March 8, 1982.

Docket No. 82-00136. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, CT 06511. Article: Excimer Laser-Pumped Dye Laser System. Manufacturer: Lambda Physik GmBH & Co. KG, West Germany. Intended use of article: The article is intended to be used as an energy source to pump a high power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical and biological interest. In addition, the article will be part of a Chemistry Department Laser Spectroscopy Facility which will be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical and biophysical research. Application received by Commissioner of Customs: March 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-10087 Filed 4-12-82; 8:45 am]

BILLING CODE 3510-25-M

Large Power Transformers From Italy; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke in Part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on large power transformers from Italy. The review covers the three known exporters of this merchandise presently covered by the finding and the period May 2, 1974 through June 30, 1980. Two other firms were excluded from the finding on March 22, 1979. The review has revealed no unliquidated entries from these two firms during the period of review prior to the date of their exclusion from the finding. One of the three covered firms, Brown-Boveri, has requested to be excluded from the finding. That firm has not shipped to the U.S. since the date of the finding, a period of eight years. No unliquidated entries exist for merchandise shipped by that firm.

As a result of this review the Department has preliminarily determined to postpone appraisement of unliquidated shipments entered during the above period pending receipt of more specific information regarding the suitability of home market or third-country models for comparison purposes. For cash deposit purposes the Department will use the best

information available. The Department tentatively revokes the finding with regard to future shipments by Brown-Boveri. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Sid Briggs or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5346/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1972, a dumping finding with respect to large power transformers from Italy was published in the **Federal Register** as Treasury Decision 72–161 (37 FR 11772). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on large power transformers from Italy.

Scope of the Review

Imports covered by the review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power.

The term "transformers" includes but is not limited to shunt reactors, autotransformers, rectifier transformers and power rectifier transformers. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA). Not included are transformer-rectifier units, commonly known as rectiformers, if the entire assembly is imported in the same shipment and entered on the same entry, and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly. The Department knows of three exporters of large power transformers from Italy to the United States presently covered by the finding. These are: Tecnomasio Italiano Brown-Boiveri, S.p.A. ("Brown-Boveri"), Industrie Elettriche di Legnano ("Legnano"), and Italtrafo, S.p.A. ("Italtrafo"). Two other firms, Asgen Ansaldo San Giorgio Compagnia Generale, S.p.A. ("Ansaldo") and Societa Nazionale delle Officine di Savigliano ("Savigliano"), were excluded from the finding on March 22, 1979, effective May 24, 1976. Our review indicates that there are no unliquidated entries for these firms during the period of review prior to the date of their exclusion from the finding. Therefore, we will not review these firms further.

Having divested itself of Italtrafo, Ansaldo, based on cessation of manufacturing of this merchandise, was excluded from the finding. However, subsequent to the present review period, in December 1980, Ansaldo reacquired Italtrafo, now known as the Italtrafo Division of Ansaldo. Assessment and cash deposit rates developed for Italtrafo in this and subsequent reviews will be applied to transformers produced by that entity regardless of the company name under which such transformers are exported. This review covers the period May 2, 1974 through June 30, 1980, during which 25 entries were made which remain unappraised. The Treasury Department reviewed all prior periods.

Preliminary Results of the Review

Legnano

During the period of review there were various shipments by Legnano of large power transformers to the U.S. from Italy, the most recent one entering on April 29, 1980. These 22 known entries and any others during the period will be the subject of a subsequent review. Responses to our questionnaire from Legnano have been deficient for the purposes of our analysis. Legnano has not provided a complete listing of transformer sales in the home market, from which the Department, using a more thorough methodology than previously used, will select suitable individual models for comparison to individual shipments to the U.S. We consider it appropriate to postpone appraisement and, for purposes of estimated duty cash deposits, to apply the rate for this firm calculated during the original fair value investigation, that is, 3%.

Italtrafo

During the period of review there were various shipments by Italtrafo of large power transformers to the U.S. from Italy, the most recent one entering on September 25, 1976. These 3 known entries and any others during the period will be the subject of a subsequent review. Responses to our questionnaire from Italtrafo have also been deficient for the purposes of our analysis, in that Italtrafo has not provided a complete listing of transformer sales in the home market, from which the Department, using a more thorough methodology than previously used, will select suitable individual models for comparison to individual shipments to the U.S. We consider it appropriate to postpone appraisement and, for purposes of estimated duty cash deposits, to apply the 9% fair value rate for this firm.

Brown-Boveri

On March 8, 1978, Brown-Boveri requested to be excluded from the finding. The firm has provided the written agreement required by § 353.54(e) of the Commerce Regulations. Our review indicates Brown-Boveri has not exported such transformers to the United States since the date of the finding, here a period of eight years.

Tentative Determination

As a result of our review we tentatively determine to revoke the antidumping finding on large power transformers from Italy with regard to Brown-Boveri. Such revocation, if made final, would apply to unliquidated entries of the merchandise produced and exported by Brown-Boveri and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results on or before May 13, 1982 and may request disclosure and/or a hearing on or before April 23, 1982. A hearing, if requested, will be held 30 days after publication of this notice or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 3 percent for Legnano and 9 percent for Italtrafo, based on the rates determined during the fair value investigation, shall be required on all shipments by these two firms of large power transformers from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. These deposit requirements shall remain in

effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and §§ 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53, 353.54(e)).

Judith Hippler Bello,

Deputy (for policy) to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-10085 Filed 4-12-82; 8:45 am]

BILLING CODE 3510-25-M

Metal-Walled Above Ground Swimming Pools From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On January 27, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan. The review covered the four known manufacturers/exporters and various periods from April 4, 1977 through August 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received written comments from one exporter. After our analysis of the comments, we have changed the amount for cash deposit of estimated antidumping duty purposes for that firm, and the results of the preliminary review for all other firms remain unchanged.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On September 7, 1977, a dumping finding with respect to metal-walled above ground swimming pools from Japan was published in the Federal Register as Treasury Decision 77-223 (42 FR 44811). On January 27, 1982, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (47 FR 3814-15). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of Japanese metal-walled above ground swimming pools, currently classifiable under item numbers 657.2560 and 774.5500 of the Tariff Schedules of the United States Annotated (TSUSA).

Metal-walled above ground swimming pools exported from third countries which contain walls, frames, and vinyl liners manufactured in Japan are within the scope of the finding.

The Department knows of four firms engaged in the manufacture and exportation of Japanese metal-walled above ground swimming pools to the United States. The Department has determined to defer assessing dumping duties on entries by one of them, Asahi Chemical Industry Co., Ltd. ("Asahi"), pending receipt of additional data. The margin shown in this notice for Asahi will be used only for cash deposit purposes.

Eleven third-country firms possibly exported Japanese pools and/or pool parts to the U.S. and will be covered in a subsequent review. This review covers various periods from April 4, 1977 through August 31, 1980. Treasury reviewed all prior periods.

Analysis of Comments Received

(1) *Comment:* Asahi maintained that, since we elected to defer appraisements pending receipt of further information, we are prevented by statute from calculating a margin for cash deposit purposes using the best information available.

Position: We find no statutory bar to this established administrative practice (see, e.g., the final results of section 751 reviews of findings on polyvinyl chloride sheet and film from Taiwan and large power transformers from France).

(2) *Comment:* Asahi claimed that, in calculating an amount for cash deposit purposes, we failed to adjust for differences in the merchandise and that the margin is not supported by substantial evidence.

Position: In the other reviews cited above we based the margin for cash deposit purposes on previous appraisement instructions ("master lists") or the fair value investigation. In accord with that established practice, for estimated antidumping duty cash deposit purposes it is appropriate in this review also to use the margin from a previous master list (7%) as best information available, rather than the 43.74% stated in the preliminary results, which was based on a preliminary analysis of incomplete information on the shipments during the review period. Our shift to reliance on prior master list information moots Asahi's contention.

Final Results of the Review

As a result of our analysis of these comments, the final results of our review are the same as our preliminary results of review, except for Asahi, and we determine that the following weighted-average margins exist:

Manufacturer and exporter	Time period	Margin (percent)
Asahi Chemical Industry Co., Ltd	11/1/77-8/31/80	7
Seiwa Sangyo Co., Ltd	4/4/77-3/31/78	72.00
	4/1/78-8/31/80	72.00
Kenny	2/18/78-8/31/80	[1] 3.5
Hakuyo Sangyo	4/4/77-8/31/80	72.00

[1] No shipments during this period.

Except for Asahi, as noted above under *Scope of the Review*, the Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates duiring the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department shall issue appraisement insturctions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce regulations, a cash deposit of estimated antidumping duties based on the margins above shall be required on all shipments by these firms of metal-walled above ground swimming pools from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1982.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.63).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

April 8, 1982.

[FR Doc. 82-10086 Filed 4-12-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Richard L. Merrick; Issuance of Permit

On February 16, 1982, Notice was published in the **Federal Register** (47 FR 6682) that an application had been filed with the National Marine Fisheries Service by Mr. Richard L. Merrick, School of Oceanography, Oregon State University, Corvallis, Oregon 97331 for a Scientific Research Permit to take Stellar sea lions (Eumetopias jubatus) by potential harassment and marking.

Notice is hereby given that on April 7, 1982, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to Mr. Richard Merrick subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE., Seattle, Washington 98115.

Dated: April 7, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-10088 Filed 4-12-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 8, 1982.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group meeting set for May 12–13, 1982, as published in the **Federal Register**, Volume 47, No. 53, Thursday, March 18, 1982, is cancelled.

For further information contact the SAB Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10109 Filed 4-12-82; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Science Board Task Force on Rapid Deployment Forces (RDF); Advisory Committee Meeting

The Defense Science Board Task Force on Rapid Deployment Forces will meet in closed session on May 12–13, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meetings on May 12–13, 1982, the Task Force will continue discussions on the application of technology to rapidly deploying forces.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

April 8, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer.

[FR Doc. 82-10089 Filed 4-12-82; 8:45 am]

BILLING CODE 3810-01-M

Proposed Amendments to the Manual for Courts-Martial

The Department of Defense is considering recommending amendments to the Manual for Courts-Martial, 1969 (Rev.). The amendments would revise paragraphs 127*c* and 213, and appendix 6c of the Manual. The amendments would provide for punishment of offenses involving controlled substances (21 U.S.C. 801 et seq.) under Article 134, UCMJ, and would provide a revised table of maximum punishment for such offenses.

Copies of the proposed amendments may be examined at the Criminal Law Division, Room 2D434, Pentagon, Office of The Judge Advocate General, Army, Washington, DC. A copy of the proposed amendment may be obtained by mail upon request from the following address: DAJA–CL, ATTN: Colonel K. Raby, Washington, DC 20310. Any comments on the proposed amendments should be received at the same address not later than June 28, 1982, for consideration by the Joint-Service Committee on Military Justice.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 8, 1982.

[FR Doc. 82-10090 Filed 4-12-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Bilingual Education National Advisory Council; Hearing

AGENCY: National Advisory Council on Bilingual Education, ED.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the Schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: April 28, 1982—Public Hearing—10:00 a.m.–4:00 p.m.

ADDRESS: Public hearing will be held at the Condado Beach Hotel—El Fauno Room, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

On April 28, 1982, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics:

(1) 1983 Reauthorization

(2) Research

(3) Reports of the Effectiveness of Bilingual Education

(4) Structure of Education Foundation and the Role of the Office of Bilingual Education and Minority Languages Affairs and other language related programs

(5) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers

(6) Importance of Bilingual Education on International Trade and Commerce.

Witnesses should notify Ramon Ruiz (see address above) of their intention of testifying.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis

(2) Witnesses shall limit their testimony to twenty minutes

(3) All testimony shall be tape recorded

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: April 8, 1982.

James H. Lockhart,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 82-9862 Filed 4-12-82; 8:45]

BILLING CODE 4000-01-M

Bilingual Education National Advisory Council; Hearing

AGENCY: National Advisory Council on Bilingual Education, ED.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: April 30, 1982—Public Hearing—10:00 a.m.–4:30 p.m.

ADDRESS: Public hearing will be held at the Konover Hotel, 5445 Collins Avenue, Miami Beach, Florida 33140.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 723(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

On April 30, 1982, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be held on the following topics:

(1) 1983 Reauthorization.

(2) Research.

(3) Reports of the Effectiveness of Bilingual Education.

(4) Structure of Education Foundation and the Role of the Office of Bilingual Education and Minority Languages Affairs and other language related programs.

(5) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers.

(6) Importance of Bilingual Education on International Trade and Commerce.

Witnesses should notify Ramon Ruiz (see address above) of their intention of testifying.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis.

(2) Witnesses shall limit their testimony to twenty minutes.

(3) All testimony shall be tape recorded.

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: April 8, 1982.

James H. Lockhart,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 82-9863 Filed 4-12-82; 8:45 am]

BILLING CODE 4000-01-M

Bilingual Education National Advisory Council; Hearing

AGENCY: National Advisory Council on Bilingual Education, ED.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: May 3, 1982—Public Hearing—8:30 a.m.–11:15 a.m. and 2:30 p.m.–5:15 p.m.

ADDRESS: Public hearing will be held at the Sheraton Waikiki Hotel—Molakai Room, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 723(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

On May 3, 1982, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be held on the following topics:

(1) 1983 Reauthorization.

(2) Research.

(3) Reports of the Effectiveness of Bilingual Education.

(4) Structure of Education Foundation and the Role of the Office of Bilingual Education and Minority Languages Affairs and other language related programs.

(5) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers.

(6) Importance of Bilingual Education on International Trade and Commerce.

Witnesses should notify Ramon Ruiz (see address above) of their intention of testifying.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis.

(2) Witnesses shall limit their testimony to twenty minutes.

(3) All testimony shall be tape recorded.

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: April 8, 1982.

James H. Lockhart,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 82-9864 Filed 4-12-82; 8:45 am]

BILLING CODE 4000-01-M

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on June 24, 1980, an arbitration panel rendered a decision in the matter of Jessie Nash and the Georgia Department of Human Resources, Division of Vocational Rehabilitation, State licensing agency (R-S 78-1). This panel was convened by the Secretary of the Department of Health, Education, and Welfare (HEW) pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by the Petitioner Jessie Nash on December 16, 1977. Under this section of the Randolph-Sheppard Act, a blind licensee dissatisfied with the State's administration of a vending facility program may request an evidentiary hearing from the State licensing agency. If the licensee is dissatisfied with the State agency decision, the licensee may complain to the Secretary, who then is required to convene an arbitration panel to resolve the dispute.

Note.—Under 20 U.S.C. 107d-2, panel decisions are subject to appeal and judicial review as final agency action under the Administrative Procedure Act. On August 14, 1980, the respondent Georgia Department of Human Resources instituted suit in federal district court for the Northern District of Georgia under (in part) 20 U.S.C. 107d-2(a) to set aside the decision of the subject arbitration panel. *Georgia Department of Human Resources et al.* v. *Bell et al.* (N.D. Ga. No. C80-139A). The defendants are the Department of Education and Jessie Nash. The Secretary of Education has taken the position in that litigation that the arbitration panel erred as a matter of law in finding that the State licensing agency violated its obligations to Jessie Nash under the Randolph-Sheppard Act. The Secretary has also maintained that in this case the procedure stated in 20 U.S.C. 107(b), for determination of the validity of a imitation imposed by a federal agency on the operation of a vending facility, should have been a prerequisite to any administrative or court litigation.

FOR FURTHER INFORMATION CONTACT: Robert J. Winn, Jr., Ph.D., Director, Division for Blind and Visually Impaired, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Room 3330, Mary E. Switzer Building, Department of Education, 330 C Street, SW., Washington, D.C. 20201, Area Code (202) 245-0918 or TTY (202) 245-0591. The full text of the arbitration panel decision (including the majority opinion and a dissent) can be obtained from Dr. Winn.

Dated: April 7, 1982.

T. H. Bell,

Secretary of Education.

Arbitration Panel Decision

The Randolph-Sheppard Act, under which this decision was rendered, was enacted for the express purposes of providing blind persons with renumerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting. 20 U.S.C. 107. In pertinent part, this legislation authorizes blind persons, who are licensed by the State, to operate vending facilities on Federal property, and provides generally that priority should be given to licensed blind persons to operate those vending facilities. A State licensing agency is designated by the Secretary to carry out a program for licensing blind vendors, and to train, place and supervise those persons. The State licensing agency is also required to provide certain procedures to dissatisfied blind licensees, including the hearing and arbitration procedures stated in 20 U.S.C. 107d-1(a).

The critical events giving rise to this case occurred in the winter of 1976 and the spring of 1977, when the U.S. Marine Corps terminated a permit covering a vending facility in building 2200 (on its base in Albany, Georgia) to which Jessie Nash, a blind vendor, had been assigned. The Marine Corps had advised the State licensing agency in the fall of 1976 of its plan to solicit bids for the operation of Building 2200 as a cafeteria, on the condition that whoever operated Building 2200 would also have to operate two other vending facilities on the base, one of which was an unprofitable cafeteria. The State licensing agency declined to bid on this "tie-in", stating its judgment that cafeteria operation would be managerially and financially unwise, and that "tie-in" arrangements were for business reasons against their policy. The State licensing agency further took the position that the priority provisions of the Act, as amended in 1974, did not apply to cafeterias since implementing regulations had not been published.

The arbitration panel held in essence that the State licensing agency had violated statutory obligations to the blind vendor, Jessie Nash, in failing to take more affirmative steps to retain the Building 2200 permit for Nash. The decision is primarily based on the Panel's interpretation of the priority provisions of the Act (20 U.S.C. 107), the general purpose section of the Act (20 U.S.C. 107(a)), the arbitration provisions of the Act dealing with disputes between States and federal agencies (20 U.S.C. 107d-1(b)), and the procedures providing for determination by the Secretary of the validity of a limitation on the operation of a vending facility (20 U.S.C. 107(b)). The panel directed the State licensing agency to initiate negotiations with the Marine Corps to secure a permit for the facility "without contingencies" in accordance with the Randolph-Sheppard Act and regulations. The Panel further directed that if within 90 days these negotiations failed to result in the granting of a permit, the State licensing agency should pursue "all administrative and legal remedies including the filing of a complaint with the Secretary of H.E.W. requesting that an *ad hoc* arbitration panel be convened pursuant to 20 U.S.C. 107d-1(b) [to determine whether an agency or department of the United States is failing to comply with the Act]." The Panel held that as an interim remedy Nash and the State licensing agency should arrange together for the suitable placement of Nash in another vending facility. Nash was awarded legal fees incurred in Federal Court litigation on this matter which she had instituted shortly after requesting an evidentiary hearing before the State licensing agency pursuant to 20 U.S.C. 107d-1(a). Finally the Panel awarded Nash money amounts intended to compensate her for what she allegedly lost due to the State licensing agency's failure to properly pursue her case with the Marine Corps.

[FR Doc. 82-10078 Filed 4-12-82; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the quarterly meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: May 17–18, 1982, 9 a.m. to 5 p.m.

ADDRESS: Education Conference Center, ROB–6 Room 3000, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, 400 Maryland Avenue SW., Room 3022 ROB–3, Washington, D.C. 20202, AC 202–472–1357.

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 1) which set forth standards for the formation and use of advisory committees.

This Committee was established to examine all approaches to the higher education of Black Americans as well as enhancement of the historically Black colleges and universities and then to make recommendations to the Secretary of Education in the identification of several courses of action to raise substantially the participation of Black Americans in all sectors and at all levels of higher education.

At this final meeting of the Committee, summary of Committee recommendations to achieve equity for Black Americans in higher education and to enhance the historically Black colleges and universities will be presented to the Secretary and the Assistant Secretary for Postsecondary Education. Persons desiring to address the Committee orally or by submitting a written statement may make it known to the Program Delegate no later than May 3, 1982.

Questions concerning the forthcoming meeting should be addressed to the Program Delegate, Ms. Carol J. Smith, 400 Maryland Avenue SW., Room 3022 ROB–3, Washington, D.C. 20202 AC 202–472–1357.

Records are kept of all Committee proceedings and are available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities, 400 Maryland Avenue SW., Room 3022 ROB–3, Washington, D.C. 20202, from the hours of 8:30 a.m. to 5 p.m.

Dated: April 7, 1982.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 82–10110 Filed 4–12–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Cases Filed; Week of March 12 through March 19, 1982

During the week of March 12 through March 19, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 7, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 12, 1982 through March 19, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 15, 1982	Ashland Oil, Inc./Chevron, U.S.A., Inc., Washington, D.C.	HEJ–0009	Motion for Protective Order. If granted: Chevron U.S.A., Inc. would enter into a Protective Order with Ashland Oil, Inc. regarding the release of proprietary information to Chevron, U.S.A., Inc. in connection with Ashland Oil, Inc.'s Application for Exception (Case No. BEE–1676).
Mar. 15, 1982	Atlantic Richfield Company, Washington, D.C.	HRZ–0029	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ–0015).
Mar. 15, 1982	Gulf Oil Corporation, Washington, D.C.	HRZ–0028	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ–0015).
Mar. 15, 1982	Louisiana Land and Exploration Company, Washington, D.C.	HRZ–0032	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ–0015).
Mar. 15, 1982	Marathon Oil Company, Washington, D.C.	HRZ–0030	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ–0015).
Mar. 15, 1982	Mobil Oil Corporation/Little America Refining Company	HEJ–0011 and HED–0038	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Mobil Oil Corp. that would require Little America Refining Company to enter into a Protective Order with Mobil Oil Corporation for the release of proprietary information submitted by Little America Refining Company (Case Nos. HYX–0014 and HYX–0008).
Mar. 15, 1982	Self-Powered Lighting, Inc., Elmsford, New York	HFA–0044	Appeal of an Information Request Denial. If granted: The March 8, 1982, Information Request Denial issued by the Nuclear Regulatory Commission would be rescinded, and Self-Powered Lighting, Inc. would receive access to certain DOE information.
Mar. 15, 1982	Standard Oil Company of Ohio, Washington, D.C.	HRZ–0031	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ–0015).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of March 12, 1982 through March 19, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 15, 1982	Texaco, Inc., Washington, D.C.	HRZ-0033	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to produce additional discovery pursuant to the January 25, 1980, Decision and Order issued to Atlantic Richfield Company by the Office of Hearings and Appeals (Case No. BRZ-0015).
Mar. 16, 1982	Dresser Industries, Inc., Washington, D.C.	HFA-0045	Appeal of an Information Request Denial. If granted: December 14, 1981, Information Request Denial issued by the Department of Energy would be rescinded, and Dresser Industries, Inc. would receive access to certain documents related to export licenses.
Mar. 16, 1982	Susan L. Hiatt, Mentor, Ohio	HFA-0046	Appeal of an Information Request Denial. If granted: The March 4, 1982, Information Request Determination issued by the Department of Energy would be rescinded and Susan L. Hiatt would receive fee waivers for the search and production of documents.
Mar. 19, 1982	Newsday, Long Island, New York	HFA-0047	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Office of Special Counsel would be rescinded, and Newsday would receive access to certain DOE information.

NOTICES OF OBJECTION RECEIVED

[Week of March 12, 1982 to March 19, 1982]

Date	Name and location of applicant	Case No.
Mar. 15, 1982	UCO Oil Company, Washington, D.C.	DEE-2487.

[FR Doc. 82-10079 Filed 4-12-82; 8:45 am]

BILLING CODE 6450-01-M

Central Solar Receiver Repowering; Financial Assistance Application Announcement

AGENCY: Energy Department.

ACTION: Notice.

SUMMARY: The Department of Energy, through its San Francisco Operatings Office at 1333 Broadway, Oakland, CA 94612, has issued a Program Opportunity Notice (PON) to solicit proposals for the competitive selection of Participants to cost share through the award of Cooperative Agreements in one or more preliminary designs for site specific Central Receiver (SCR repowering applications. Repowering refers to a Solar Central Receiver facility added to an existing electric utility facility or grid, industrial process heat facility, or a cogeneration facility. The work to be performed will include: system and subsystem designs, drawings and specifications, solar facility performance and cost estimates, economic analyses, and a preliminary environmental impact assessment. The period of performance is anticipated to be twelve months.

The Program Opportunity Notice is available upon request. The closing date for receipt of proposals is anticipated to be May 17, 1982.

ADDRESS FOR APPLICATIONS: Persons desiring to receive a copy of the PON should submit a written request accompanied by four (4) self-addressed mailing labels to: Department of Energy, San Francisco Operations Office, 1333 Broadway, Oakland, CA 94612. ATTN: Mr. Paul Thrash, Secretary, Contractor Evaluation Board, PON No. DE-PN03-82SF11596.

Request for copies of the PON will be honored on a first-requested, first-served basis. Telephone requests will not be honored. A copy of the PON is available for review at the office of the Secretary of the Board at the above address.

CLOSING DATE: May 17, 1982.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: This notice is for a one-time award and inclusion in the Catalog of Federal Domestic Assistance is not appropriate. Therefore, no CFDA number is assigned.

Issued in Washington, D.C. on April 7, 1982.

Hilary J. Rauch,

Director, Procurement and Assistance, Management Directorate.

[FR Doc. 82-9889 Filed 4-12-82; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 2, 1982.

JD NO	JA : KT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC			RECEIVED: 03/16/82 JA: OH						
8223185		3407322572	103			MARCINKO/KITCHEN #2	WASHINGTON	4.5	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO			RECEIVED: 03/16/82 JA: OH						
8223186		3411923312	108			W NORMAN #1		10.0	NEWZANE GAS CO
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 03/16/82 JA: OH						
8223187		3408924380	103			RUSSELL PALMER #1A	GLENFORD	0.0	
-APPALACHIAN EXPLORATION INC			RECEIVED: 03/16/82 JA: OH						
8223188		3405922909	103	107-TF		BLANKENSHIP UNIT #1	MONROE	13.0	AMERICAN ENERGY S
8223189		3410322413	103	107-TF		CAREY UNIT #1	SHARON	6.9	AMERICAN ENERGY S
8223194		3410322782	103	107-TF		MAPES-BEATTIE #1	GRANGER	36.5	COLUMBIA GAS TRAN
8223193		3410322781	103	107-TF		MAPES-BEATTIE #2	GRANGER	9.1	COLUMBIA GAS TRAN
8223192		3410322780	103	107-TF		MAPES-BEATTIE #3	GRANGER	14.6	COLUMBIA GAS TRAN
8223191		3410322779	103	107-TF		MAPES-BEATTIE #4	GRANGER	21.9	COLUMBIA GAS TRAN
8223190		3410322778	103	107-TF		MAPES-BEATTIE #5	GRANGER	11.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC			RECEIVED: 03/16/82 JA: OH						
8223195		3407523629	103	107-TF		JOHN YODER #2	CLARK	20.0	
8223196		3410322702	103	107-TF		NEFF-BAKER #1	SHARON	8.0	
-BARTLO OIL AND GAS COMPANY			RECEIVED: 03/16/82 JA: OH						
8223198		3415320977	103	107-TF		A DICRESCE #1	COPLEY	15.0	
8223197		3415320838	103	107-TF		SHERMAN UNIT #1	W RICHFIELD	18.0	
-BELDEN & BLAKE & CO #79			RECEIVED: 03/16/82 JA: OH						
8223201		3401921513	103	107-TF		A & L PEOPLES 1-341165	HARRISON	36.5	
8223206		3415123646	103			C & J SWEITZER 2-341155	MARLBORO	36.5	
8223204		3409921432	103	107-TF		C AND E CLAY 1-341163	SMITH	36.5	
8223199		3401921491	103			E FRANK-6-341153	ROSE	36.5	
8223200		3401921510	103	107-TF		R & H FELTON-1-341158	BROWN	36.5	
8223207		3415123662	103			R RODABAUGH COMM 1-341162	MARLBORO	36.5	
8223205		3415123644	103			S SZEKELY 1-341154	MARLBORO	36.5	
8223208		3415123463	103			VOGLEY ORCHARDS 1-341035	BETHLEHEM	36.5	
-BELDEN & BLAKE & CO. 78			RECEIVED: 03/16/82 JA: OH						
8223202		3401921534	103			J & C MIDAY COMM 1-341176	ROSE	36.5	
8223209		3415123464	103			K HILL 2-341059	MARLBORO	36.5	
-BELDEN & BLAKE AND CO #77			RECEIVED: 03/16/82 JA: OH						
8223203		3401921537	103	107-TF		WHITACRE-GREER-35-341180	BROWN	36.5	
-BEREA OIL AND GAS CORPORATION			RECEIVED: 03/16/82 JA: OH						
8223211		3411925849	103	107-TF		D EVANS #4	UNION	0.0	COLUMBIA GAS TRAN
8223213		3415521885	103	107-TF		F TAYLOR UNIT #3	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8223210		3405923096	103	107-TF		H CONATI #2	WESTLAND	0.0	COLUMBIA GAS TRAN
8223212		3415521884	103	107-TF		R POPE UNIT #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
-BERWELL ENERGY INC			RECEIVED: 03/16/82 JA: OH						
8223214		3408322977	103			BERWELL ENERGY #2	UNION	26.4	COLUMBIA GAS TRAN

					FIELD NAME	PROD	PURCHASER
-BLAUSER WELL SERVICE INC		RECEIVED: 03/16/82 JA: OH					
8223215	3411522169	107-DV		KERRY DOBBINS #1	LEBANON	9.1	COLUMBIA GAS TRAN
-C J WARREN OIL COMPANY		RECEIVED: 03/16/82 JA: OH					
8223426A	3407322479	103		WOLFE #1	WEBB SUMMIT NORTH	0.0	
8223426B	3407322479 D	107-TF		WOLFE #1	WEBB SUMMIT NORTH	0.0	
-CAVALIER OIL CORP		RECEIVED: 03/16/82 JA: OH					
8223216	3411122325	107-DV		CAVALIER-LUMBATIS #1	SUMMIT	14.1	COLUMBIA GAS TRAN
-CENTRAL OIL FIELD SUPPLY CO		RECEIVED: 03/16/82 JA: OH					
8223217	3412725215	103		IMLER-LEWIS #2	SALT LICK	5.0	COLUMBIA GAS TRAN
-CIRCLE PETROLEUM INC		RECEIVED: 03/16/82 JA: OH					
8223218	3416725700	107-DV		MAMMIE ROBINSON UNIT #1	LAWRENCE	75.0	COLUMBIA GAS TRAN
-CLINTON OIL CO		RECEIVED: 03/16/82 JA: OH					
8223220	3411926070	103	107-TF	L THOMAS #1-631	TRINWAY	10.0	
8223219	3411923844	108		SHUEY #1		10.0	NEWZONE GAS CO
-CLOVER OIL CO		RECEIVED: 03/16/82 JA: OH					
8223221	3410322904	107-TF		NIXON-KOSTEEKI UNIT #1	SPENCER	6.0	COLUMBIA GAS TRAN
-CUYAHOGA EXPLORATION & DEVELOPMENT		RECEIVED: 03/16/82 JA: OH					
8223222	3416727053	103		DELMAR HENDERSHOT #6	WALYELL	13.0	
-DERBY OIL & GAS CORP		RECEIVED: 03/16/82 JA: OH					
8223224	3407523407	103	107-TF	MONROE COBLENTZ #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8223223	3407523295	103	107-TF	WILLIAM ELVEY #1	HARDY	12.0	COLUMBIA GAS TRAN
-DERRICK PETROLEUM INC		RECEIVED: 03/16/82 JA: OH					
8223225	3411925771	103	107-TF	KERNEY UNTIED	JACKSON	0.0	NATIONAL GAS & OI
-DORAN & ASSOCIATES INC		RECEIVED: 03/16/82 JA: OH					
8223227	3412724690	108		CLARENCE YESTER #1 KA-42		12.0	NATIONAL GAS & OI
8223229A	3412725381	103		PAMELA SIDWELL #3	JACKSON	12.0	COLUMBIA GAS TRAN
8223229B	3412725381 D	107-TF		PAMELA SIDWELL #3	JACKSON	12.0	COLUMBIA GAS TRAN
8223226	3411925223	108		RALPH TAGGART #1 KA-44		12.0	NATIONAL GAS & OI
8223228A	3412725168	103		RUTH DICK #1	PIKE	12.0	COLUMBIA GAS TRAN
8223228B	3412725168 D	107-TF		RUTH DICK #1	PIKE	12.0	COLUMBIA GAS TRAN
-DWIGHT MARTIN		RECEIVED: 03/16/82 JA: OH					
8223331	3408323631	103		BABURY #1	GREER	0.0	
-EAGLE MOUNTAIN ENERGY CORP		RECEIVED: 03/16/82 JA: OH					
8223230	3411522582	103	107-TF	PALMER-NICEWANGER #1	MCCONNELSVILLE	20.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC		RECEIVED: 03/16/82 JA: OH					
8223234	3403124222 D	108		BL-2A BOLESKI BL-2A		18.0	COLUMBIA GAS TRAN
8223238	3416723672	108		BRADLEY ED-1A		18.0	COLUMBIA GAS TRAN
8223239	3416921945	108		CANANKAMP DW-1A		18.0	COLUMBIA GAS TRAN
8223233	3403123428	108		DUSENBERRY MO-1A		18.0	COLUMBIA GAS TRAN
8223232	3403123414	108		FRY MO-1A		18.0	COLUMBIA GAS TRAN
8223240	3416922110	108		GERBER MO-1A		18.0	COLUMBIA GAS TRAN
8223237	3411924198	108		GRAHAM SC-1A		18.0	COLUMBIA GAS TRAN
8223235	3408322353	108		GREEN RO-1A		18.0	COLUMBIA GAS TRAN
8223231	3403123062	108		HARMON DW-1A		18.0	COLUMBIA GAS TRAN
8223236	3408322354	108		KAUFFMAN RO-1A		18.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP		RECEIVED: 03/16/82 JA: OH					
8223242	3416320665	103	107-TF	D DAVIS #6	SWAN	36.5	COLUMBIA GAS TRAN
8223241	3405922973	103	107-TF	MID-OHIO COAL #1	RICHLAND	27.3	COLUMBIA GAS TRAN
-FRANK W HOOVER PROD		RECEIVED: 03/16/82 JA: OH					
8223304	3403136007	107-TF		MERTON B WATERS #1	CLARK	6.0	COLUMBIA GAS TRAN
8223305	3407522679	103		ROBERT W & MILDRED I GANDEE	GREER	2.0	COLUMBIA GAS TRAN
-GEO ENERGY INC		RECEIVED: 03/16/82 JA: OH					
8223243	3403123955	103		MOWERY ROBERT J & JUNE #33-1	BETHLEHEM	5.0	

JD NO	JA AT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223244		3411926028		107-TF		WHITE-HAYES #2-2	OTSEGO	15.0	COLUMBIA GAS TRAN
-GIANT PETROLEUM CORPORATION				RECEIVED:	03/16/82	JA: OH			
8223245		3400721928		103	107-TF	CARL MCELROY #1	ORWELL	20.0	
-H I SMITH OIL & GAS INC				RECEIVED:	03/16/82	JA: OH			
8223393		3416923087		103		HARRY VARNER #3	SHREVE	12.0	POMINEX INC
8223392		3408323036		103		HIPP #6	GREEN	9.0	EAST OHIO GAS CO
-HARLEY DRILLING & PRODUCING				RECEIVED:	03/16/82	JA: OH			
8223246		3416922987		103		GEORGE SMITH #1	CANAAN	20.0	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO				RECEIVED:	03/16/82	JA: OH			
8223301		3410522189	D	107-TF		BOB BRANHAM #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8223283		3410521924	D	107-TF		C O HARRISON #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8223285		3410521937	D	107-TF		C O ROGERS #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8223264		3410521830	D	107-TF		CHARLES DAVIDSON #1	RUTLAND	5.4	COLUMBIA GAS TRAN
8223247		3405320418	D	107-TF		CROW & MORGAN #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8223248		3405320445	D	107-TF		CROW & MORGAN #2	CHESHIRE	5.4	COLUMBIA GAS TRAN
8223249		3405320446	D	107-TF		CROW & MORGAN #3	CHESHIRE	5.4	COLUMBIA GAS TRAN
8223253		3405320522	D	107-TF		CROW & MORGAN #4	CHESHIRE	0.0	COLUMBIA GAS TRAN
8223288		3410521961	D	107-TF		DALE LITTLE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223277		3410521897	D	107-TF		DAVID PRICE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223267		3410521834	D	107-TF		DENNIS PALMER #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223266		3410521833	D	107-TF		DENNIS SAELENS #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223265		3410521832	D	107-TF		DORIS WOODYARD #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223259		3410521810	D	107-TF		DREHEL #5	RUTLAND	5.4	COLUMBIA GAS TRAN
8223258		3410521809	D	107-TF		DREHEL #6	RUTLAND	5.4	COLUMBIA GAS TRAN
8223257		3410520486	D	107-TF		DREHEL #7	CHESHIRE	5.4	COLUMBIA GAS TRAN
8223255		3405320696	D	107-TF		EMMETT ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
8223291		3410522072	D	107-TF		FELIX ALIRE #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8223281		3410521913	D	107-TF		FRED THOMPSON #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8223299		3410522184	D	107-TF		GUY HARPER #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8223278		3410521898	D	107-TF		GUY SARGENT #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223272		3410521872	D	107-TF		HARTWELL CURD #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223260		3410521811	D	107-RT		HENRY WELLS #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223286		3410521940	D	107-TF		HERALD & DOLAN #3	RUTLAND	0.0	COLUMBIA GAS TRAN
8223292		3410522097	D	107-TF		HOWARD THOMA #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223279		3410521903	D	107-TF		JACK (GEORGE) WARNER #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8223275A		3410521895		103		JAMES DREHEL #8	RUTLAND	0.0	COLUMBIA GAS TRAN
8223275B		3410521895	D	107-TF		JAMES DREHEL #8	RUTLAND	0.0	COLUMBIA GAS TRAN
8223276		3410521896	D	107-TF		JAMES DREHEL #9	RUTLAND	0.0	COLUMBIA GAS TRAN
8223290		3410521992	D	107-TF		JAMES JOHNSON #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223250		3405320493	D	107-TF		JAY HALL JR #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8223297		3410522178	D	107-TF		KENNETH EBLIN #1	RUTLAND	5.0	COLUMBIA GAS TRAN
8223289		3410521991	D	107-TF		KENNETH JOHNSON #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223296		3410522176	D	107-TF		LARRY PICKENS #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8223263		3410521829	D	107-TF		LEO DEL DAVIDSON #1	RUTLAND	5.4	COLUMBIA GAS TRAN
8223274		3410521874	D	107-TF		LONG-SAYRE #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223294		3410522145	D	107-TF		MANNING WEBSTER #2	SALISBURY	5.4	COLUMBIA GAS TRAN
8223251		3405320520	D	107-TF		MARY DARNELL #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8223287		3410521941	D	107-TF		NANCY REED #2	RUTLAND	0.0	COLUMBIA GAS TRAN
8223256		3405320697	D	107-TF		ORLAND ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
8223271		3410521871	D	107-TF		PAUL MCELROY #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223254		3405320533	D	107-TF		PERRY WILLIAMS #1	ADDISON	5.4	COLUMBIA GAS TRAN
8223300		3410522185	D	107-TF		REED & GENE JEFFERS #1	COLUMBIA	0.0	COLUMBIA GAS TRAN
8223273		3410521873	D	107-TF		RICHARD REUTER #1	SALISBURY	5.4	COLUMBIA GAS TRAN

JOB NO	DA KT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223293		3410522098	D	107-TF		RICHARD RUSSELL #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223302		3410522202	D	107-TF		RIGHTHOUSE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223282		3410521923	D	107-TF		ROBERT KING #2	RUTLAND	5.0	COLUMBIA GAS TRAN
8223295		3410522156	D	107-TF		ROBERT RICHARD #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8223298		3410522179	D	107-TF		ROLAND MORRIS #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8223284		3410521930	D	107-TF		TED WARNER #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223262		3410521813	D	107-RT		TIM WOODYARD #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8223269		3410521843	D	107-TF		TIM WOODYARD #2	SALISBURY	5.4	COLUMBIA GAS TRAN
8223268		3410521841	D	107-TF		TIM WOODYARD #3	SALISBURY	5.4	COLUMBIA GAS TRAN
8223270		3410521866	D	107-TF		TIM WOODYARD #5	SALISBURY	0.0	COLUMBIA GAS TRAN
8223252		3405320521	D	107-TF		VERA THOMAS #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8223280		3410521909	D	107-TF		WILLIAM ASBECK #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8223261		3410521812	D	107-RT		WILLIAM GIBBS #1	SALISBURY	5.4	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC				RECEIVED: 03/16/82		JA: OH			
8223306		3411925926		103	107-TF	RILEY #2	DRESDEN	12.0	COLUMBIA GAS TRAN
8223307		3412725205	D	103	107-TF	VAN BUREN #1	GLENFORD	12.0	
-IRVIN PRODUCING COMPANY				RECEIVED: 03/16/82		JA: OH			
8223308		3411925995		103	107-TF	DOROTHY MILLER #1	FALLS	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED: 03/16/82		JA: OH			
8223310		3410522269		103		JAMES SUTTLE #1	PORTLAND	4.0	COLUMBIA GAS TRAN
8223309		3410522015		103		MARIE STEINER #1	RUTLAND	3.0	COLUMBIA GAS TRAN
-JAMES P NOLL				RECEIVED: 03/16/82		JA: OH			
8223356		3412725118		103		LITERARY-SOCIETY-OF-ST JOSEPHS	READING	55.0	COLUMBIA-GAS-TRAN
-JERRY MOORE INC				RECEIVED: 03/16/82		JA: OH			
8223339A		3403123644		103		CLYDE DARR #2	WARSAW	4.0	COLUMBIA GAS TRAN
8223339B		3403123644	D	107-TF		CLYDE DARR #2	WARSAW	4.0	COLUMBIA GAS TRAN
8223337A		3403123445		103		GEORGE HARTSOCK #3	WARSAW	4.0	COLUMBIA GAS TRAN
8223337B		3403123445	D	107-TF		GEORGE HARTSOCK #3	WARSAW	4.0	COLUMBIA GAS TRAN
8223340A		3403123645		103		GEORGE SLAUGHTER #2	WARSAW	3.0	COLUMBIA GAS TRAN
8223340B		3403123645	D	107-TF		GEORGE SLAUGHTER #2	WARSAW	3.0	COLUMBIA GAS TRAN
8223338A		3403123538		103		R T BAKER #2	WARSAW	5.0	COLUMBIA GAS TRAN
8223338B		3403123538	D	107-TF		R T BAKER #2	WARSAW	5.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 03/16/82		JA: OH			
8223311		3413322538		103	107-TF	CRITES #1	FREEDOM	0.0	REPUBLIC STEEL CO
8223312		3415320871		103	107-TF	THOMSON #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
-L & M PETROLEUM INC				RECEIVED: 03/16/82		JA: OH			
8223313		3412725159		107-TF		LEWIS/LEWIS #1	NEW LEXINGTON	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED: 03/16/82		JA: OH			
8223317		3407523430		103	107-TF	CHARLIE STRAITS #3	KILLBUCK	5.0	COLUMBIA GAS TRAN
8223316		3407523371		103	107-TF	LYDIA MADISON #2	KILLBUCK	10.0	COLUMBIA GAS CORP
8223314		3407523301		103	107-TF	ROLAND CASEY #1-A	HOLMES	10.0	COLUMBIA GAS TRAN
8223319		3407523541		103	107-TF	SCHANTZ #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8223315		3407523369		103	107-TF	WILLIS CHANAY #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
8223318		3407523487		103	107-TF	WILLIS CHANAY #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED: 03/16/82		JA: OH			
8223322		3411926008		103	107-TF	DINGESS #3	CASS	13.0	
8223320		3411925064		107-TF		MCCOY-CALVERT #1	MONROE	15.0	
8223321		3411925364		107-TF		ROSS KLEIN #1	MONROE	12.0	
-LESLIE OIL & GAS CO INC				RECEIVED: 03/16/82		JA: OH			
8223327		3410322727		103		FARMER SAVINGS BANK #1	LODI	0.0	COLUMBIA GAS TRAN
8223324		3410322427		103		GIAR-NEPTUNE #4	SPENCER	10.0	COLUMBIA GAS TRAN
8223323		3410322283		103		HANGE #2	LODI	0.0	COLUMBIA GAS TRAN
8223325		3410322632		103		T RICE #4	SPENCER	10.0	COLUMBIA GAS TRAN

JD NO	JA RKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223326		3410322269		103		WAKEFIELD #2	CHATHAM	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	03/16/82	JA: OH			
8223329		3411926023		107-TF		BETZ 2A	BLUE ROCK	6.0	ROVI RESOURCES CO
8223330		3411926085		107-TF		S WOOD #1	HARRISON	25.0	COLUMBIA GAS TRAN
8223328		3411925899		103		TERRACE FARMS #1	HARRISON	6.0	COLUMBIA GAS TRAN
-MIDAS ENERGY INC				RECEIVED:	03/16/82	JA: OH			
8223333		3416725896		107-DV		FRANK S GREENWOOD #1	LAWRENCE	18.0	COLUMBIA GAS TRAN
8223334		3416726165		107-DV		FRANK S GREENWOOD #2	LAWRENCE	21.0	COLUMBIA GAS TRAN
8223336		3416726247		107-DV		L A ROACH #1	LAWRENCE	21.0	COLUMBIA GAS TRAN
8223335		3416726238		107-DV		LESTER ROACH #1	LAWRENCE	18.0	COLUMBIA GAS TRAN
8223332		3416724562		107-DV		LESTER ROACH #2	LAWRENCE	14.0	COLUMBIA GAS TRAN
-MORMACK INDUSTRY INC				RECEIVED:	03/16/82	JA: OH			
8223342		3416922852		107-TF		MAHLON SMUCKER #1	EAST UNION	0.0	COLUMBIA GAS TRAN
8223341		3416922823		107-TF		ROBERT MARTY #1	SMITHVILLE	36.0	COLUMBIA GAS TRAN
-NATIONAL PRODUCTION CORPORATION				RECEIVED:	03/16/82	JA: OH			
8223344		3411926092		103		PINE KNOLLS #1	ZANESVILLE	18.0	NATIONAL GAS & OI
8223343		3411926034		103		WILLIAMS #1	CROOKSVILLE	12.0	NATIONAL GAS & OI
-NOBLE OIL CORP				RECEIVED:	03/16/82	JA: OH			
8223346		3413322530		107-TF		AEMMER #1	PALMYRA	20.0	GENERAL ELECTRIC
8223352		3413322751		107-TF		BRUMBAUGH #2	PALMYRA	20.0	GENERAL ELECTRIC
8223351		3413322722		107-TF		DAVIS #1	PALMYRA	20.0	GENERAL ELECTRIC
8223345		3402920874		107-TF		JARVIS #1	HANOVER	20.0	COLUMBIA GAS TRAN
8223347		3413322571		107-TF		KAINRAD #1-C	PARIS	20.0	GENERAL ELECTRIC
8223353		3413322772		107-TF		LIVEZEY #1	PALMYRA	20.0	GENERAL ELECTRIC
8223355		3413322808		107-TF		LIVEZEY #2	PALMYRA	20.0	GENERAL ELECTRIC
8223354		3413322787		107-TF		POL UNIT #1	PALMYRA	20.0	GENERAL ELECTRIC
8223350		3413322635		107-TF		STEAGALL UNIT #1	PALMYRA	20.0	GENERAL ELECTRIC
8223348		3413322630		107-TF		STREIGHT-KOTHERA #1	PARIS	20.0	GENERAL ELECTRIC
8223349		3413322633		107-TF		WM SMITH #3	PALMYRA	20.0	GENERAL ELECTRIC
-NORTH SHORE INDUSTRIES & WINDSOR AS				RECEIVED:	03/18/82	JA: OH			
8223357		3416725823		107-DV		DEAN ALGEO & EDNA COX #1	GRANDVIEW	16.3	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED:	03/16/82	JA: OH			
8223361		3415522045		107-TF		GRAZIANO #3	CORTLAND	20.0	COLUMBIA GAS TRAN
8223362		3415522053		107-TF		MCFICASI #1	CHAMPION	20.0	COLUMBIA GAS TRAN
8223360		3415522006		107-TF		PRENTICE-HEFNER #2	CORTLAND	20.0	COLUMBIA GAS TRAN
8223363		3415522056		107-TF		ROOT #2	GUSTAVUS	20.0	COLUMBIA GAS TRAN
8223358		3415521801		107-TF		SUNBURY #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8223359		3415521971		107-TF		W A E #2	BAZETTA	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	03/16/82	JA: OH			
8223364		3411925959		103	107-TF	MARIE HARMON #1	RURALDALE	12.0	
-PREMIER ENERGY CORP				RECEIVED:	03/16/82	JA: OH			
8223365		3407523083		103		ALLISON #3 (ROBERT)	RICHLAND	10.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED:	03/16/82	JA: OH			
8223374		3416726816		107-DV		BOSNER #2	SIMMONS	2.3	COLUMBIA GAS OF O
8223371		3416726602		107-DV		DONNA LANG #2	SIMMONS FIELD	18.4	COLUMBIA GAS OF O
8223370		3416726601		107-DV		DONNA LANG #3	SIMMONS	18.4	COLUMBIA GAS OF O
8223373		3416726753		107-DV		LINSCOTT-MCCONELL #1	SIMMONS	5.5	COLUMBIA GAS OF O
8223369		3416725306		107-DV		RICHARD STEVENS #2	SIMMONS FIELD	6.9	COLUMBIA GAS OF O
8223376		3416726856		107-DV		SCHWENDEMAN #3	SIMMONS	3.9	COLUMBIA GAS OF O
8223372		3416726617		107-DV		WILFRED AND FRANCES HUCK #3	SIMMONS	6.0	COLUMBIA GAS OF O
8223375		3416726819		107-DV		WILFRED AND FRANCIS HUCK #4	SIMMONS	15.5	COLUMBIA GAS OF O
-RIMCO OPERATING INC				RECEIVED:	03/16/82	JA: OH			
8223378		3416923364		103	107-TF	ALLEN #1	MOHICAN	12.0	COLUMBIA GAS TRAN

JOB NO	JA DAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223379		3416923366	103	107-TF	E AUSTIN #1	MOHICAN	12.0	COLUMBIA GAS TRAN
8223377		3416923356	103	107-TF	KAUFMAN #1	MOHICAN	12.0	COLUMBIA GAS TRAN
8223380		3416923376	103	107-TF	REYNOLDS #1	MOHICAN	12.0	COLUMBIA GAS TRAN
-RPJ ENERGY FUND MANAGEMENT INC			RECEIVED: 03/16/82 JA: OH					
8223367		3408322969	103		WANDER #2	JEFFERSON TOWNSHIP	30.0	
8223366		3403124454	103		WEAVER #2	SPRING MT	50.0	
8223368		3408322986	103		WOODS #1	DANVILLE	50.0	
-SANDHILL ENERGY INC (OH)			RECEIVED: 03/16/82 JA: OH					
8223385		3416726979	107-DV		FLOYD E EARLY #1	NEW MATAMORAS	12.5	
8223386		3416726980	107-DV		FLOYD E EARLY #2	NEW MATAMORAS	12.5	
8223381		3416726941	107-DV		FRANKLIN BUEGEL #1	NEW MATAMORAS	10.0	
8223382		3416726942	107-DV		FRANKLIN BUEGEL #2	NEW MATAMORAS	11.3	
8223383		3416726944	103	107-DV	FRANKLIN BUEGEL #4	NEW MATAMORAS	10.0	
8223384		3416726946	103	107-DV	GEORGE SHAPELY #2	NEW MATAMORAS	10.0	
-SANTA FE DRILLING CO INC			RECEIVED: 03/16/82 JA: OH					
8223389		3416726358	107-DV		EVERETT SCHMIDT #1	SALEM	50.0	
8223387		3416725520	107-DV		LESTER AND AGNES LAUER #1	LIBERTY	50.0	
8223388		3416726310	107-DV		MARTHA/JOHN WARREN #2	LIBERTY	50.0	
-SENECA ENERGY CORP			RECEIVED: 03/16/82 JA: OH					
8223390		3403124592	103		CRAIG #1	SPRING MOUNTAIN	8.0	COLUMBIA GAS TRAN
-SITES GAS CO			RECEIVED: 03/16/82 JA: OH					
8223391		3408720274	107-DV		JOHN CARL PRATT #1	FAYETTE	2.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)			RECEIVED: 03/16/82 JA: OH					
8223394		3416923126	107-TF		CAMPBELL #1	CONGRESS	7.5	COLUMBIA GAS TRAN
-TATUM PETROLEUM OHIO INC			RECEIVED: 03/16/82 JA: OH					
8223398		3407523561	107-TF		ALBERT A RABER #3	MECHANIC	900.0	COLUMBIA GAS TRAN
8223397		3407523559	107-TF		HENRY C YODER #1	MECHANIC	850.0	COLUMBIA GAS TRAN
8223395		3407523275	107-TF		ROGER FUNK #1	CLARK	750.0	COLUMBIA GAS TRAN
8223396		3407523276	107-TF		ROMAN YODER #1	CLARK	750.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO			RECEIVED: 03/16/82 JA: OH					
8223412		3405923188	103	107-TF	BALDWIN/BRUBAKER/BOND #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223402		3405923126	103	107-TF	BETTS/TURBYFILL #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223409		3405923171	103	107-TF	C PULLEY/M LAPP/D SMITH #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223405		3405923144	103	107-TF	C TROYER #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8223408		3405923170	103	107-TF	CHARLES & LAURA PULLEY #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223407		3405923150	103	107-TF	E & N & J & E EDDINS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223404		3405923135	103	107-TF	E STEWART #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223406		3405923146	103	107-TF	E YODER #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8223410		3405923176	103	107-TF	H LYONS & J THOMAS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223400		3405923099	103	107-TF	H SMITH #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8223413		3405923193	103	107-TF	J STEEN #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8223414		3405923229	103	107-TF	K LAWSON #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8223403		3405923128	103	107-TF	L BOND #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8223399		3405923091	103	107-TF	R BOND #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8223411		3405923187	103	107-TF	T RIPLEY #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8223401		3405923109	103	107-TF	V KING #1	GUERNSEY	0.0	TENNESSEE GAS PIP
-VESCORP INDUSTRIES INC			RECEIVED: 03/16/82 JA: OH					
8223415		3413321267	108		C & E GREENSHIELD #1		10.0	EAST OHIO GAS
8223416		3415122938	108		SCOTT #1		10.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP			RECEIVED: 03/16/82 JA: OH					
8223417		3409921401	103	107-TF	AHART/REED UNIT #1	BERLIN	30.0	
8223419		3410322818	103	107-TF	BLAKSLEE UNIT #1	MEDINA	30.0	
8223420		3410322819	103	107-TF	BLAKSLEE UNIT #2	MEDINA	30.0	

JD NO	JA INT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223421		3410322820	103	107-TF	BLAKSLEE UNIT #3	MEDINA	30.0	
8223425		3415123632	103	107-TF	BRAWLEY UNIT #1	PARIS	30.0	
8223423		3413322616	103	107-TF	ROOSA UNIT #1	PORTAGE	30.0	
8223424		3415123574	103	107-TF	SNYDER UNIT #3	OSNABURG	30.0	
8223418		3409921424	103	107-TF	TOFILSKI UNIT #2	BERLIN	30.0	
8223422		3413322601	103	107-TF	TWARK UNIT #1	PALMYRA	30.0	
-WENNER PETROLEUM CORPORATION			RECEIVED:	03/16/82	JA: OH			
8223427		3407523641	107-TF		E LASTOHKEIN #2	MORELAND EXTENSION	63.9	COLUMBIA GAS TRAN
-WILLIAM F HILL			RECEIVED:	03/16/82	JA: OH			
8223303		3407523565	103		WILLIAM F HILL #1-A	GLENMOUNT	8.0	
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-AMOCO PRODUCTION CO			RECEIVED:	03/16/82	JA: OK			
8223468	03940	3504550072	108-ER		DUNCAN UNIT #1	MOCANE-LAVERNE (MORRO	30.0	NORTHERN NATURAL
-AN-SON CORPORATION			RECEIVED:	03/16/82	JA: OK			
8223481	13255	3507321503	108		MITCHELL #1	SOONER TREND	15.0	TRANSOK PIPE LINE
-ANADARKO PRODUCTION COMPANY			RECEIVED:	03/16/82	JA: OK			
8223478	12842	3500320843	103		TUCKER F-1	S E LAMBERT	15.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY			RECEIVED:	03/16/82	JA: OK		180.0	OKLAHOMA GAS PIPE
8223483	16218	3501121612	102-2		KLIEWER #26-2			
-APOLLO PRODUCTION LTD			RECEIVED:	03/15/82	JA: OK			
8223428	16224	3507323407	102-4	103	EDWARD REHERMAN #10-16	NE OKARCHE	25.5	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY			RECEIVED:	03/15/82	JA: OK			
8223462	13257	3513900000	108		JOLLIFFE ESTATE GAS UNIT #1	CAMRICK	14.6	KANSAS-NEBRASKA N
-ARCO OIL AND GAS COMPANY			RECEIVED:	03/16/82	JA: OK			
8223482	16184	3511921773	102-4	103	PIGG #1	N W STILLWATER AIRPOR	36.5	
-BARUCH-FOSTER CORP			RECEIVED:	08/07/81	JA: OK			
8151026	11813	3508121001	102-4		ROBERT BROCK #1	RAVENDALE	50.0	CITIES SERVICE GA
-BENTLEY & LAING			RECEIVED:	03/16/82	JA: OK			
8223475	11459	3510321183	103		STANTON #1	S GANSEL	18.3	AMINOIL USA INC
-BROWN & BORELLI INC			RECEIVED:	03/15/82	JA: OK			
8223433	11257	3501721928	103		KRUGER #25-1	S E RICHLAND	146.0	CONOCO INC
-BURLY SMITH & JOHN MILLER			RECEIVED:	03/16/82	JA: OK			
8223480	13220	3503722978	108		HUDSON #1	KELLYVILLE DIST	18.0	COLORADO GAS COMP
-CARL E GUNGOLL			RECEIVED:	03/15/82	JA: OK			
8223447	12994	3504722389	103		WEINKAUF #1	NE ELK HORN	292.0	AMINOIL USA INC
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	03/16/82	JA: OK			
8223472	07186	3515100000	108-SA		CLEO CAMPBELL UNIT 2 #1	STATE LINE	13.0	PANHANDLE EASTERN
-CLEMENTS ENERGY INC			RECEIVED:	03/15/82	JA: OK			
8223458	13004	3510320746	103		DOLEZAL #2-A	FOURDEE	29.4	EL GRANDE PIPELIN
8223461	13007	3510320702	103		HAYNE #1-15	FOURDEE	11.4	EL GRANDE PIPELIN
8223459	13005	3510320658	103		HENRY DOLEZAL #1-A	FOURDEE	29.4	EL GRANDE PIPELIN
8223457	13003	3510320714	103		WILD ESTATE #1	FOURDEE	14.9	EL GRANDE PIPELIN
8223460	13006	3510320728	103		WILD ESTATE #2	FOURDEE	14.9	EL GRANDE PIPELIN
-COBRA OIL AND GAS CORPORATION			RECEIVED:	03/15/82	JA: OK			
8223452	09127	3510321914	102-4	103	NEUFELD "3" #1	UNALLOCATED	43.0	PHILLIPS PETROLEU
-COLORADO GAS COMPRESSION INC			RECEIVED:	03/15/82	JA: OK			
8223448	12992	3505320558	103		STATE #1-16	WILDCAT (CHERPKITA TR	60.0	COLORADO GAS COMP
-CONTINENTAL RESOURCES CORP			RECEIVED:	03/16/82	JA: OK			
8223474	11313	3509300000	103		JUDD #1	EAST CAMPBELL	400.0	DELHI GAS PIPELIN
-COTTON PETROLEUM CORPORATION			RECEIVED:	03/15/82	JA: OK			
8223429	16466	3512920094	107-TF		SIDES #1	NORTHWEST CRAWFORD	32.5	DELHI GAS PIPELIN

JD NO	JA DAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAL TEX OIL CO INC			RECEIVED:	03/15/82	JA: OK			
8223430	12307	3514321228	103		DELCOURE #1	THE MOUNDS DISTRICT	45.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION			RECEIVED:	03/16/82	JA: OK			
8223467	16263	3512920660	102-2		FLORENE BECKNER JACOBS #1	RED FORK	1597.0	
-EL PASO NATURAL GAS COMPANY			RECEIVED:	03/16/82	JA: OK			
8223485	16228	3512920651	102-2		SHELTON STATE #1	UNDESIGNATED REDFORK	250.0	EL PASO NATURAL G
-F HOWARD WALSH JR			RECEIVED:	03/16/82	JA: OK			
8223465	16977	3501521192	107-DP		MAGGARD #1	SPRINGER SAND	173.0	TENNESSEE GAS PIP
-H & L OPERATING COMPANY			RECEIVED:	03/15/82	JA: OK			
8223464	16201	3515321123	102-4		RUTLEDGE #1	UNDESIGNATED	182.0	PRODUCERS GAS CO
-HARPER OIL COMPANY			RECEIVED:	03/15/82	JA: OK			
8223455	12997	3509322268	103		JACK #2	N CLEO SPRINGS	25.0	AMINOIL USA INC
8223456	12998	3507323041	103		YARBROUGH #1	NW KINGFISHER	31.0	PHILLIPS PETROLEU
-INTERNORTH INC			RECEIVED:	03/16/82	JA: OK			
8223486	16234	3503920518	102-2		NEWCOMB 13 #1	STAFFORD NORTHWEST	500.0	NORTHERN NATURAL
-IREX CORP			RECEIVED:	03/15/82	JA: OK			
8223454	16314	3515121199	102-4		MADGEL SMITHSON-1	NW AVARD SECTION 26-2	0.0	DELHI GAS PIPELIN
-JACK BOWLES			RECEIVED:	03/16/82	JA: OK			
8223473	11310	3504721766	103		LOW #1-5	W GARBER-N W COVINGTO	0.0	GRACE PETROLEUM C
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	03/15/82	JA: OK			
8223446	12968	3501121568	103		FOX #1		365.0	ARKANSAS LOUISIAN
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	03/16/82	JA: OK			
8223471	02689	3505935234	108-ER		LEWIS A #1	MOCANE LAVERNE	21.0	NORTHERN NATURAL
8223469	01949	3504535294	108		MCCLUNG UNIT	MOCANE LAVERNE	12.0	MICHIGAN WISCONSI
8223470	05221	3505920853	108-SA		RADER #1	MOCANE-LAVERNE GAS	12.0	NORTHERN NATURAL
-KEITH F WALKER			RECEIVED:	03/15/82	JA: OK			
8223451	12686	3501962139	103		HYAHWAHNAH YAGER B-#1	SHO-VEL-TUM	36.5	MOBIL OIL CORP
-MOBIL OIL CORP			RECEIVED:	03/15/82	JA: OK			
8223437	12721	3508700000	108		M W MOORE #1 (LOVE UNIT AREA)	WEST STEALY	8.8	WARREN PETROLEUM
-NIXON-DAVIS ENERGY CO INC			RECEIVED:	03/15/82	JA: OK			
8223432	11221	3508300000	103		TONYA #1		90.0	EASON OIL CO
-NORTHWEST OIL CO			RECEIVED:	03/15/82	JA: OK			
8223436	12238	3502720430	103		BERRY "A" #2	WEST NORMAN	60.0	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	03/15/82	JA: OK			
8223463	13309	3505121067	102-4	103	NORVILL "C" #1	BRADLEY GOLDEN TREND	0.0	TRANSOK PIPELINE
-REYNOLDS EXPLORATION CO			RECEIVED:	03/15/82	JA: OK			
8223435	11598	3507322847	103		MOULSON #1	SOONER TREND	2.0	CONOCO INC
8223434	11597	3507322891	103		OGLE #1	SOONER TREND	2.0	CITIES SERVICE CO
-RICHARD WHEELER JR			RECEIVED:	03/15/82	JA: OK			
8223445	12962	3508321010	103		LANDIS #1	S MULHALL	228.0	EASON OIL CO
8223444	12961	3508321041	103		LISA #1	W MULHALL	9.0	EASON OIL CO
-SAMSON RESOURCES COMPANY			RECEIVED:	03/15/82	JA: OK			
8223438	12748	3500700000	108		BAGGERLY UNIT #1	MOCANE	25.6	TRANSWESTERN PIPE
8223439	12749	3515320129	108		HARRISON "A" #1	NORTHWEST WOODWARD	9.5	NORTHERN NATURAL
-SHAR-ALAN OIL CO			RECEIVED:	03/15/82	JA: OK			
8223440	12902	3509322215	103		CLIFFORD BUCKMINSTER B-1	SOONER TREND	146.0	PHILLIPS PETROLEU
8223442	12986	3509321721	103		DAVID MARTENS #1	NORTHEAST FAIRVIEW	23.0	PHILLIPS PETROLEU
8223441	12903	3507323158	103		V L BLEHM #1	WEST LOYAL	164.0	CITIES SERVICE CO
-SHAR-ALAN OIL CO			RECEIVED:	03/16/82	JA: OK			
8223477	12309	3507322648	103		GARY J HAJEK #1	SOONER TREND	21.9	CONOCO INC
8223476	12714	3508321538	103		GEORGE YEOMAN #1	NORTH CRESCENT	0.0	EASON OIL CO
-SHELL OIL CO			RECEIVED:	03/15/82	JA: OK			
8223453	15772	3505121188	102-4		WOOLLEY #1-2	WILDCAT	1058.5	

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JD NO	JA PKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHLAND ROYALTY CO				RECEIVED:	03/15/82	JA: OK			
8223431	10913	3515120977		108-PB		MARIE #1-11	S W FREEDOM	23.0	PANHANDLE EASTERN
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	03/16/82	JA: OK			
8223479	13215	3500726280		108		SPANGLER GUST #1	MOCANE-LAVERNE	6.0	NORTHERN NATURAL
-SUNRISE EXPLORATION INC				RECEIVED:	03/16/82	JA: OK			
8223466	16269	3512920479		102-2		G SWITZER #1-36	S W LEEDY	1095.0	DELHI GAS PIPELIN
-TEXAS OIL & GAS CORP				RECEIVED:	03/15/82	JA: OK			
8223443	12960	3500722091		103		CATES "C" #1	S W COMO	55.0	
-THE GHK COMPANY				RECEIVED:	03/16/82	JA: OK			
8223484	16220	3503920502		102-2		THURMOND 1-32	NORTH ELK CITY	613.2	PANHANDLE EASTERN
-THE WIL-MC OIL CORP				RECEIVED:	03/15/82	JA: OK			
8223450	12687	3510321299		103		BAETZ #1	PERRY	36.0	AMINOIL USA INC
8223449	12688	3510321324		103		REMPEL #1	NORTH PERRY	18.0	

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 10 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 April 28, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9970 Filed 4-12-82; 8:45 am]
BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 2, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** TEXAS RAILROAD COMMISSION **********									
-ADA OIL EXPLORATION CORP				RECEIVED:	03/18/82	JA: TX			
8223545	F-03-042034	4205100000		102-2		JOHN NEWMAN #3	GIDDINGS	182.5	PHILLIPS PETROLEU
8223504	F-03-034319	4247700000		102-2		KLINGSPORN #1	GIDDINGS	182.5	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION				RECEIVED:	03/18/82	JA: TX			
8223683	F-8A-046557	4244530922		103		CLARE #6	PRENTICE (6700)	29.0	AMOCO PRODUCTION
-AEC OIL & GAS INC				RECEIVED:	03/18/82	JA: TX			
8223712	F-7B-046850	4242932876		102-2		VAN CRUDGINGTON #1	MCLENNAN (ELLEN)	80.0	PETCO
-ALAMO RESOURCES INC				RECEIVED:	03/18/82	JA: TX			
8223566	F-03-043400	4205100000		102-2		ZAVODNY-SKRIVANEK UNIT #2	GIDDINGS	0.0	FERGUSON CROSSING
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	03/18/82	JA: TX			
8223803	F-7B-047587	4242932946		103		E B MILAM #8	RICKELS (CONGLOMERATE	90.0	BRECKENRIDGE GASO
8223734	F-7B-047417	4241734117		103		MATTHEWS "C" #88	SHACKELFORD COUNTY RE	3.0	GULF OIL CORP
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/18/82	JA: TX			
8223637	F-8A-046113	4244531021		103		HARRED #2-92	SEC 92 BLK T D&W RR C	0.0	
8223648	F-8A-046243	4244530988		103		MITCHELL FLACHE #2-71	SEC 71 BLK T D&W RR C	0.0	
8223523	F-7C-039572	4243532538		103	107-TF	SHURLEY "148" #1	SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
-AMMEX PETROLEUM INC				RECEIVED:	03/18/82	JA: TX			
8223589	F-03-044961	4205131839		102-2	103	GEORGE UNIT #1	BIG A (TAYLOR)	69.1	CLAJON GAS CO
8223594	F-03-045323	4205131840		102-2	103	JIM UNIT #1	BIG A (TAYLOR)	74.9	CLAJON GAS CO
8223709	F-03-046713	4205131951		102-2	103	VINCE UNIT #1	BIG A (TAYLOR)	900.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	03/18/82	JA: TX			
8223769	F-08-047504	4213533431		103		GOLDSMITH LANDRETH DEEP UNIT #198	GOLDSMITH (CLEARFORK)	86.9	PHILLIPS PETROLEU
8223736	F-7B-047424	4213533765		103		GOLDSMITH LANDRETH/DEEP/UNIT #212	GOLDSMITH(CLEARFORK)	8.0	PHILLIPS PETROLEU
8223770	F-08-047505	4213533644		103		NORTH COWDEN UNIT #1087	COWDEN NORTH	2.6	WESTAR TRANSMISSI
8223771	F-08-047506	4213533642		103		NORTH COWDEN UNIT #1089	COWDEN NORTH	1.8	WESTAR TRANSMISSI
8223767	F-08-047502	4213533675		103		NORTH COWDEN UNIT #1110	COWDEN NORTH	1.5	WESTAR TRANSMISSI
8223768	F-08-047503	4213533655		103		NORTH COWDEN UNIT #1116	COWDEN NORTH	0.4	WESTAR TRANSMISSI
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/18/82	JA: TX			
8223682	F-8A-046556	4250131961		103		WAPLES PLATTER "TG" #3	OWNBY (CLEAR FORK UPP	4.0	AMOCO PRODUCTION
*8223857	F-8A-047722	4250132092		103		WILLARD UNIT #119-C	WASSON	22.0	SHELL OIL CO
*8223856	F-8A-047721	4250132091		103		WILLARD UNIT #138-C	WASSON	28.0	SHELL OIL CO
*8223855	F-8A-047720	4250132096		103		WILLARD UNIT #139-C	WASSON	15.0	SHELL OIL CO
*8223853	F-8A-047718	4250131882		103		WILLARD UNIT #16-B	WASSON	8.0	SHELL OIL CO
*8223854	F-8A-047719	4250131853		103		WILLARD UNIT #21-C	WASSON	1.0	SHELL OIL CO
*8223852	F-8A-047717	4250132007		103		WILLARD UNIT #57-D	WASSON	23.0	SHELL OIL CO
*8223861	F-8A-047726	4250132080		103		WILLARD UNIT #77-C	WASSON	19.0	SHELL OIL CO
*8223860	F-8A-047725	4250132079		103		WILLARD UNIT #78-C	WASSON	26.0	SHELL OIL CO
*8223859	F-8A-047724	4250132083		103		WILLARD UNIT #98-C	WASSON	15.0	SHELL OIL CO
*8223858	F-8A-047723	4250132097		103		WILLARD UNIT #99-C	WASSON	14.0	SHELL OIL CO
-ARKANSAS LOUISIANA GAS CO				RECEIVED:	03/18/82	JA: TX			
8223541	F-06-041211	4220330799		103	107-TF	TAYLOR #5	WASKOM (COTTON VALLEY	365.0	ARKANSAS LOUISIAN

JD NO	JA INT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ARKLA EXPLORATION COMPANY			RECEIVED:	03/18/82	JA: TX			
8223613	F-06-045635	4236531126	107-TF		ALVIS RITTER #2	CARTHAGE (COTTON VALL	110.0	ARKANSAS LOUISIAN
8223612	F-06-045634	4236531052	107-TF		DORIS GRAVES #1	CARTHAGE (COTTON VALL	80.0	ARKANSAS LOUISIAN
8223610	F-06-045631	4240130906	107-TF		FINDLEY #1	TATUM NORTH (COTTON V	250.0	ARKANSAS LOUISIAN
8223602	F-06-045526	4236531007	107-TF		GRIFFITH #1	CARTHAGE (COTTON VALL	180.0	ARKANSAS LOUISIAN
8223615	F-06-045644	4236530984	107-TF		SOAPE #1	CARTHAGE (COTTON VALL	450.0	ARKANSAS LOUISIAN
8223603	F-06-045529	4236531164	107-TF		WILLIAM-INGRAM #1	CARTHAGE (COTTON VALL	150.0	ARKANSAS LOUISIAN
8223611	F-06-045633	4236531222	103		WILLIAMS HRS #1	CARTHAGE (UPPER PETTI	365.0	ARKANSAS LOUISIAN
-BAGNALL & BARBER INC			RECEIVED:	03/18/82	JA: TX			
8223599	F-02-045363	4217531407	102-4		CORGEY UNIT #1	BRAVO SOUTH (PETTUS 4	0.0	UNITED GAS PIPELI
-BASS ENTERPRISES PRODUCTION CO			RECEIVED:	03/18/82	JA: TX			
8223654	F-8A-046291	4221933290	103		SLAUGHTER UNIT #2 #35	SLAUGHTER	2.3	AMOCO PRODUCTION
8223653	F-8A-046290	4221933286	103		SLAUGHTER UNIT #2 #36	SLAUGHTER	2.5	AMOCO PRODUCTION
8223652	F-8A-046289	4221933291	103		SLAUGHTER UNIT #2 #37	SLAUGHTER	2.5	AMOCO PRODUCTION
8223651	F-8A-046288	4221933287	103		SLAUGHTER UNIT #2 #38	SLAUGHTER	3.0	AMOCO PRODUCTION
-BELCO PETROLEUM CORPORATION			RECEIVED:	03/18/82	JA: TX			
8223622	F-7C-045835	4244330237	107-DP		LEATHERWOOD #1	UNDESIGNATED (WILDCAT	0.0	EL PASO NATURAL G
-BTA OIL PRODUCERS			RECEIVED:	03/18/82	JA: TX			
8223702	F-7C-046659	4238331804	103		JACKSON -B- #11	SPRABERRY (TREND AREA	30.0	EL PASO NATURAL G
-C F LAWRENCE & ASSOC INC			RECEIVED:	03/18/82	JA: TX			
8223714	F-7C-046863	4210500000	103		TODD "S" #1	TODD (SAN ANDRES)	0.0	APACHE GAS CORP
-C L GAGE JR			RECEIVED:	03/18/82	JA: TX			
8223489	F-7B-024068	4236700000	103		RIGGS #2	WILDCAT	116.1	NATURAL GAS PIPEL
-CASHCO ENERGY CORPORATION			RECEIVED:	03/18/82	JA: TX			
8223496	F-03-032621	4229100000	102-2		FINGERS #1	FELICIA (YEGUA)	0.0	CHANNEL INDUSTRIE
-CASHCO OIL CO			RECEIVED:	03/18/82	JA: TX			
8223508	F-03-035592	4218530261	102-4		W P CONLEY #1	WILDCAT	0.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC			RECEIVED:	03/18/82	JA: TX			
8223676	F-03-046474	4214931004	102-2		CLAY #1	GIDDINGS (AUSTIN CHAL	1.2	PHILLIPS PETROLEU
8223679	F-03-046524	4214930654	102-2		EDWARD BOEHNKE #1	GIDDINGS (AUSTIN CHAL	1.2	PHILLIPS PETROLEU
8223494	F-03-030179	4228730712	102-2		GARWOOD GERDES "H" #1 RRC ID #12519	GIDDINGS (AUSTIN CHAL	300.0	CLAJON GAS CO
8223675	F-03-046473	4214930830	102-2		WM W CHERRY #1	GIDDINGS (AUSTIN CHAL	2.9	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	03/18/82	JA: TX			
8223498	F-03-033200	4205100000	102-2 103		EDD DRGAC #1	GIDDINGS	0.0	FERGUSON CROSSING
8223563	F-03-043217	4205100000	102-2 103		EDWIN ZGABAY "B" #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-CHAS F DOMINY			RECEIVED:	03/18/82	JA: TX			
8223567	F-7B-043451	4208300000	108		LONE STAR BOGGUS #1 RRC #12238	SANTA ANNA (MARBLE FA	4.0	LONE STAR GAS CO
-CHEVRON U S A INC			RECEIVED:	03/18/82	JA: TX			
8223529	F-03-040272	4236130314	102-4		POWELL LUMBER CO #1	LONG PRAIRIE (12,000'	547.5	VALERO TRANSMISSI
-CHRISTIAN ENERGY INC			RECEIVED:	03/18/82	JA: TX			
8223560	F-7B-042985	4204931647	102-4		J T PRUETT #2 (96536)	CHRISTIAN (DUFFER)	42.0	ODESSA NATURAL CO
-CINCO OIL & GAS INC & NRM			RECEIVED:	03/18/82	JA: TX			
8223717	F-01-046893	4217700000	102-2		DOTY #1	PEACH CREEK (AUSTIN C	73.0	TIPPERARY CORP
-CITIES SERVICE COMPANY			RECEIVED:	03/18/82	JA: TX			
8223842	F-10-047675	4206530977	103		BURNETT RANCH E #14	PANHANDLE CARSON	82.5	CITIES SERVICE GA
8223843	F-10-047676	4206530983	103		DEAHL C #16	PANHANDLE CARSON COUN	35.6	CITIES SERVICE GA
8223632	F-03-046072	4204130629	102-2		SMITH "M" #1	BRYAN (AUSTIN CHALK)	110.0	PRODUCER'S GAS CO
-CLARION RESOURCES INC			RECEIVED:	03/18/82	JA: TX			
8223492	F-7B-028517	4222100000	103		WILLIAM-CHANDLER-SEARS UNIT 84764	LIPAN (MARBLE FALLS)	10.0	NORTHERN GAS PROD
-CLAYTON W WILLIAMS JR			RECEIVED:	03/18/82	JA: TX			
8223515	F-03-037626	4205130641	102-2		C SOBOTIK #2	GIDDINGS	0.0	VALERO TRANSMISSI
8223510	F-03-035661	4228700000	102-2		CLARA WINKLER #1	GIDDINGS	0.0	VALERO TRANSMISSI
8223514	F-03-036958	4228700000	102-2		ELMER J PARRISH A #2	GIDDINGS	0.0	VALERO TRANSMISSI

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223559	F-03-042888	4228700000	102-2		MAX SIEGMUND #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8223518	F-03-038696	4205100000	102-2		OLA BOWERS SIMPSON #2	GIDDINGS	0.0	VALERO TRANSMISSI
8223500	F-03-033944	4205100000	102-2		RUST-HOUDEK #1	GIDDINGS	0.0	VALERO TRANSMISSI
-COLUMBIA GAS DEVELOPMENT CORP			RECEIVED:		03/18/82 JA: TX			
8223772	F-03-047507	4205131938	102-2		ALVIN KUCERA #1	GIDDINGS (AUSTIN CHAL	26.0	FERGUSON CROSSING
-COMMAND ENERGY CORP			RECEIVED:		03/18/82 JA: TX			
8223627	F-7B-045961	4213300000	102-4		CECIL SELF #1	SHOAF-MERGNER (MISSIS	38.0	NORTHERN GAS PROD
8223628	F-7B-045977	4213300000	102-4		J S BROWN #1	FAIR (MARBLE FALLS LO	2.0	NORTHERN GAS PROD
8223626	F-7B-045893	4213300000	102-4		T T FAIR "A" 1	FAIR (MARBLE FALLS LO	20.0	NORTHERN GAS PROD
-CONOCO INC			RECEIVED:		03/18/82 JA: TX			
8223797	F-10-047571	4217900000	108		ANDERSON #1	WEST PANHANDLE	13.0	CITIES SERVICE GA
8223792	F-10-047565	4206500000	108		BURNETT #102A	WEST PANHANDLE	16.0	CITIES SERVICE GA
8223801	F-10-047575	4206500000	108		BURNETT #59A	WEST PANHANDLE	14.0	CITIES SERVICE GA
8223796	F-10-047570	4206500000	108		BURNETT #66A	WEST PANHANDLE	21.0	CITIES SERVICE GA
8223795	F-10-047568	4206500000	108		BURNETT #89A	WEST PANHANDLE	17.0	CITIES SERVICE GA
8223799	F-10-047573	4206500000	108		BURNETT #94A	WEST PANHANDLE	19.0	CITIES SERVICE GA
8223793	F-10-047566	4206500000	108		BURNETT NO 113A	WEST PANHANDLE	15.0	CITIES SERVICE GA
8223800	F-10-047574	4206500000	108		BURNETT NO 64A	WEST PANHANDLE	20.0	CITIES SERVICE GA
8223794	F-10-047567	4217900000	108		HUGHEY #1	WEST PANHANDLE	13.0	CITIES SERVICE GA
8223798	F-10-047572	4206500000	108		KEES #1	WEST PANHANDLE	20.0	CITIES SERVICE GA
8223707	F-01-046698	4232331766	103		N J CHITTIM #1704	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8223708	F-01-046700	4232331767	103		N J CHITTIM #1705	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8223703	F-01-046689	4232331768	103		N J CHITTIM #1706	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8223704	F-01-046694	4232331765	103		N J CHITTIM #1709	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8223705	F-01-046695	4232331822	103		N J CHITTIM #1801	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8223706	F-01-046697	4232331764	103		N J CHITTIM 1707	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
-COQUINA OIL CORPORATION			RECEIVED:		03/18/82 JA: TX			
*8223681	F-08-046551	4249531074	103		FAYE H HOGG #1	G P M (GLORIETA)	59.0	TRANSWESTERN PIPE
-CORDOVA RESOURCES INC			RECEIVED:		03/18/82 JA: TX			
8223587	F-7B-044503	4213300000	103	108	L E BRANNIN #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
-CORPENING ENTERPRISES			RECEIVED:		03/18/82 JA: TX			
8223665	F-09-046400	4249700000	108		BLOCKER #1	BOONESVILLE BEND (CON	9.4	TEXAS UTILITIES F
8223666	F-09-046402	4249700000	108		H J MANNING #1	BOONESVILLE BEND (CON	20.1	CITIES SERVICE OI
8223668	F-09-046405	4223700000	108		KAPLAN #1	JACK COUNTY REGULAR (	10.5	TEXAS UTILITIES F
8223667	F-09-046404	4223700000	108		MERCER-KENDRICK #1	JACK COUNTY REGULAR (	3.9	TEXAS UTILITIES F
-COSTA RESOURCES INC			RECEIVED:		03/18/82 JA: TX			
8223532	F-08-040297	4237133223	103		EASTON #1 #26309	PERMIAN GENERAL	9.1	NORTHERN NATURAL
8223531	F-08-040295	4237133274	103		WILLIAMS #1 #26310	ABELL (PERMIAN GENERA	54.7	NORTHERN NATURAL
-CUMMINS & WALKER OIL CO INC			RECEIVED:		03/18/82 JA: TX			
8223658	F-02-046342	4239131523	102-4	103	HYNES MINERAL TRUST "C" #1	HYNES RANCH SOUTH (69	200.0	LONE STAR GAS CO
-DALLAS PRODUCTION INC			RECEIVED:		03/18/82 JA: TX			
8223750	F-7B-047475	4236731626	108		GURSKY-SNOWDEN #1 ID #87210	MUIR (STRAWN 4400)	19.7	SOUTHWESTERN GAS
8223749	F-7B-047474	4236731691	108		WALLIS #1 RRC ID #84796	MUIR (STRAWN 4400)	19.0	SOUTHWESTERN GAS
-DELTA DRILLING CO			RECEIVED:		03/18/82 JA: TX			
8223488	F-7C-037756	4210500000	108-ER		MCDONALD "18" #1	OZONA (CANYON)	13.4	NORTHERN NATURAL
8223520	F-03-039371	4208900000	102-4	103	W N LEHRER #1	GARWOOD NORTH (3590)	0.0	HYDROCARBON GATHE
-DEMINEX US OIL COMPANY			RECEIVED:		03/18/82 JA: TX			
8223815	F-10-047615	4217900000	108		SULLIVAN #1	PANHANDLE WEST	8.6	CITIES SERVICE CO
-DIAMOND SHAMROCK CORPORATION			RECEIVED:		03/18/82 JA: TX			
8223588	F-05-044813	4216100000	102-2		BAUM "A" #1	SIMSBORO N	0.0	UNITED TEXAS TRAN
8223836	F-10-047666	4229530949	103		VALENTINE SCHOENHALS #1-U	LIPSCOMB SW	281.0	
8223837	F-10-047667	4221131338	103		WAYNE CLEVELAND "C" 4-118	BIG TIMBER CREEK	77.0	
-DONALD C SLAWSON			RECEIVED:		03/18/82 JA: TX			

JD TO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8223851	F-10-047716	4229531118	102-4		MITCHELL #1-147	RICKS (MORROW UPPER)	63.0	HIGH PLAINS NATUR
-DURHAM INC			RECEIVED:	03/18/82	JA: TX			
8223629	F-8A-045980	4226300000	103		SHOOTING STAR #1	BOOMERANG S (STRAWN)	0.0	SUN GAS
-EL PASO NATURAL GAS COMPANY			RECEIVED:	03/18/82	JA: TX			
8223784	F-10-047535	4217923696	108		CALLHAM #1	PANHANDLE WEST	17.4	EL PASO NATURAL G
8223766	F-10-047501	4217923702	108		CASEY #2	PANHANDLE WEST	30.5	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED:	03/18/82	JA: TX			
8223633	F-7C-046090	4208100000	108		J E CHAPPELL #61	JAMESON	3.9	UNION TEXAS PETRO
8223785	F-05-047542	4216100000	108		TEAGUE WEST GAS UNIT 2 #1	TEAGUE WEST	7.9	LONE STAR GAS CO
-ENRE CORP			RECEIVED:	03/18/82	JA: TX			
8223722	F-7B-046958	4213332991	103		MITCHAM "E" #2	DRS (ELLEN)	12.0	BENGAL GAS TRANSM
-ENRICH OIL CORPORATION			RECEIVED:	03/18/82	JA: TX			
8223719	F-7B-046937	4235331172	102-4		J M MCLAUGHLIN #5-11 ID #96130	JMM SOUTH (COOK)	219.0	SUN GAS CO
8223718	F-7B-046936	4235331171	102-4		J M MCLAUGHLIN #6-11 ID-95884	JMM SOUTH (COOK)	225.0	SUN GAS CO
-ENSERCH EXPLORATION INC			RECEIVED:	03/18/82	JA: TX			
8223522	F-7B-039488	4213331322	103		B P COZART #4	TEE JAY	153.0	LONE STAR GAS CO
8223591	F-05-045131	4221300000	107-PE		C A PEACOCK #1	OPELIKA	284.0	LONE STAR GAS CO
8223549	F-09-042220	4249732177	103		H C GADBERRY #11	BOONSVILLE	456.0	LONE STAR GAS CO
8223696	F-04-046644	4247900000	108		LUIS F PUIG #A-1	SANTO TOMAS	7.0	LONE STAR GAS CO
8223697	F-04-046645	4247900000	108		LUIS F PUIG #B-1	SANTO TOMAS	1.0	LONE STAR GAS CO
8223698	F-04-046646	4247900000	108		LUIS F PUIG #3	SANTO TOMAS	17.0	LONE STAR GAS CO
8223699	F-04-046647	4247900000	108		LUIS F PUIG #4	SANTO TOMAS	8.0	LONE STAR GAS CO
8223700	F-04-046648	4247900000	108		LUIS F PUIG #5	SANTO TOMAS	20.0	LONE STAR GAS CO
8223701	F-04-046649	4247900000	108		LUIS F PUIG #6	SANTO TOMAS	16.0	LONE STAR GAS CO
8223592	F-05-045134	4221300000	107-PE		MAUDE SAYLORS A #1-C	OPELIKA	36.0	LONE STAR GAS CO
-ENSOURCE INC			RECEIVED:	03/18/82	JA: TX			
8223493	F-7B-029338	4204931834	102-4	103	EMMA RILEY #1	PALO DAVIS (DUFFER)	128.8	ODESSA NATURAL CO
-ESTATE OF WM D MCBEE			RECEIVED:	03/18/82	JA: TX			
8223823	F-06-047636	4245930505	103	107-TF	TUEL GAS UNIT #1 #2	ROSEWOOD (COTTON VALL	450.0	WESTERN GAS CORP
-EUGENE FUHRMAN OIL CO			RECEIVED:	03/18/82	JA: TX			
8223511	F-09-036311	4223733332	103		P A RUNDELL #1	WILDCAT	150.0	LONE STAR GAS CO
-EXXON CORPORATION			RECEIVED:	03/18/82	JA: TX			
8223635	F-03-046097	4237330500	103		C B GRANBURY A/C 4 #78	LIVINGSTON (WILCOX)	0.1	UNITED TEXAS TRAN
*8223775	F-03-047516	4233930514	103		CONROE FIELD UNIT #1935	CONROE	120.0	MORAN UTILITIES C
*8223776	F-03-047518	4233930519	103		CONROE FIELD UNIT #3813	CONROE	120.0	MORAN UTILITIES C
*8223778	F-03-047520	4233930506	103		CONROE FIELD UNIT #3908	CONROE	60.0	MORAN UTILITIES C
8223790	F-04-047558	4224730878	103		EDUARDO HINOJOSA #1 (83993)	LA FE (FRIO 5280)	300.0	TRUNKLINE GAS CO
8223713	F-08-046857	4237100000	107-PE		EXXON FEE K #1	GOMEZ (DEVONIAN)	45.0	INTRATEX GAS CO
8223596	F-08-045341	4200332909	103		FULLERTON CLEARFORK UNIT #1119	FULLERTON	15.0	PHILLIPS PETROLEU
8223715	F-08-046870	4200332969	103		FULLERTON CLEARFORK UNIT #2441	FULLERTON	15.0	PHILLIPS PETROLEU
8223650	F-08-046269	4215530270	103		J B TUBB A/C #258L	SAND HILLS (TUBB)	11.0	EL PASO NATURAL G
8223711	F-06-046756	4207330447	103		LUCY HARDAWAY HAMMONS #11	NECHES (WOODBINE)	23.0	UNITED GAS PIPELI
*8223774	F-03-047513	4207131070	103		MARIE ZAPPE #27	ANAHUAC	125.0	HOUSTON PIPELINE
*8223773	F-03-047512	4207131071	103		MARIE ZAPPE #28	ANAHUAC	10.0	ARMCO STEEL CORP
8223595	F-04-045326	4242731510	102-4		MCGILL BROS 467 (96011)	KELSEY SE (29-B)	146.0	TRUNKLINE GAS CO
*8223802	F-04-047578	4235531704	102-4		PITA ISLAND GAS UNIT #2 #5 94392	PITA ISLAND (K-25)	91.0	ARMCO STEEL CORP
8223669	F-8A-046406	4216532172	103		ROBERTSON CLEARFORK UNIT #5901	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU
8223716	F-04-046885	4226130641	102-4		SARITA FLD OIL & GAS U 164 #09938	SARITA (15-E W)	145.0	NATURAL GAS PIPEL
*8223832	F-06-047654	4240130945	103		TEMPLE INDUSTRIES INC #4	TRAWICK (TRAVIS PEAK)	220.0	ARMCO STEEL CORP
*8223831	F-06-047652	4234730543	103		TRAWICK GAS UNIT 17-4	TRAWICK (JAMES)	200.0	ARMCO STEEL CORP
*8223830	F-06-047651	4234730538	103		TRAWICK GAS UNIT 22-3	TRAWICK (TRAVIS PEAK)	234.0	ARMCO STEEL CORP
*8223834	F-06-047655	4234730610	103		TRAWICK GAS UNIT 44-4	TRAWICK (TRAVIS PEAK)	300.0	ARMCO STEEL CORP
*8223833	F-06-047654	4234730485	103		TRAWICK GAS UNIT 52 WELL 3-U	TRAWICK (JAMES)	300.0	ARMCO STEEL CORP

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*8223835	F-06-047656	4234730485		103		TRAWICKGAS UNIT 52 #3-L	TRAWICK (TRAVIS PEAK)	300.0	ARMCO STEEL CORP
*8223710	F-04-046743	4204730743		103		VIBORAS FLD GAS U #1 V-82-F (95629)	VIBORAS (MASSIVE FIRS	350.0	ARMCO STEEL CORP
*8223845	F-03-047686	4220131089		103		WEBSTER FIELD UNIT #3908	WEBSTER	36.5	HOUSTON PIPELINE
-FERRIER & TIERNEY OIL INC				RECEIVED:	03/18/82	JA: TX			
8223804	F-01-047588	4217731120		102-4		MANSON UNIT #1 (07548)	PEACH CREEK (AUSTIN C	100.0	VALERO TRANSMISSI
-FIRST AMERICAN OIL & GAS INC				RECEIVED:	03/18/82	JA: TX			
8223625	F-78-045878	4208332584		102-4		H BYROM #1-A	SNYDER (MORRIS)	7.0	ODESSA NATURAL CO
-FOREST OIL CORPORATION				RECEIVED:	03/18/82	JA: TX			
*8223620	F-04-045796	4247933138		102-2	107-TF	VAQUILLAS RANCH CO LTD #15	GATO CREEK (LOBO 3)	300.0	UNITED TEXAS TRAN
*8223619	F-04-045682	4247933073		102-2	107-TF	VAQUILLAS RANCH CO ST GAS UNIT #3	GATO CREEK (9800') FI	300.0	UNITED TEXAS TRAN
-FORTUNE PRODUCTION CO				RECEIVED:	03/18/82	JA: TX			
8223575	F-7C-044042	4241331070		103	107-TF	UNIVERSITY #2	UNIVERSITY 54 (CANYON	77.0	CRA INC
-FORUM ENERGY INC				RECEIVED:	03/18/82	JA: TX			
8223678	F-7B-046498	4204932854		102-4		D HARDY "A" #1	HARDY (MARBLE FALLS)	23.0	ODESSA NATURAL CO
-GALAXY OIL COMPANY				RECEIVED:	03/18/82	JA: TX			
8223623	F-03-045844	4204130605		102-2		ROGER V MCGEE	BRYAN (AUSTIN CHALK)	150.0	PRODUCERS GAS CO
-GETTY OIL COMPANY				RECEIVED:	03/18/82	JA: TX			
8223555	F-03-042625	4205100000		102-2		B E PORTER #1	GIDDINGS (AUSTIN CHAL	102.0	FERGUSON CROSSING
8223499	F-05-033924	4234900000		102-4		JOE E ANDERSON RRC ID #92936	AKER (SMACKOVER)	1580.0	
8223521	F-03-039458	4205100000		102-2		LOUISE PORTER "B" #1	GIDDINGS (AUSTIN CHAL	71.0	FERGUSON CROSSING
8223692	F-10-046597	4234130688		103		M B ARMSTRONG #31	PANHANDLE-HUTCHINSON	1.1	PANHANDLE EASTERN
8223691	F-10-046596	4234130689		103		M B ARMSTRONG #32	PANHANDLE HUTCHINSON	1.2	PANHANDLE EASTERN
8223690	F-10-046595	4234130733		103		M B ARMSTRONG #33	PANHANDLE-HUTCHINSON	1.1	PANHANDLE EASTERN
-GOLDEN SPREAD LAND CO INC				RECEIVED:	03/18/82	JA: TX			
8223814	F-10-047614	4208700000		108		COLEMAN J D (73140) #1	EAST PANHANDLE	4.0	EL PASO NATURAL G
8223813	F-10-047613	4208700000		108		HAWKINS (90745) #1	EAST PANHANDLE	4.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/18/82	JA: TX			
8223512	F-05-036388	4228930411		102-4	107-TF	WALKER #1	BEAR GRASS	0.0	
-GULF OIL CORPORATION				RECEIVED:	03/18/82	JA: TX			
8223693	F-08-046603	4247532380		103		ESTES E W #249	ESTES BLOCK 34 (PENN)	0.0	CABOT CORP
8223580	F-10-044319	4239330740		103		FANNY SCOTT #2A U	KILLIBREW/UPPER MORRO	172.0	NORTHERN NATURAL
8223841	F-08-047674	4247532023		103		HUTCHINGS STOCK ASSN #1065	WARD-ESTES NORTH	3.0	CABOT CORP
8223738	F-08-047432	4247532445		103		HUTCHINGS STOCK ASSN #1139	WARD-ESTES NORTH	9.0	CABOT CORP
8223487	F-09-003598	4223700000		108-ER		MARY WORTHINGTON #2	JACK COUNTY (REGULAR)	5.1	NATURAL GAS PIPEL
-GULF SANDS OIL CO				RECEIVED:	03/18/82	JA: TX			
8223694	F-02-046641	4202531494		102-4		COFFIN FARMS #1	TYNAN E (2160)	73.0	GULF STATES EQUIT
8223695	F-02-046642	4202531575		102-4		MCDONALD #1	TYNAN E (3100)	95.0	GULF STATES EQUIT
-GUPTON GAS CO				RECEIVED:	03/18/82	JA: TX			
8223495	F-7B-031993	4236700000		103		JONES EDWARDS #7	LAKE MINERAL WELLS (4	100.0	SOUTHWESTERN GAS
-HANLEY COMPANY				RECEIVED:	03/18/82	JA: TX			
8223739	F-7C-047454	4238331987		103		UNIVERSITY 2-26B (09161) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8223740	F-7C-047455	4238332037		108		UNIVERSITY 2-36A (09201) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8223741	F-7C-047456	4238332036		103		UNIVERSITY 2-36B (09202) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8223742	F-7C-047457	4238332038		103		UNIVERSITY 2-36C (09146) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8223743	F-7C-047458	4238332039		103		UNIVERSITY 2-36D (09174) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
-HAWKEYE OIL & GAS CORP				RECEIVED:	03/18/82	JA: TX			
8223608	F-09-045557	4223733117		102-4		CAMPBELL "C" #3	CAMPBELL (ATOKA CONGL	94.0	LONE STAR GAS CO
8223605	F-09-045554	4223732970		102-4		CAMPSEY #1	CAMPBELL (ATOKA CONGL	428.0	LONE STAR GAS CO
8223606	F-09-045555	4223733103		102-4		JACKIE WORTHINGTON #1	CAMPBELL (ATOKA CONGL	350.0	SOUTHWESTERN GAS
8223604	F-09-045553	4223733767		102-4		WELCH #1	CAMPBELL (ATOKA CONGL	25.0	LONE STAR GAS CO
8223607	F-09-045556	4223700000		102-4		WORTHINGTON #1	CAMPBELL (ATOKA CONGL	88.0	SOUTHWESTERN GAS
-HENRY ENERGY CORP				RECEIVED:	03/18/82	JA: TX			
8223573	F-09-043860	4223700000		103		EDGAR G BROWN EST #1	CAMPBELL (ATOKA CONGL	100.0	LONE STAR GAS CO

JD NO	JA KT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HENRY PETROLEUM CORP				RECEIVED:	03/18/82	JA: TX			
8223509	F-01-035623	4249300000		103		KELLER #1	PRUSKE (BUDA)	0.0	
-HILLIARD OIL & GAS INC				RECEIVED:	03/18/82	JA: TX			
8223503	F-04-034306	4204730843		102-4		BARBARA LIPS "C" #3	RUCIAS N (FB D) FIELD	720.0	CHANNEL INDUSTRIE
-HINTON PRODUCTION COMPANY				RECEIVED:	03/18/82	JA: TX			
8223584	F-06-044398	4207330424		102-4		WHITEMAN #1	SOUTHERN PINES (TRAVI	0.0	TEXAS UTILITIES F
-HNG OIL COMPANY				RECEIVED:	03/18/82	JA: TX			
8223638	F-04-046116	4247933118		102-2	103	A V NORFLEET #2U	BIG COWBOY (6000)	70.4	HOUSTON PIPELINE
8223582	F-04-044366	4235500000		108		CHAPMAN HEIRS 1319 A	ARNOLD DAVID (CHAPMAN	41.4	HOUSTON PIPE LINE
8223782	F-7C-047530	4243500000		103		RICHARDSON "135" #3	SAWYER (LEONARD)	0.0	INTRATEX GAS CO
-HOLT PRODUCTION INC				RECEIVED:	03/18/82	JA: TX			
8223827	F-09-047645	4223700000		108		WORTHINGTON-EDWARDS #3 & #4	KEN-RICH (CONGLOMERAT	6.1	SOUTHWESTERN GAS
8223825	F-09-047643	4223700000		108		WORTHINGTON-EDWARDS #5	BOONSVILLE (BEND CONG	1.0	SOUTHWESTERN GAS
8223828	F-09-047646	4223700000		108		WORTHINGTON-EDWARDS #6	BOONSVILLE (BEND CONG	12.6	SOUTHWESTERN GAS
8223826	F-09-047644	4223700000		108		WORTHINGTON-EDWARDS #8	BOONSVILLE (BEND CONG	18.7	SOUTHWESTERN GAS
8223829	F-09-047647	4223700000		108		WORTHINGTON-EDWARDS #9	BOONSVILLE (BEND CONG	5.3	SOUTHWESTERN GAS
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED:	03/18/82	JA: TX			
8223618	F-10-045664	4219530791		103		BRILLHART 1-6	BRILLHART (UPPER MORR	240.0	TRANSWESTERN PIPE
-HUBBARD & RATLIFF				RECEIVED:	03/18/82	JA: TX			
8223726	F-7B-047108	4204932192		103		ROLLING HILLS RANCH -A- #2 (15833)	BROWN COUNTY REGULAR	26.0	SIOUX PIPELINE CO
-HUFO PRODUCTION CORP				RECEIVED:	03/18/82	JA: TX			
8223640	F-10-046162	4206530954		103		ELLER NO 4R ID #04562	PANHANDLE CARSON COUN	14.6	CABOT PIPELINE CO
-HUGHES & HUGHES				RECEIVED:	03/18/82	JA: TX			
8223497	F-04-032719	4247932618		107-TF		LINCOLN ESTATE #1	LINCOLN (WILLIAMSON 7	730.0	HOUSTON PIPE LINE
-INDIAN WELLS OIL CO				RECEIVED:	03/18/82	JA: TX			
8223662	F-7C-046376	4223531757		103		SCOTT #2-1	ELA SUGG (WOLFCAMP)	75.0	NORTHERN NATURAL
8223614	F-7C-045643	4223531840		102-2		SMITH 59-1	PROBANDT (CANYON)	27.0	NORTHERN NATURAL
8223663	F-7C-046377	4223531800		103		WILLIAMS 10-1	IRION W (CANYON)	35.0	NORTHERN NATURAL
-INVESTEK INC				RECEIVED:	03/18/82	JA: TX			
8223659	F-09-046365	4223700000		102-4		OWENS	OWENS (STRAWN)	146.9	SOUTHWESTERN GAS
-J B TERRELL JR				RECEIVED:	03/18/82	JA: TX			
8223729	F-7B-047316	4215131058		103		RAYMOND E SCIFRES "C" #3 ID #16110	ROYSTON (CANYON)	9.6	TEXAS UTILITIES F
-J M HUBER CORPORATION				RECEIVED:	03/18/82	JA: TX			
8223810	F-10-047598	4223331149		103		BURNETT "RA" #20	PANHANDLE	55.0	GETTY OIL CO
-J-W OPERATING COMPANY				RECEIVED:	03/18/82	JA: TX			
8223805	F-01-047589	4232331874		103		ANNIE E CHITTIM #21	CHITTIM (5600)	507.0	VALERO TRANSMISSI
8223609	F-02-045612	4212331086		103		E C SCHAEFER #4	COTTONWOOD CREEK S (Y	7.3	VALERO TRANSMISSI
-JACK N BLAIR				RECEIVED:	03/18/82	JA: TX			
8223791	F-08-047564	4249531407		102-4		VEST RANCH #4	HOLLIJACK	100.0	PHILLIPS PETROLEU
-JAMES E RUSSELL PETROLEUM INC				RECEIVED:	03/18/82	JA: TX			
8223664	F-7B-046394	4213331347		102-4		R L CARROLL #1 (14347)	EASTLAND NORTH (CONG)	60.0	WEST CEN-TEX GAS
-JOHN H HENDRIX CORP				RECEIVED:	03/18/82	JA: TX			
*8223777	F-08-047519	4222732436		103		LAWRENCE #2	LUTHER SE (SILURIAN-D	32.8	GETTY OIL CO
-JOHN L COX				RECEIVED:	03/18/82	JA: TX			
8223506	F-7C-034712	4238331896		103		HARTGROVE #1-X RRC #07212	SPRABERRY (TREND AREA	10.0	PHILLIPS PETROLEU
-JOSEPH T DAWSON				RECEIVED:	03/18/82	JA: TX			
8223576	F-04-044194	4240931432		103		BLASCHKE-MAYO #1	MIDWAY (MIOCENE)	155.0	UNITED GAS PIPELI
-JOYCE & HILTY INC				RECEIVED:	03/18/82	JA: TX			
8223723	F-02-047023	4229732726		102-4		M A LINDHOLM #1 API NO 42 297 32726	LINDHOLM (7360) FIELD	365.0	INTRASTATE GATHER
-JUSTISS OIL CO INC				RECEIVED:	03/18/82	JA: TX			
8223537	F-06-040659	4220330838		102-4	107-TF	BLOCKER A GAS UNIT #1	BLOCKER (COTTON VALLE	275.0	UNITED GAS PIPE L
-KAISER OIL (US) LTD				RECEIVED:	03/18/82	JA: TX			
8223617	F-03-045653	4233930499		102-4		BRAUTIGAM GU #1	DECKERS PRAIRIE	980.0	

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION			RECEIVED: 03/18/82 JA: TX					
8223684	F-10-046569	4229531049	102-4		BRILLHART 907 #3	KIOWA CREEK NORTH	46.0	
8223578	F-10-044301	4234130690	103		WILBAR OIL #1	PANHANDLE (MOORE)	0.0	PHILLIP PETROLEUM
-L KYLE YEATES			RECEIVED: 03/18/82 JA: TX					
8223597	F-7B-045342	4241732721	103		J CARTER KING JR 2-X RRC #14860	SHACKELFORD COUNTY RE	36.0	WARREN PETROLEUM
-L M YOUNG			RECEIVED: 03/18/82 JA: TX					
8223730	F-7B-047324	4204900000	102-4		R J GOODALL "H" #2	DALE (CADDO)	0.0	ODESSA NATURAL CO
8223731	F-7B-047325	4204900000	102-4		W R CHAMBERS #5	DALE (CADDO)	0.0	ODESSA NATURAL CO
-LAMBERT HOLLUB DRILLING CO			RECEIVED: 03/18/82 JA: TX					
8223646	F-03-046233	4205131955	102-4		MASSEY #1	HOOKER CREEK (NAVARRO	34.2	
8223647	F-03-046234	4205131534	102-4		PERRY #1	HOOKER CREEK (NAVARRO	37.8	
8223644	F-03-046225	4205131471	102-4		STEGMILLER #1	HOOKER CREEK (NAVARRO	10.8	
8223645	F-03-046226	4205131906	102-4		STEGMILLER #2	HOOKER CREEK (NAVARRO	36.0	
-LOGUE AND PATTERSON INC			RECEIVED: 03/18/82 JA: TX					
8223565	F-03-043372	4248100000	103		KENNETH A MEEK IB	HUTCHINS SW (FRIO 560	73.0	TEJAS-SWTWO
-LOSURE PETROLEUM CO			RECEIVED: 03/18/82 JA: TX					
8223527	F-10-039856	4223331039	103		SALLY PRITCHARD "B" # 1-B ID#96248	PANHANDLE WEST	0.0	DIAMOND SHAMROCK
-MABEE PETROLEUM CORP			RECEIVED: 03/18/82 JA: TX					
8223820	F-08-047626	4231732151	103		BREEDLOVE "A" #1	BREEDLOVE SOUTH (SPRA	36.0	NORTHERN NATURAL
8223822	F-08-047632	4231732363	103		BREEDLOVE "A" #2	BREEDLOVE SOUTH (SPRA	26.6	NORTHERN NATURAL
-MARSHALL EXPLORATION INC			RECEIVED: 03/18/82 JA: TX					
8223572	F-06-043820	4241930344	103		CROCKER #1	CARLILE & HOWELL	200.0	UNITED GAS PIPELI
8223583	F-06-044384	4236531227	103	107-TF	LACY-PACE #1	BELLE BOWER (COTTON V	365.0	TEXAS EASTERN TRA
8223579	F-06-044314	4236531272	103	107-TF	SABINE ROYALTY #1	BELLE BOWER (COTTON V	300.0	TENNESSEE GAS PIP
8223562	F-06-043148	4220330865	103	107-TF	SANDERS #1	ELYSIAN N (COTTON VAL	360.0	UNITED GAS PIPELI
8223539	F-06-041053	4236531156	102-4	103	SINCLAIR #1 (RECOMPLETION)	WILDCAT BELLE BOWER (	200.0	UNITED GAS PIPELI
-MAY PETROLEUM INC			RECEIVED: 03/18/82 JA: TX					
8223824	F-10-047641	4235731083	103		MCCARTOR #1 (04840)	BULER NORTH (CLEVELAN	7.5	PHILLIPS PETROLEU
-MCGOLDRICK OIL COMPANY			RECEIVED: 03/18/82 JA: TX					
8223553	F-06-042426	4240131204	102-2	107-TF	W W CURRY GAS UNIT #1 #1	CYRIL (COTTON VALLEY)	400.0	UNITED GAS PIPE L
-MITCHELL ENERGY CORPORATION			RECEIVED: 03/18/82 JA: TX					
8223551	F-7C-042363	4243532369	103	107-TF	GENINI 3-39	SHURLEY RANCH (CANYON	81.8	VALERO TRANSMISSI
8223501	F-09-034230	4249700000	108		M L WAGGONER #5	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8223672	F-09-046454	4223700000	108		MARIE LADD #1 56679	BARTONS CHAPEL (E CON	9.6	BRAZOS OIL & GAS
8223671	F-09-046453	4249700000	108		R B TAYLOR #1 31694	BOONSVILLE (BEND CONG	6.9	NATURAL GAS PIPEL
8223534	F-05-040515	4229330562	103	107-TF	RANDAZZO UNIT "A" #1	THORNTON SOUTH (COTTO	190.0	TEXAS UTILITIES F
8223568	F-09-043529	4233700000	108		SIDNEY CRIM #1 15128	SUNSET (CADDO 5700)	2.6	J L DAVIS
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 03/18/82 JA: TX					
8223807	F-04-047592	4224900000	108-SA		C F H BLUCHER #34	TIJERINA-CANALES-BLUC	56.3	NATURAL GAS PIPEL
8223806	F-8A-047590	4216532235	103		H & J SEC 127-B #19	G-M-K SOUTH (SAN ANDR	23.4	PHILLIPS PETROLEU
8223655	F-08-046292	4230130337	102-4		LACY "B" #1	DIMMIT (CHERRY CANYON	15.0	INTRATEX GAS CO
8223536	F-10-040601	4221131318	103		MCCLURE-NEWCOMER UNIT #1	FELDMAN (MORROW LOWER	208.0	TRANSWESTERN PIPE
8223641	F-8A-046168	4207931428	103		NORTH CENTRAL LEVELLAND UNIT #353	LEVELLAND	5.5	AMOCO PRODUCTION
8223585	F-08-044408	4247532271	103		U-TEX #82686 #1	WAR WINK S (WOLFCAMP)	29.2	
-MONSANTO COMPANY			RECEIVED: 03/18/82 JA: TX					
8223850	F-8A-047700	4207931452	103		KATE 9 #8	LEVELLAND	3.0	
8223849	F-8A-047699	4256132175	103		SAM 449 #6	BRAHANEY	5.0	
8223639	F-08-046125	4231732355	103		UNIVERSITY MAK 6-41 #1	M A K (SPRAYBERRY)	183.0	
8223848	F-7C-047698	4210533286	103		UNIVERSITY WEGER 51-3 #27	WEGER (SAN ANDRES)	5.0	
8223847	F-08-047697	4206332932	103		UNIVERSITY 14-25 #7	SHAFTER LAKE (SAN AND	5.0	PHILLIPS PETROLEU
8223685	F-7C-046571	4245130856	103		WILDE "A" #1	SUSAN PEAK NORTH (CAN	9.0	
8223846	F-8A-047696	4207931489	103		WRIGHT #10-10	LEVELLAND	6.0	CITIES SERVICE CO
-MORAN EXPLORATION INC			RECEIVED: 03/18/82 JA: TX					

JD VD	JA DKT	API NO	C	SEC(1)	SEC(2)	WELL NAME
8223581	F-01-044327	4217730888		103		JAMES CLACK #1
-MORROW RESOURCES INC				RECEIVED:	03/18/82	JA: TX
8223657	F-7C-046334	4245130834		102-2	103	MATHEWS #1
-MR OIL CO				RECEIVED:	03/18/82	JA: TX
8223839	F-08-047672	4247532494		103		HAWKINS #10 #26713
8223838	F-08-047871	4247532493		103		HAWKINS #9 #26713
-MUSTANG EXPLORATION CO INC				RECEIVED:	03/18/82	JA: TX
8223634	F-03-046096	4214930806		102-2		GRAHAM WELL #2
-NATURAL GAS ANADARKO INC				RECEIVED:	03/18/82	JA: TX
8223502	F-10-034245	4235731046		103		DICKENSON #1-307C
8223505	F-10-034581	4235731017		102-4		FLOWERS #1-308
-NICO ENERGY CORP				RECEIVED:	03/18/82	JA: TX
8223519	F-03-038809	4205100000		102-2	103	WHITENER "F" #1
-NORMAN PAUTSKY				RECEIVED:	03/18/82	JA: TX
8223811	F-7B-047600	4208300000		108		RUTH ANN HEMPHILL 61446
8223812	F-7B-047601	4208300000		108		RUTH ANN HEMPHILL 92770
-NORTH RIDGE CORP				RECEIVED:	03/18/82	JA: TX
*8223674	F-7B-046467	4213333439		102-4	103	DANLEY-CRABB UNIT #1
-PALO PETROLEUM INC				RECEIVED:	03/18/82	JA: TX
8223547	F-7C-042133	4238331793		103		WESTER HUGHES ESTATE #1
-PARKER & PARSLEY INC				RECEIVED:	03/18/82	JA: TX
8223689	F-08-046591	4231732447		103		JOHNSON #1
8223688	F-08-046590	4231732430		103		NAIL #1
8223687	F-08-046588	4231732416		103		SAWYER "A" #1
8223745	F-08-047463	4231732448		103		STIMSON-BURLEY #3
8223744	F-08-047459	4231732434		103		STIMSON-BURLEY #4
-PAUL E CAMERON JR INC				RECEIVED:	03/18/82	JA: TX
8223747	F-03-047471	4218530268		102-4		J H CORLEY #1 ID #96309
-PAUL STEPHEN FUQUA				RECEIVED:	03/18/82	JA: TX
8223630	F-7B-045981	4222130651		102-4		FUQUA - J T MILLS #1-L
-PENNZOIL PRODUCING COMPANY				RECEIVED:	03/18/82	JA: TX
8223721	F-04-046951	4250500000		102-4		JENNINGS #35-D
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	03/18/82	JA: TX
8223535	F-08-046565	4249530898		103		BROWN-ALTMAN "C" #8
8223636	F-7B-046107	4242932670		103		W H TULLOS #22
8223670	F-7B-046421	4242932950		103		W H TULLOS #24
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/18/82	JA: TX
8223787	F-08-047546	4222731643		108		BELLAM #14
8223808	F-08-047594	4222730954		108		BELLNOLIA #5
8223491	F-10-028179	4242100000		108		BIVENS X #1
8223809	F-08-047596	4213507894		108		GS ANDECTOR #L-18
8223507	F-10-035030	4217900000		108		JOHNSON R #1
8223530	F-10-040288	4248300000		108		LEE C #1
8223577	F-10-044265	4234100000		108		PORTER PITTMAN #2
8223788	F-8A-047547	4203330644		103		WEST JO-MILL UNIT #1011 (61062)
-PIKE OIL INC				RECEIVED:	03/18/82	JA: TX
8223593	F-01-045315	4232331828		102-4		HAGEN #1
-PIONEER PRODUCTION CORPORATION				RECEIVED:	03/18/82	JA: TX
8223525	F-10-039662	4248330842		102-2		LANCASTER #1-2
8223526	F-10-039814	4229500000		103		SCHULTZ UNIT #2-1048
-POWCO OIL & GAS INC				RECEIVED:	03/18/82	JA: TX
8223586	F-06-044420	4242376222		107-TF		J A ROWLEY #1
-R A W ENERGY CORP				RECEIVED:	03/18/82	JA: TX

FIELD NAME	PROD	PURCHASER
PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
K W B (STRAWN)	25.9	LONE STAR GAS CO
PAYTON	34.0	WARREN PETROLEUM
PAYTON	44.0	WARREN PETROLEUM
GIDDINGS (AUSTIN CHAL	105.0	PHILLIPS PETROLEU
PARNELL (MORROW-GAS)	170.0	TRANSWESTERN PIPE
PARNELL (MORROW UPPER	170.0	TRANSWESTERN PIPE
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
COLEMAN COUNTY REGULA	3.8	EL PASO HYDROCARB
COLEMAN COUNTY REGULA	5.5	EL PASO HYDROCARB
RANGER NW (MARBLE FAL	48.2	PRISM ENTERPRISES
SPRABERRY (TREND AREA	54.8	EL PASO NATURAL G
SPRABERRY	15.0	ADOBE OIL & GAS C
SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
IOLA (WOODBINE)	102.0	PRODUCERS GAS CO
MILLS (ATOKA 4500)	146.0	EMPIRE PIPELINE C
JENNINGS W (7750*)	548.0	NATURAL GAS PIPEL
EMPEROR (DEEP)	1.1	CABOT CORP
TULLOS (CADDO)	11.0	PETROLEUM CORP OF
CADDO NORTH (CONGL)	45.6	LONE STAR GAS CO
IATAN EAST (HOWARD)	1.0	GETTY OIL CO
IATAN EAST (HOWARD)	1.0	GETTY OIL CO
TEXAS HUGOTON	21.5	MICHIGAN WISCONSI
GOLDSMITH (CLEARFORK)	11.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
GAGEBY CREEK HUNTON	0.0	MICHIGAN WISCONSI
PANHANDLE MOORE	0.0	EL PASO NATURAL G
JO-MILL (SPRABERRY)	0.2	GETTY OIL CO
EL INDIO (1500* OLMOS	73.0	VALERO TRANSMISSI
WILDCAT	0.0	PIONEER NATURAL G
MAMMOTH CREEK NORTH (	0.0	TRANSWESTERN PIPE
STARVILLE EAST (C V S	104.0	WESTERN GAS CORP

JD JO	JA JKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223728	F-7B-047240	4236732070		102-4	103	HOLLOWAY #3-1	SCHWARTZ (4200)	72.0	SOUTHWESTERN GAS
-R B INVESTORS INC				RECEIVED:		03/18/82 JA: TX			
8223748	F-7B-047473	4244733053		103		W H CARPENTER #2 (17793)	BOHNER-KIMBELL (CADDO	22.0	THROCKMORTON GAS
-R H SIEGFRIED				RECEIVED:		03/18/82 JA: TX			
8223680	F-09-046547	4249700000		103		R L MORRIS "A" #27	CHICO WEST (CADDO CON	22.0	NATURAL GAS PIPEL
-R L FOREE				RECEIVED:		03/18/82 JA: TX			
8223817	F-7B-047620	4235331134		102-2		J P AYCOCK #2 17474	J & J (CADDO)	54.0	PALO DURO PIPELIN
8223816	F-7B-047618	4235331134		102-4		J P AYCOCK "A" #1 17872	J & J (CADDO)	54.0	PALO DURO PIPELIN
-RANDOLPH ACOCK				RECEIVED:		03/18/82 JA: TX			
8223571	F-03-043770	4205131718		102-2		W C LEMON #1	CALDWELL (AUSTIN CHAL	0.0	CLAJON GAS CO
-RANGER PETROLEUM				RECEIVED:		03/18/82 JA: TX			
8223733	F-10-047360	4206531001		103		BURNETT - HALLE #4020	PANHANDLE - CARSON CO	821.3	PANHANDLE EASTERN
8223732	F-10-047359	4206530975		103		BURNETT-HALLE #2020	PANHANDLE - CARSON CO	100.4	PANHANDLE EASTERN
-REGAL DEVELOPMENT INC				RECEIVED:		03/18/82 JA: TX			
8223624	F-7C-045854	4241300000		103	107-TF	ORAN ENOCHS #1 96501	ELDORADO (CANYON)	180.0	INTRATEX GAS CO
-RENDOVA OIL CO				RECEIVED:		03/18/82 JA: TX			
8223819	F-7C-047624	4241300000		103		VIRGIL J POWELL "B" #1	TILLERY (STRAWN LIME)	15.0	ARCO OIL & GAS CO
8223818	F-7C-047623	4241300000		103		VIRGIL J POWELL "B" #2	TILLERY (STRAWN)	182.5	ARCO OIL & GAS CO
-REPUBLIC OIL & GAS CORP				RECEIVED:		03/18/82 JA: TX			
8223631	F-04-046064	4242731548		102-4	103	S RODRIGUEZ #1	SUN NORTH (4620')	180.0	SUN GAS CO
-RESOURCES INVESTMENT CORPORATION				RECEIVED:		03/18/82 JA: TX			
8223542	F-02-041235	4212331143		102-4		MISSION VALLEY NORTH (YEGUA 5014)	MISSION VALLEY NORTH	87.6	ESPERANZA TRANSMI
-REYNOLDS DRILLING CO INC				RECEIVED:		03/18/82 JA: TX			
8223528	F-06-040267	4236531210		103	107-TF	OSBORNE #1	CARTHAGE-COTTON VALLE	0.0	UNITED GAS PIPE L
-RIDGE OIL CO				RECEIVED:		03/18/82 JA: TX			
*8223673	F-7B-046466	4213333444		102-4	103	HATTON #1	RANGER NW (MARBLE FAL	45.0	COMPRESSOR RENTAL
-ROYAL OIL & GAS CORPORATION				RECEIVED:		03/18/82 JA: TX			
8223533	F-04-040424	4235531710		103		R D BLUNTZER #2	AGUA DULCE (8300)	150.0	DELHI GAS PIPELIN
-SAMSON RESOURCES COMPANY				RECEIVED:		03/18/82 JA: TX			
8223590	F-02-045007	4228530416		108		LEWIS ALLEN #1	PROVIDENT CITY (3,100	9.6	LONE STAR GAS CO
-SAXON OIL COMPANY				RECEIVED:		03/18/82 JA: TX			
8223677	F-7C-046491	4246131833		103		BRUSENHAN "A" #1	SPRABERRY (TREND AREA	26.3	MOBIL PRODUCING T
8223727	F-8A-047128	4231700000		103		KOGER "A" #1	ACKERLY (DEAN SAND)	0.0	ADOBE OIL & GAS C
-SCANDRILL CO				RECEIVED:		03/18/82 JA: TX			
8223570	F-09-043768	4223733915		102-4	103	DAN DAVIS #3	BO BILL (CONGL)	29.2	LONE STAR GAS CO
8223621	F-09-045808	4223733744		103		HENDERSON-BRIDWELL #2	BRYSON EAST	149.7	TEXAS UTILITIES F
-SEARCH DRILLING CO				RECEIVED:		03/18/82 JA: TX			
8223557	F-10-042781	4229530992		103		HAMKER #1-555	BRADFORD (TONKAWA)	417.0	PHILLIPS PETROLEU
-SNOW OIL CO				RECEIVED:		03/18/82 JA: TX			
8223789	F-7B-047556	4213300000		102-4		SNOW-SNEED #1 (17856)	MANGUM NORTH (3200)	55.0	ODESSA NATURAL CO
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:		03/18/82 JA: TX			
8223781	F-7B-047525	4236700000		102-4		DUVALL UNIT #1 (ID NO 95374)	POOLVILLE SW (CADDO)	0.0	LONE STAR GAS CO
8223686	F-7B-046574	4236332780		102-4		WESTBROOK UNIT #1	TOMERLIN (CONGL)	0.0	SOUTHWESTERN GAS
-SOUTHLAND ROYALTY CO				RECEIVED:		03/18/82 JA: TX			
8223735	F-7C-047418	4246131637		103		WOOLRIDGE "11" #2	SPRABERRY (TREND AREA	5.0	PHILLIPS PETROLEU
-SPINDLETOP OIL & GAS CO				RECEIVED:		03/18/82 JA: TX			
8223600	F-7B-045420	4236732175		102-4		CAVNESS #1	DICEY S (CONGL B)	50.0	EMPIRE PIPELINE C
8223543	F-7B-041963	4236732108		102-4		MURRAY #2-C	DICEY S (CONGL B)	120.0	EMPIRE PIPELINE C
8223544	F-7B-041964	4236732108		102-4		MURRAY #2-T	STONEBRIDGE (BEND CON	350.0	EMPIRE PIPELINE C
-SUN OIL COMPANY (DELAWARE)				RECEIVED:		03/18/82 JA: TX			
8223765	F-8A-047496	4250132144		103		BENNETT RANCH UNIT #333	WASSON	2.0	SHELL OIL CO
8223779	F-01-047521	4212732186		103		BIG WELLS (SAN MIGUEL) UNIT #3238	BIG WELLS (SAN MIGUEL	16.0	HOUSTON PIPELINE
8223780	F-01-047522	4212732184		103		BIG WELLS (SAN MIGUEL) UNIT #3640	BIG WELLS (SAN MIGUEL	51.0	HOUSTON PIPELINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223760	F-7C-047488	4210500000		108		COX #1-22	OZONA (CANYON SAND)	21.0	NORTHERN NATURAL
8223758	F-08-047485	4237100000		108		ELSINORE CATTLE CO #2	PIKES PEAK E (DEVONIA	1.5	LONE STAR GAS CO
8223755	F-04-047480	4242700000		108		I V MONTALVO "C" #26	SUN NORTH (C-3-B)	8.0	
8223759	F-7B-047486	4214300000		108		INDIANOLA TRACT 9 #1	DIAZ (STRAWN)	3.0	SOUTHWESTERN GAS
8223763	F-6E-047494	4218300000		108		J C GRAY #2	EAST TEXAS	0.1	UNITED GAS PIPE L
8223751	F-04-047476	4213135041		102-4		L WIEDERKEHR #197	GOVERNMENT WELLS N	581.0	VALERO TRANSMISSI
8223762	F-04-047493	4227300000		108		MAY GAS UNIT #3	YEARY (HUFF)	2.0	VALERO INTERSTATE
8223753	F-04-047478	4242700000		108		N R MONTALVO #3	SUN NORTH (C-3-B)	17.0	TRANSCONTINENTAL
8223754	F-02-047479	4228500000		108		O R BORCHERS A #7	MORALES NORTH 3920	7.0	VALERO TRANSMISSI
8223756	F-04-047481	4227300000		108		SCHONEFELD GAS UNIT #3	YEARY (HUFF)	7.0	VALERO INTERSTATE
8223757	F-04-047483	4224900000		108		SEELIGSON UNIT #1426C	SEELIGSON	12.0	TENNESSEE GAS PIP
8223764	F-8A-047495	4221933201		103		SOUTHEAST LEVELLAND UNIT #271	LEVELLAND	2.5	AMOCO PRODUCTION
8223752	F-08-047477	4210332693		103		UNIVERSITY "L" #13	DUNE	0.5	PHILLIPS PETROLEU
8223761	F-7B-047491	4236300000		108		W H DYCHES #2	STRAWN (MARBLE FALLS	9.0	SOUTHWESTERN GAS
-SUPERIOR OIL CO				RECEIVED:	03/18/82	JA: TX			
8223546	F-03-042128	4205131754		102-2	103	B J SHUPAK #1	GIDDINGS (AUSTIN CHAL	0.0	
8223558	F-03-042792	4205131667		102-2	103	E L MOORE #2	GIDDINGS (AUSTIN CHAL	0.0	
8223556	F-02-042738	4228531537		102-2	103	MONTE VON ROSENBERG GU #1 #4	WORD N (EDWARDS)	0.0	
8223574	F03-043905	4205131690		102-2	103	T E GIBSON #1	GIDDINGS (AUSTIN CHAL	0.0	
-TDC ENGINEERING INC				RECEIVED:	03/18/82	JA: TX			
8223616	F-01-045651	4217700000		102-4		LAMPRECHT UNIT #2	PEACH CREEK (AUSTIN C	9.0	VALERO TRANSMISSI
-TDC EXPLORATION INC				RECEIVED:	03/18/82	JA: TX			
8223746	F-06-047467	4240330197		102-2		TEMPLE-EASTEX "C" #3 91553	PINELAND (SARATOGA/AN	365.0	ESPERANZA TRANSMI
-TEXACO INC				RECEIVED:	03/18/82	JA: TX			
8223550	F-08-042250	4243130946		103		E B COPE "B" #2	CONGER S W (PENN)	133.2	VALERO TRANSMISSI
8223844	F-10-047677	4219500000		108		FRANK GELNAR #1	HANSFORD (MISSOURI LO	20.4	PANHANDLE EASTERN
8223737	F-10-047420	4217900000		108		MCLARTY-LESTER "B" #13	PANHANDLE EAST	18.8	COLTEXO CORP
8223661	F-7C-046371	4246100000		108		UPTON K FEE #1-U	TEXEL (PENN)	7.8	PHILLIPS PETROLEU
8223642	F-08-046199	4243130958		103		V E BROWNFIELD #4	CONGER (PENN)	170.8	VALERO TRANSMISSI
-TEXAS CRUDE INC				RECEIVED:	03/18/82	JA: TX			
8223725	F-03-047077	4207131127		102-4		STATE TRACT #126 #2	ATKINSON ISLAND (FRIO	69.0	
8223724	F-03-047076	4207131084		102-4		STATE TRACT #126 #3	ATKINSON ISLAND (FRIO	56.0	
-TEXAS OIL & GAS CORP				RECEIVED:	03/18/82	JA: TX			
8223538	F-03-040998	4228730845		102-2	103	HOFFMAN "E" #1	GIDDINGS (AUSTIN CHAL	0.0	
8223548	F-05-042170	4228900000		103	107-TF	JENSEN "A" #1	BRANTON (COTTON VALLE	0.0	
8223569	F-03-043557	4205131272		102-2	103	KUBELKA #1	GIDDINGS (AUSTIN CHAL	0.0	
8223513	F-05-036948	4234931622		103	107-TF	MILLIGAN #1	CHENEYBORO (COTTON VA	20.0	
8223517	F-7C-038664	4210500000		103	107-TF	ROBERTSON "19" #1	OZONA (CANYON SAND)	160.0	DELHI GAS PIPELIN
8223561	F-06-043106	4240131252		103	107-TF	WYLIE "A" #1	OAK HILL NW (COTTON V	0.0	
-THE DOW CHEMICAL COMPANY				RECEIVED:	03/18/82	JA: TX			
8223601	F-05-045421	4234931917		102-4	107-TF	J A BREITHAUPT OIL UNIT "D" #1	CHENEYBORO (COTTON VA	18.0	INTRASTATE GAS TR
-TIPPERARY OIL AND GAS CORP				RECEIVED:	03/18/82	JA: TX			
8223516	F-01-037957	4216331610		103		BONNYE H HALM "A" #2	PEARSALL (AUSTIN CHAL	2.8	T G P INC
-TUCKER DRILLING COMPANY INC				RECEIVED:	03/18/82	JA: TX			
8223821	F-7C-047630	4223531836		103		LINDLEY "40" #2	CHRISTI (CANYON 6800)	96.8	NORTHERN NATURAL
-TURNER PETROLEUM CO				RECEIVED:	03/18/82	JA: TX			
8223660	F-08-046369	4222732383		103		TURNER PETROLEUM CO FLANAGAN #1	RED DRAW SOUTH (MISS)	43.8	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	03/18/82	JA: TX			
8223649	F-10-046250	4235731040		103		CONNER "A" #1	PERRYTON WEST (CLEVEL	25.0	PHILLIPS PETROLEU
8223564	F-7C-043367	4246131808		103		JACOBS-LIVESTOCK "B" #2	HELUMA (PENN)	10.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	03/18/82	JA: TX			
8223720	F-03-046940	4228730651		103		EVELYN #1 RRC ID 13047	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8223552	F-03-042407	4205131674		102-2		LEZLIE #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING

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JD NO	DA DAT	API NO	D SEC(1)	SEC(2)	WELL NAME
-UNION TEXAS PETROLEUM			RECEIVED:	03/18/82	JA: TX
8223524	F-7C-039596	4223531644	103		FARMER 43-10 #3
-V L WOLSEY			RECEIVED:	03/18/82	JA: TX
8223598	F-09-045350	4233700000	103		LAIRD ESTATE
-WAGNER & BROWN			RECEIVED:	03/18/82	JA: TX
*8223656	F-08-046315	4243100000	103		GLASS K #4-4
-WALTER EXPLORATION INC			RECEIVED:	03/18/82	JA: TX
8223643	F-09-046206	4249731523	108		BOND UNIT A-1 ID #85865
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	03/18/82	JA: TX
8223840	F-08-047673	4247532420	103		C W EDWARDS TR D #16
-WHEELER OIL COMPANY			RECEIVED:	03/18/82	JA: TX
8223786	F-10-047543	4248330480	103		HRNCTAR #1 (90748)
8223783	F-10-047534	4248330479	103		JOHN MERTEL #1 (90756)
-WILLIAM PERLMAN			RECEIVED:	03/18/82	JA: TX
8223490	F-7C-027527	4213730719	103	107-TF	HAZEL BEAM #29-1
-ZONERGY INC			RECEIVED:	03/18/82	JA: TX
8223540	F-03-041068	4205131795	102-2		FALKENBURG #2
-6-BAR OPERATIONS INC			RECEIVED:	03/18/82	JA: TX
8223554	F-7B-042532	4204932798	102-4		CHAMBERS B #3 (97601)
			-4		

FIELD NAME	PROL	PURCHASER
ROCK PEN (CANYON) (SE	36.5	CRA INC
PARK SPRINGS CONGL	0.0	LONE STAR GAS CO
CONGER (PENN)	283.0	VALERO TRANSMISSI
BOONSVILLE (BEND CONG	16.0	LONE STAR GAS CO
JANELLE S E (TUBB)	19.7	EL PASO NATURAL G
EAST PANHANDLE	14.0	HIGH PLAINS NATUR
EAST PANHANDLE	60.0	HIGH PLAINS NATUR
SAWYER (CANYON)	0.0	EL PASO GAS TRANS
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
BERKELY (CROSS PLAINS	0.0	ODESSA NATURAL CO

OTHER PURCHASERS VOLUME NO :628

8223619	TRANSCONTINENTAL GAS PIPELINE CORP
8223620	TRANSCONTINENTAL GAS PIPELINE CORP
8223656	TEXAS UTILITIES FUEL CO
8223673	LONE STAR GAS CO
8223674	LONE STAR GAS CO
8223681	SID RICHARDSON CARBON & GASOLINE CO
8223710	E I DUPONT DE NEMOURS & CO INC
8223773	E I DUPONT DE NEMOURS & CO INC
8223774	ARMCO STEEL CO
8223775	CHAMPLIN PETROLEUM CO
8223776	CHAMPLIN PETROLEUM CO
8223777	EL PASO NATURAL GAS CO
8223778	CHAMPLIN PETROLEUM CO
8223802	E I DUPONT DENEMOURS & CO INC
8223830	E I DUPONT DE NEMOURS & CO INC
8223831	E I DUPONT DE NEMOURS & CO INC
8223832	E I DUPONT DE NEMOURS & CO INC
8223833	E I DUPONT DE NEMOURS & CO INC
8223834	E I DUPONT DE NEMOURS & CO INC
8223835	E I DUPONT DE NEMOURS & CO INC
8223845	ARMCO STEEL CO
8223852	COLTEXO CORP
8223853	COLTEXO CORP
8223854	COLTEXO CORP
8223855	COLTEXO CORP
8223856	COLTEXO CORP
8223857	COLTEXO CORP
8223858	COLTEXO CORP
8223859	COLTEXO CORP
8223860	COLTEXO CORP
8223861	COLTEXO CORP

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9971 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
						CALIFORNIA DEPARTMENT OF CONSERVATION			
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	03/16/82	JA: CA			
8223862	81-6-0068	0411320616		103		CWAD-WFL #14 (LOWER) & (UPPER)	CONWAY RANCH FIELD	204.0	PACIFIC GAS & ELE
-VENADA NATIONAL				RECEIVED:	03/16/82	JA: CA			
8223863	81-6-0064	0401320174		102-4		PREWETT #1	EAST BRENTWOOD	1400.0	PACIFIC GAS & ELE
						KANSAS CORPORATION COMMISSION			
-TOMLINSON OIL CO INC				RECEIVED:	03/18/82	JA: KS			
8223948	K-80-0690	1518500000		108-ER		BROWN #1		0.0	KANSAS-NEBRASKA N
8223949	K-80-0691	1518520274		108-ER		WALKER #1		0.0	KANSAS NEBRASKA N
						LOUISIANA OFFICE OF CONSERVATION			
-AMOCO PRODUCTION CO				RECEIVED:	03/19/82	JA: LA			
8224132	81-2398	1703121323		103		W M POLLOCK #1	BENSON	547.0	
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/19/82	JA: LA			
8224088	81-2437	1701120325		107-DP		MUSSER DAVIS C #1	NEALE	1000.0	UNITED GAS PIPELI
-BETHLAN PRODUCTION CORP				RECEIVED:	03/19/82	JA: LA			
8224092	81-2461	1707321245		108		HILL #1	MONROE GAS FIELD	9.8	MID-LOUISIANA GAS
8224093	81-2462	1707321298		108		JEFFERSON HEIRS #1	MONROE GAS FIELD	14.0	MID-LOUISIANA GAS
8224094	81-2463	1707321299		108		JEFFERSON HEIRS #2	MONROE GAS FIELD	14.1	MID-LOUISIANA GAS
-C W BRUMLEY				RECEIVED:	03/19/82	JA: LA			
8224119	81-2404	1708520358		103		N E BLANKENSHIP #1	BAYOU SAN MIGUEL	50.0	LOUISIANA INTRAST
-CHEVRON U S A INC				RECEIVED:	03/19/82	JA: LA			
8224075	81-2409	1770020177		103		S L 3839 #9	WEST CAMERON BLOCK 17	869.0	NATURAL GAS PIPEL
-CRESCENT DRILLING CO INC				RECEIVED:	03/19/82	JA: LA			
8224066	81-2422	1707321832		103		CRESCENT DRILLING CO #5	MONROE GAS	13.0	UNITED GAS PIPE L
8224056	81-2423	1707321833		103		CRESCENT DRILLING CO #6	MONROE GAS	13.0	UNITED GAS PIPE L
-CRYSTAL OIL COMPANY				RECEIVED:	03/19/82	JA: LA			
8224061	81-2439	1703121233		108		BURFORD "A" #1 HOSS RA SU 19	BETHANY LONGSTREET	5.9	ARKANSAS LOUISIAN
8224089	81-2436	1701320503		103		BUTLER #1 - ALT U HOSS SU L	WEST ARCADIA	359.9	TEXAS GAS TRANSMI
-EXXON CORPORATION				RECEIVED:	03/19/82	JA: LA			
8224107	81-2413	1709920872		103		GOODRICH C #16 DL OPERC 8 RA SU	DUCK LAKE	100.0	UNITED GAS PIPE L
8224076	81-2410	1705120545		103		LL&E F #36 LL TP-28 RB SU	LITTLE LAKE	50.0	TENNESSEE GAS PIP
8224058	81-2425	1710121217		103		WOOSTER D #14 BS ROB-5 RL SU	BAYOU SALE	200.0	TRUNKLINE GAS CO
8224100	81-2426	1710121217		103		WOOSTER D #14D BS ROB-7 RL SU	BAYOU SALE	6.0	TRUNKLINE GAS CO
-GLENDA PETROLEUM CORP				RECEIVED:	03/19/82	JA: LA			
8224115	81-2471	1711122808		108		EXXON-ARCO 35 #16 S/N 171403	MONROE	13.0	MID LOUISIANA GAS
8224101	81-2469	1707321557		103		PENNZOIL 20 #1 S/N 170959	MONROE	0.0	UNITED GAS PL
-GOODRICH OIL CO				RECEIVED:	03/19/82	JA: LA			
8224074	81-2408	1704920171		103		MCBRIDE #1	HODGE	365.0	ARKANSAS LOUISIAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION				RECEIVED:	03/19/82	JA: LA			
8224096	81-2431	1707522705		103		SL 195 QQ #185	GRAND BAY	657.0	UNITED GAS PIPELI
-HERBST RESOURCES INC				RECEIVED:	03/19/82	JA: LA			
8224113	81-2452	1707320706		108		FAIRBANKS #2	MONROE GAS ROCK	2.4	MID LOUISIANA GAS
8224114	81-2453	1707320707		108		FAIRBANKS #3	MONROE GAS ROCK	2.4	MID LOUISIANA GAS
-HIBBARD-FROST-SMITH				RECEIVED:	03/19/82	JA: LA			
8224127	81-2381	1707321453		108		MOBIL OIL & PSE INC #5	MONROE GAS	15.0	UNITED GAS PIPELI
8224128	81-2382	1707321504		108		MOBIL OIL & PSE INC #6	MONROE GAS	15.0	UNITED GAS PIPELI
8224129	81-2383	1707321505		108		MOBIL OIL & PSE INC #7	MONROE GAS	15.0	UNITED GAS PIPELI
8224126	81-2384	1707321530		108		MOBIL OIL & PSE INC #8	MONROE GAS	15.0	UNITED GAS PIPELI
8224102	81-2385	1707321443		108		MOBIL OIL E & PSE INC #1	MONROE GAS	15.0	UNITED GAS PIPELI
8224104	81-2386	1707321444		108		MOBIL OIL E & PSE INC #2	MONROE GAS	15.0	UNITED GAS PIPELI
8224103	81-2387	1707321451		108		MOBIL OIL E & PSE INC #3	MONROE GAS	15.0	UNITED GAS PIPELI
8224105	81-2388	1707321452		108		MOBIL OIL E & PSE INC #4	MONROE GAS	15.0	UNITED GAS PIPELI
-IMC EXPLORATION COMPANY				RECEIVED:	03/19/82	JA: LA			
8224120	81-2406	1707720242		103		LOTTIE LAND & DEVELOPMENT CO #1	LOTTIE	120.0	LOUISIANA INTRAST
-J-W OPERATING COMPANY				RECEIVED:	03/19/82	JA: LA			
8224117	81-2438	1701120431		102-4		DOORNBOS #2 SINGER RA SU	RIGHT HAND CREEK / SI	57.0	TRUNKLINE GAS CO
-K D LANKFORD JR ET AL				RECEIVED:	03/19/82	JA: LA			
8224090	81-2451	1711120529		108		FEE #1	MONROE	6.0	IMC PIPELINE CO I
-KERR-MCGEE CORPORATION				RECEIVED:	03/19/82	JA: LA			
8224097	81-2427	1772620230		103		S L 1230 #4	BRETON SOUND BLOCK 36	342.0	SOUTHERN NATURAL
-LANKFORD & NANCE				RECEIVED:	03/19/82	JA: LA			
8224078	81-2389	1711122301		108		BARR #2	MONROE	0.0	TEXAS GAS TRANSMI
8224131	81-2391	1711122577		108		K D LANKFORD #1	MONROE	0.0	TEXAS GAS TRANSMI
8224079	81-2392	1711122579		108		K D LANKFORD #3	MONROE	0.0	TEXAS GAS TRANSMI
-M H MARR				RECEIVED:	03/19/82	JA: LA			
8224055	81-2444	1700120606		102-4		CONOCO #1 R L MCCALLEY	RAYNE FIELD	730.0	LOUISIANA INTRAST
-MARSHALL EXPLORATION INC				RECEIVED:	03/19/82	JA: LA			
8224064	81-2420	1703121248		102-4		ATKINS #1	LOGANSPORT	1095.0	TENNESSEE GAS PIP
8224109	81-2415	1703100708		102-4		BAXTER #1	LOGANSPORT	378.0	TENNESSEE GAS PIP
8224065	81-2421	1703121242		102-4		CONNIE ALLEN #1	LOGANSPORT	110.0	SOUTHERN NATURAL
8224054	81-2417	1703121095		102-4		F L GALBREATH #3 L GR RA SUC	LOGANSPORT	330.0	ARKLA GAS PIPELIN
8224062	81-2418	1703100000		102-4		FRANKIE PYLE #1 L GR RA SU E	LOGANSPORT	95.0	TENNESSEE GAS PIP
8224110	81-2416	1703120999		102-4		SMITHERMAN #2	LOGANSPORT	400.0	TENNESSEE GAS PIP
8224063	81-2419	1703121304		102-4		WOODROW HORN #1	LOGANSPORT	365.0	SOUTHERN NATURAL
-MCALESTER FUEL COMPANY				RECEIVED:	03/19/82	JA: LA			
8224091	81-2470	1711320967		102-4		ELDRIDGE F HUMBLE #1	SOUTHWEST GUEYDAN	1095.0	CONOCO INC
-MID LOUISIANA GAS COMPANY				RECEIVED:	03/19/82	JA: LA			
8224124	81-2464	1711123056		108		MLGC FEE GAS #1010	MONROE GAS FIELD	10.1	MID LOUISIANA GAS
8224125	81-2465	1711123057		108		MLGC FEE GAS #1011	MONROE GAS FIELD	5.9	MID LOUISIANA GAS
8224116	81-2466	1711123058		108		MLGC FEE GAS #1012	MONROE GAS FIELD	18.6	MID LOUISIANA GAS
8224123	81-2467	1711123079		108		MLGC FEE GAS #1025	MONROE GAS FIELD	9.2	MID LOUISIANA GAS
8224122	81-2468	1711123081		108		MLGC FEE GAS #1027	MONROE GAS FIELD	8.5	MID LOUISIANA GAS
8224112	81-2454	1711121960		108		MLGC FEE GAS #830	MONROE GAS FIELD	13.9	MID LOUISIANA GAS
8224111	81-2455	1711121981		108		MLGC FEE GAS #845	MONROE GAS FIELD	16.7	MID LOUISIANA GAS
8224086	81-2456	1711122059		108		MLGC FEE GAS #861	MONROE GAS FIELD	19.3	MID LOUISIANA GAS
8224087	81-2457	1711122327		108		MLGC FEE GAS #871	MONROE GAS FIELD	18.0	MID LOUISIANA GAS
8224084	81-2458	1711122329		108		MLGC FEE GAS #873	MONROE GAS FIELD	19.2	MID LOUISIANA GAS
8224085	81-2459	1711122516		108		MLGC FEE GAS #904	MONROE GAS FIELD	18.2	MID LOUISIANA GAS
8224072	81-2445	1773214590		108		MLGC FEE GAS #975	MONROE GAS FIELD	18.2	MID LOUISIANA GAS
8224071	81-2446	1711122713		108		MLGC FEE GAS #983	MONROE GAS FIELD	12.5	MID LOUISIANA GAS
8224069	81-2447	1711122730		108		MLGC FEE GAS #985	MONROE GAS FIELD	11.8	MID LOUISIANA GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224070	81-2448	1711122731		108		MLGC FEE GAS #987	MONROE GAS FIELD	15.0	MID LOUISIANA GAS
8224068	81-2449	1711122734		108		MLGC FEE GAS #990	MONROE GAS FIELD	20.5	MID LOUISIANA GAS
8224067	81-2450	1711122744		108		MLGC FEE GAS #995	MONROE GAS FIELD	17.6	MID LOUISIANA GAS
-MIDWAY PRODUCTION CO IX				RECEIVED:	03/19/82	JA: LA			
8224130	81-2390	1707321470		108		WADDILL #2	MONROE	16.0	IMC PIPELINE CO I
-MOORE MCCORMACK OIL & GAS CORP				RECEIVED:	03/19/82	JA: LA			
8224098	81-2428	1700320189		103		BEL ESTATE #9 WX RA SUH	CLEAR CREEK	73.0	TRUNKLINE GAS CO
-PRIDE EXPLORATION INC				RECEIVED:	03/19/82	JA: LA			
8224108	81-2414	1701723865		103		S HEROLD #2	GREENWOOD WASKOM	87.5	ARKANSAS LOUISIAN
-ROBERSON WELL SERVICE				RECEIVED:	03/19/82	JA: LA			
8224057	81-2424	1707321678		103		PENNZOIL 152 #1	MONROE	18.3	UNITED GAS PIPELI
-SOUTHERN NATURAL GAS COMPANY				RECEIVED:	03/19/82	JA: LA			
8224134	81-2400	1701320478		103		T J CUMMINGS #4	BEAR CREEK	730.0	SOUTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	03/19/82	JA: LA			
8224121	81-2405	1708320488		103		DELHI UNIT #197-2 DELHI HOLT BRYANT	DELHI	10.0	TEXAS EASTERN TRA
8224083	81-2460	1708520366		108		J A TARVER -A- #1	PLEASANT HILL	8.0	LOUISIANA INTRAST
8224059	81-2442	1703100000		108-ER		MARION A RICHEY #1	PLEASANT HILL	0.0	LOUISIANA INTRAST
8224080	81-2402	1703121029		103		NABORS "F" #8	RED RIVER BULL BAYOU	69.0	
-TEXACO INC				RECEIVED:	03/19/82	JA: LA			
8224073	81-2407	1710921987		103		LP U-13 69 VUM	LAKE PELTO	57.0	KAISER ALUMINUM &
8224118	81-2401	1770720101		103		MOUND POINT #81 SL 340	MOUND POINT	438.0	KAISER ALUMINUM &
8224099	81-2429	1710922363		103		SL 1249 #101	CAILLOU ISLAND	176.0	KAISER ALUMINUM &
8224095	81-2432	1770720099		103		SL 340 MOUND POINT #77	MOUND POINT	1569.0	KAISER ALUMINUM &
8224106	81-2412	1705120506		103		SL 7618 #1	LITTLE LAKE	180.0	
8224077	81-2411	1705120520		103		SL 7618 #2	LITTLE LAKE	90.0	
-TEXAS OIL & GAS CORP				RECEIVED:	03/19/82	JA: LA			
8224060	81-2440	1701320407		103		CRAWLEY "A" #1 BR OZ SUC	BEAR CREEK	118.6	SOUTHERN NATURAL
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED:	03/22/82	JA: LA			
8224156	81-736	1702321422		102-4		COASTAL GUN CLUB #1	SOUTH CHALKEY	275.0	TEXAS EASTERN TRA
-TOCE OIL COMPANY INC				RECEIVED:	03/19/82	JA: LA			
8224133	81-2399	1707720259		103		LOTTIE LAND & DEV CO #3	LOTTIE FIELD	730.0	
-WESTLAND OIL DEVELOPMENT CORP				RECEIVED:	03/19/82	JA: LA			
8224082	81-2443	1711321008		102-4		L PICARD #1	NORTH LEROY (CAMERINA	1095.0	UNITED GAS PIPE L
8224081	81-2403	1711321008		103		L PICARD #1 CAM RA SUA	NORTH LEROY (CAMERINA	1095.0	UNITED GAS PIPE L
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NORTH DAKOTA INDUSTRIAL COMMISSION									
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-BELCO PETROLEUM CORPORATION				RECEIVED:	03/16/82	JA: ND			
8223873	490	3305300915		102-4		EDGAR BN 12-7	ROUGHRIDER	0.0	KOCH OIL CO
-BWAB INC				RECEIVED:	03/16/82	JA: ND			
8223869	486	3305301407		102-2		JENNIE HANSON #27-11	ELK	17.0	PHILLIPS PETROLEU
-DAVIS OIL COMPANY				RECEIVED:	03/16/82	JA: ND			
8223872	489	3302500173		102-2		CORRAL CREEK #1	CORRAL CREEK	128.0	AMOCO PRODUCTION
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED:	03/16/82	JA: ND			
8223870	487	3300700652		102-2		HAMILL #2-27	TR	15.0	WESTERN GAS PROCE
-PENNZOIL COMPANY				RECEIVED:	03/16/82	JA: ND			
8223868	485	3305300859		102-2		PENNZOIL-DEPCO #15-44BN	FLAT TOP BUTTE	24.3	KOCH HYDROCARBON
-RANGER OIL CO				RECEIVED:	03/16/82	JA: ND			
8223871	488	3310500820		102-4		CARLSON #8-36	BATTLEVIEW	5.5	AMINOIL USA
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OKLAHOMA CORPORATION COMMISSION									
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-ALLEN EXPLORATION INC				RECEIVED:	03/18/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223951	12943	3514722159		103		CLARK LUCAS #2	NORTH WANN (BARTLESVI	913.0	CITIES SERVICE GA
8223953	12941	3514722160		103		JETER #1	NORTH WANN (BARTLESVI	329.0	CITIES SERVICE GA
8223952	12942	3514722163		103		JETER #2	NORTH WANN (BARTLESVI	110.0	CITIES SERVICE GA
8223968	12945	3514722161		103		JETER #3	NORTH WANN (BARTLESVI	365.0	CITIES SERVICE GA
8223950	12944	3514722158		103		LUCAS #60-3	NORTH WANN (BARTLESVI	456.0	CITIES SERVICE GA
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/18/82	JA: OK			
8223970	16253	3505121090		107-TF		PAULINE MCDONALD 1-26	SEC 26 T4N R7W	0.0	
-AMOCO PRODUCTION CO				RECEIVED:	03/18/82	JA: OK			
8223967	13036	3503920422		103		TILLIE UNIT #1	E CLINTON	150.0	SOUTHERN NATURAL
8223960	13034	3507322705		103		WROBBEL "B" #1 (HUNTON)	SE ALPHA - HUNTON	20.0	WARREN PETROLEUM
8223961	13035	3507322705		103		WROBBEL "B" #1 (MISSISSIPPI)	SE ALPHA - MISSISSIPP	20.0	WARREN PETROLEUM
-APOLLO PRODUCTION LTD				RECEIVED:	03/18/82	JA: OK			
8223972	16192	3507323079		102-4	103	WILLARD DUFFY #14-9	N E OKARCHE	41.0	SID RICHARDSON CA
-BLUE QUAIL ENERGY INC				RECEIVED:	03/18/82	JA: OK			
8223958	13106	3501721779		103		REEVES #1	YUKON	550.0	CONOCO INC
8223959	13010	3501721912		103		ROBERTA #1	N-PIEDMONT	100.0	CONOCO INC
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/18/82	JA: OK			
8223969	17228	3512920527		107-DP		LONG ESTATE #1	DEMPSEY	0.0	
-J L THOMAS ENGINEERING INC				RECEIVED:	03/18/82	JA: OK			
8223974	13141	3509322242		103		FOSTER #1	SOONER TREND	87.0	PANHANDLE EASTERN
8223975	13140	3509322254		103		HALL #1	SOONER TREND	145.0	PIONEER GAS PRODU
-JET OIL COMPANY				RECEIVED:	03/18/82	JA: OK			
8223966	13049	3508321676		103		STAGNER #1	ELKHORN	7.0	EASON OIL CO
-KETAL OIL PRODUCING CO				RECEIVED:	03/18/82	JA: OK			
8223957	13000	3501721988		103		T E MEYER #1	SOUTH OKARCHE	43.8	PHILLIPS PETROLEU
8223956	12999	3505320679		103		WALD #2	S E SALTFORK	177.4	CRA INC
-L O WARD				RECEIVED:	03/18/82	JA: OK			
8223963	13062	3502720285		103		LUDEMAN	N W NORMAN	55.0	SUN GAS CO
-OLD BLUE OIL & GAS CO				RECEIVED:	03/18/82	JA: OK			
8223954	07794	3508321293		103		MILLER #1		48.0	EASON OIL CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/18/82	JA: OK			
8223973	13310	3515330040		108		GADEN "A" #1	N E SEILING	13.0	PANHANDLE EASTERN
-R E HIBBERT				RECEIVED:	03/18/82	JA: OK			
8223965	13059	3509321958		103		INMAN #2		0.0	MICHIGAN WISCONSI
-SAMSON RESOURCES COMPANY				RECEIVED:	03/18/82	JA: OK			
8223962	13137	3507720231		103		BROWNE #1	KINTA	355.7	ARKANSAS LOUISIAN
-SHELL OIL CO				RECEIVED:	03/18/82	JA: OK			
8223955	6975	3500721505		103		ALLEN STATE 2-27	MOCANE LAVERNE	81.0	EL PASO NATURAL G
-SIPAPU INC				RECEIVED:	03/18/82	JA: OK			
8223964	13061	3502920283		103		HUDSON #1		172.0	SWAB CORP
-SOI INC				RECEIVED:	03/18/82	JA: OK			
8223971	16054	3504921841		102-4		SPARKS #1-17	GOLDEN TREND	72.0	WARREN PETROLEUM
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION				RECEIVED:	03/18/82	JA: PA			
8223978	10838	3706522375		103		BYRON SHAFFER #1	REYNOLDSVILLE	25.0	
8223976	10836	3706522251		103		HENRIETTE GIBBS #1-A	MCGEES MILLS	24.0	
8223977	10837	3706325819		103		ROBERT E MCCORMICK #1-C	BRUSH VALLEY	23.0	
-AMOCO PRODUCTION CO				RECEIVED:	03/18/82	JA: PA			
8223979	10794	3702720014		102-4		REUBEN GRIFFITH GAS UNIT #1-A	GUM STUMP	604.0	TEXAS EASTERN TRA
-BOYD & SHRIVER				RECEIVED:	03/18/82	JA: PA			
8223980	10551	3700500000		108		SMITH #7	RED BANK	0.0	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CABOT OIL & GAS CORP				RECEIVED:	03/18/82	JA: PA			
8223994	10854	3708520323		107-TF		BAIRD WALLACE #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8223990	10853	3708520323		102-2		BAIRD WALLACE #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8223992	10861	3708520313		102-2		DONALD RITTER #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8223996	10862	3708520313		107-TF		DONALD RITTER #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8223993	10852	3703921290		107-TF		JOHN HAMILTON JR #1	WAYNE	50.0	TENNESSEE GAS PIP
8223989	10851	3703921290		102-2		JOHN HAMILTON JR #1	WAYNE	50.0	TENNESSEE GAS PIP
8223995	10856	3703921311		107-TF		MARGARET LIPPERT #3	EAST MEAD	50.0	TENNESSEE GAS PIP
8223991	10855	3703921311		102-2		MARGARET LIPPERT #3	EAST MEAD	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	03/18/82	JA: PA			
8224002	10677	3703900000		107-TF		B BUNTING #3 PA PER CRA-21354	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224003	10679	3703900000		107-TF		E KOCSIS #2 PA PER CRA-21355	CONNEAUT	0.0	COLUMBIA GAS TRAN
8223999	10663	3703921114		107-TF		FRYE-BILSKI #1 PA PER CRA-21114	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224001	10673	3703921189		107-TF		G FULLER #1 PA PER CRA-21189	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224007	10693	3703921348		107-TF		G FULLER #2 PA PER CRA-21348	CONNEAUT	0.0	COLUMBIA GAS TRAN
8223998	10659	3703921380		107-TF		G TEUDHOPE PA PER CRA-21380	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224006	10692	3703921411		107-TF		J BROWN #1 PA PER CRA-21411	CONNEAUT	0.0	COLUMBIA GAS TRAN
8223997	10658	3703921297		107-TF		J HALKO #3 PA PER CRA 27297	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224004	10686	3703921301		107-TF		J TAYLOR #3 PA PER CRA-21301	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224005	10689	3703921231		107-TF		JOHN KORT #2 PA PER CRA-21231	CONNEAUT	0.0	COLUMBIA GAS TRAN
8224000	10672	3703902164		107-TF		R EWIG #2 PA PER CRA-21364	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CLEVELAND CAMERON GAS CO				RECEIVED:	03/18/82	JA: PA			
8224008	10893	3705900000		108		R KINNEY #1	JACKSON TOWNSHIP	1.8	PEOPLES NATURAL G
-DOC-NCC SERVICE CO				RECEIVED:	03/18/82	JA: PA			
8224009	10821	3712921773		102-2		GILBERT W & FOSTER POORBAUGH 797-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:	03/18/82	JA: PA			
8224011	10801	3704920751		107-TF		CUBBON LUMBER #1 KA-15	UPPER DEVONIAN SANDS	30.0	NATIONAL FUEL GAS
8224010	10800	3704920763		107-TF		W W WATERHOUSE #1 K-A-16	UPPER DEVONIAN SANDS	30.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	03/18/82	JA: PA			
8224015	10799	3704921538		107-TF		E WEAVER #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8224014	10798	3704921421		107-TF		H PROCTOR #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8224012	10795	3704921496		107-TF		K GRIFFITH #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8224013	10797	3704921558		107-TF		R PARMENTER #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
-G E BURGLY				RECEIVED:	03/18/82	JA: PA			
8223983	10845	3712900000		108		BEATTY #1 1418	PINE RUN	6.2	APOLLO GAS CO
8223981	10843	3712900000		108		CIPOLLA #1 1362	BRAEBURN	9.3	APOLLO GAS CO
8223984	10846	3712920017		108		CORRIGAN #1 1219	PINE RUN	5.2	APOLLO GAS CO
8223985	10847	3706320669		108		GALLAGHER #1 1468	CLARKSBURG	2.3	APOLLO GAS CO
8223987	10849	3712920520		108		STEVENSON #1 12198	BRAEBURN	2.2	APOLLO GAS CO
8223982	10844	3712900000		108		STEWART #1 1219 E	PINE RUN	1.5	APOLLO GAS CO
8223988	10850	3700521636		108		STONER #1 1435	VANDERGRIGT	6.1	APOLLO GAS CO
8223986	10848	3700521088		108		WILSON #1 1419	VANDERGRIFT	3.7	APOLLO GAS CO
-G W AND JEAN F WALTERS				RECEIVED:	03/18/82	JA: PA			
8224053	6788	3703120042		108		V N MCCALL #1 WELL	RIMERSBURG	2.0	COLUMBIA GAS TRAN
-GOE PRO INC				RECEIVED:	03/18/82	JA: PA			
8224016	10774	3704921553		103		A JONES #1	CONNEAUT	0.0	NATIONAL FUEL GAS
8224026	10775	3704921553		107-TF		A JONES #1	CONNEAUT	0.0	NATIONAL FUEL GAS
8224018	10778	3704921487		103		CHARLES D MCGRAW #1	CROSSINGVILLE NORTH	0.0	COLUMBIA GAS TRAN
8224028	10779	3704921487		107-TF		CHARLES D MCGRAW #1	CROSSINGVILLE NORTH	0.0	COLUMBIA GAS TRAN
8224021	10784	3704921446		103		CONNEAUT VALLEY FARMS #1	CONNEAUT	0.0	NATIONAL FUEL GAS
8224031	10785	3704921446		107-TF		CONNEAUT VALLEY FARMS #1	CONNEAUT	0.0	NATIONAL FUEL GAS
8224023	10788	3704921522		103		G MILLER #1	ELK CREEK	0.0	COLUMBIA GAS TRAN
8224033	10789	3704921522		107-TF		G MILLER #1	ELK CREEK	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API N	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224025	10792	3704921475	103		G ZACZYK #1	ALBION-EAST	0.0	COLUMBIA GAS TRAN
8224035	10793	3704921475	107-TF		G ZACZYK #1	ALBION-EAST	0.0	COLUMBIA GAS TRAN
8224017	10776	3704921549	103		J-B FARMS (JOHN KULYK)	CONNEAUT	0.0	NATIONAL FUEL GAS
8224027	10777	3704921549	107-TF		J-B FARMS #1 (JOHN KULYK)	CONNEAUT	0.0	NATIONAL FUEL GAS
8224022	10786	3704921464	103		L DIDION #1	CROSSINGVILLE-NORTH	0.0	COLUMBIA GAS TRAN
8224032	10787	3704921464	107-TF		L DIDION #1	CROSSINGVILLE-NORTH	0.0	COLUMBIA GAS TRAN
8224019	10780	3704921344	103		L KITCEY #1	ALBION	0.0	COLUMBIA GAS TRAN
8224029	10781	3704921344	107-TF		L KITCEY #1	ALBION	0.0	COLUMBIA GAS TRAN
8224024	10790	3704921544	103		R H WOOMER #1	CROSSINGVILLE-WEST	0.0	COLUMBIA GAS TRAN
8224034	10791	3704921544	107-TF		R H WOOMER #1	CROSSINGVILLE-WEST	0.0	COLUMBIA GAS TRAN
8224020	10782	3704921342	103		T W WOODS #1	CROSSINGVILLE-WEST	0.0	COLUMBIA GAS TRAN
8224030	10783	3704921342	107-TF		T W WOODS #1	CROSSINGVILLE WEST	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC			RECEIVED:	03/18/82	JA: PA			
8224036	10822	3703320939	103		ROYAL OIL AND GAS CORPORATION #1	BELL	0.0	T W PHILLIPS GAS
-KRIEBEL WELLS 81			RECEIVED:	03/18/82	JA: PA			
8224041	10750	3706326633	103		BUTERBAUGH #1	PURCHASE LINE	29.5	
8224040	10748	3706522427	103		EBERHART #1	BELLS MILLS	29.0	
8224039	10747	3706326597	103		MARSHALL #2	ROCHESTER MILLS	31.0	
8224038	10616	3706326583	103		MEYER #2	MARION CENTER	28.7	
-LONDON OIL & GAS CO INC			RECEIVED:	03/18/82	JA: PA			
8224044	10884	3703120811	103		DAVIS BOYD #3	PICKARD VALLEY	12.0	COLUMBIA GAS TRAN
8224042	10881	3703120833	103		DAVIS BOYD #4	PICKARD VALLEY	12.0	COLUMBIA GAS TRAN
8224043	10883	3703120834	103		DAVIS BOYD #5	PICKARD VALLEY	12.0	COLUMBIA GAS TRAN
-MONROE RESOURCES LTD			RECEIVED:	03/18/82	JA: PA			
8224045	9260	3712329173	102-2		E YODER #1	LOTTSVILLE	20.0	COLUMBIA GAS TRAN
8224047	9261	3712329173	107-TF		E YODER #1	LOTTSVILLE	20.0	COLUMBIA GAS TRAN
8224046	9886	3712330059	102-2		MILO KOREN #2	FREEHOLD	15.0	COLUMBIA GAS TRAN
8224048	9885	3712330059	107-TF		MILO KOREN #2	FREEHOLD	15.0	COLUMBIA GAS TRAN
8224049	10751	3712329109	107-TF		WM R HINSDALE #1	LOTTSVILLE	20.0	NATIONAL FUEL GAS
-R WESLEY SMITH & RAYMOND A SMITH			RECEIVED:	03/18/82	JA: PA			
8224051	10835	3706300534	107-PE		MUSSER #2	MCINTYRE 7-1/2° QUAD	11.0	PEOPLES NATURAL G
-RAY J SWITZER			RECEIVED:	03/18/82	JA: PA			
8224052	10733	3703100000	108		H E WHITE #1	PORTER TOWNSHIP	1.3	COLUMBIA GAS CORP
-RENNIE KELLY ENTERPRISES			RECEIVED:	03/18/82	JA: PA			
8224050	10752	3706326473	103		BIG L FARM #1	CANOE	0.0	CONSOLIDATED GAS
-S T JOINT VENTURE 81A			RECEIVED:	03/18/82	JA: PA			
8224037	10824	3706326288	103		CLAWSON #1	BLACKLICK	25.0	COLUMBIA GAS TRAN
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UTAH DIVISION OF OIL,GAS, & MINING								
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-THE ANSCHUTZ CORPORATION			RECEIVED:	03/15/82	JA: UT			
8223865	K-126-6	4304330148	102-2		ANSCHUTZ RANCH EAST U16-20	ANSCHUTZ RANCH EAST	2000.0	NATURAL GAS PIPEL
8223864	K-126-5	4304330156	102-2		ANSCHUTZ RANCH EAST U16-30	ANSCHUTZ RANCH EAST	2000.0	NATURAL GAS PIPEL
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WEST VIRGINIA DEPARTMENT OF MINES								
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-BROWNING & EVANS ENTERPRISE			RECEIVED:	03/19/82	JA: WV			
8224150		4707301217	107-DV		MORRISON #1	WILDCAT	42.0	COLUMBIA GAS TRAN
8224149		4707301227	107-DV		MORRISON #2	WILDCAT	42.0	COLUMBIA GAS TRAN
-FRANCIS E CAIN			RECEIVED:	03/19/82	JA: WV			
8224148		4701303331	103		ETHEL RADER #5	SHERIDAN	0.0	ROARING FORK GAS
-ROY G MILDRETH ET AL			RECEIVED:	03/19/82	JA: WV			
8224151		4708702413	108		F H EPLING #1	SPENCER	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-STONESTREET LANDS CO				RECEIVED: 03/19/82		JA: WV			
8224137		4700701571		103		ANDREW WHITE 1-S-141	ELMIRA	17.0	COLUMBIA GAS TRAN
8224136		4700701567		103		D J HALL #1-S-44	ELMIRA	14.0	COLUMBIA GAS TRAN
8224146		4700701551		103		M T STALNAKER #1-S-146	ELMIRA	14.0	COLUMBIA GAS TRAN
8224140		4701303272		103		MARTIN BARNES 2-S-180	ELMIRA	49.0	COLUMBIA GAS TRAN
8224144		4701303228		103		MARY HICKS #2-S-157	ELMIRA	25.0	COLUMBIA GAS TRAN
8224143		4701303227		103		MARY HICKS 1-S-129	ELMIRA	70.0	COLUMBIA GAS TRAN
8224147		4700701557		103		MOLLOHAN #1-S-48	ELMIRA	19.0	COLUMBIA GAS TRAN
8224145		4700701664		103		OKEY JAMES 1-S-75	ELMIRA	29.0	COLUMBIA GAS TRAN
8224138		4700701550		103		SAMUEL G MORRIS #1-S-64	ELMIRA	21.0	COLUMBIA GAS TRAN
8224142		4700701544		103		W K BENDER #1-S-147	ELMIRA	29.0	COLUMBIA GAS TRAN
8224139		4700701545		103		W K BENDER #2-S-148	ELMIRA	26.0	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 03/19/82		JA: WV			
8224153		4704700808		108		POCAHONTAS LAND #A-24	NORTH FORK	2.9	CONSOLIDATED GAS
8224155		4704700752		108		POCAHONTAS LAND #A-53	ASHLAND CLARK GAP	21.0	CONSOLIDATED GAS
8224154		4704700736		108		POCAHONTAS LAND A-22	ASHLAND CLARK GAP	20.0	CONSOLIDATED GAS
8224152		4710900789		108		POCAHONTAS LAND A-52	ASHLAND CLARK GAP	18.4	CONSOLIDATED GAS
-UNITED OPERATING COMPANY				RECEIVED: 03/19/82		JA: WV			
8224135		4701702371	D	108		CUNNINGHAM #1	CABIN RUN	0.0	COLUMBIA GAS TRAN
8224141		4701702377	D	108		CUNNINGHAM #2	CABIN RUN	0.0	COLUMBIA GAS TRAN
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WYOMING OIL & GAS CONSERVATION COMMISSION									
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-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED: 03/15/82		JA: WY			
8223866	NG-151-81	4900500000		102-4		J M VERHOEVEN #1	WILDCAT	50.0	PHILLIPS PETROLEU
-VIABLE RESOURCES INC				RECEIVED: 03/15/82		JA: WY			
8223867	NG192-81	4902521371		102-2		STATE LEASE 74-46603 UNIT #7	PINE MOUNTAIN	0.0	KANSAS-NEBRASKA N
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
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-AMOCO PRODUCTION CO				RECEIVED: 03/18/82		JA: NM 4			
8223942	NM-009782	3004522929		103		ANNIE L ELLIOTT "E" #1	BLANCO - FRUITLAND	188.0	EL PASO NATURAL G
8223881	NM-1720-81	3002527286		102-4		FEDERAL BU #1Y	EAST GEM WOLFCAMP	73.0	
8223941	NM-0088-82	3004524272		103		GALLEGOS CANYON UNIT #218E	BASIN DAKOTA	0.0	EL PASO NATURAL G
-BEARTOOTH OIL & GAS CO				RECEIVED: 03/18/82		JA: NM 4			
8223930	NM0040-82	3003922676		103		MINEL FEDERAL #1	OJITO-BLANCO COMMINGL	120.0	SOUTHWEST GAS COR
-BENSON-MONTIN-GREER DRILLING CORP				RECEIVED: 03/18/82		JA: NM 4			
8223874	NM-0001-82SA	3004505700		108-SA		FOSTER RIDDLE #4	BALLARD PICTURED CLIF	21.0	EL PASO NATURAL G
-BIXCO INC				RECEIVED: 03/18/82		JA: NM 4			
8223880	NM1159-81	3004524590		102-4		TRAIL CANYON #2	UNDESIGNATED GALLUP	20.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED: 03/18/82		JA: NM 4			
8223875	NM-0948-81	3003922472		103		NORTHEAST BLANCO UNIT #13A	BLANCO MESAVERDE C-20	200.0	EL PASO NATURAL G
8223877	NM-0951-81	3004524449		103		NORTHEAST BLANCO UNIT #31A	BLANCO MESAVERDE E-7-	150.0	EL PASO NATURAL G
8223876	NM-0949-81	3004524318		103		NORTHEAST BLANCO UNIT #34A	BLANCO MESAVERDE K-18	0.0	EL PASO NATURAL G
8223878	NM-0953-81	3004524363		103		NORTHEAST BLANCO UNIT #45A	BLANCO MESAVERDE I-5-	200.0	EL PASO NATURAL G
-CHACE OIL COMPANY INC				RECEIVED: 03/18/82		JA: NM 4			
8223931	NM0046-82	3003922820		103		JICARILLA 70-11	SOUTH LINDRITH GALLUP	73.0	EL PASO NATURAL G
-CHAPARRAL OIL & GAS CO				RECEIVED: 03/18/82		JA: NM 4			
8223916	NM0010-82	3004525036		103		FRANCIS #2	KUTZ FRUITLAND EXTENS	43.0	SOUTHERN UNION GA
-CITIES SERVICE COMPANY				RECEIVED: 03/18/82		JA: NM 4			
8223921	NM0015-82	3001523553		103		GOVERNMENT AL #1	UNDESIGNATED MORROW	273.0	
-COLEMAN OIL & GAS INC				RECEIVED: 03/18/82		JA: NM 4			
8223906	NM-2031-81	3004525236		103		NELSON #1	GALLEGOS-GALLUP	20.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223905	NM-2030-81	3004525237		103		NELSON #2	GALLEGOS-GALLUP	20.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	03/18/82	JA: NM 4			
8223937	NM-0067-82	3003922739		103		AXI APACHE A #10	AXI APACHE AREA	621.0	GAS CO OF NEW MEX
8223938	NM-0068-82	3003922738		103		AXI APACHE C NO 12	AXI APACHE AREA	122.0	GAS CO OF NEW MEX
8223940	NM-0070-82	3003922718		103		JICARILLA 20 #8	WEST LINDRITH	73.0	EL PASO NATURAL G
8223939	NM-0069-82	3003922741		103		NORTHEAST HAYNES NO 12	OTERO RANCH	374.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	03/18/82	JA: NM 4			
8223882	NM-1730-81	3004506596		108		SAN JUAN 27-8 C #5	SOUTH BLANCO PICTURED	20.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/18/82	JA: NM 4			
8223887	NM-1975-81	3003920275		108		CANYON LARGO UNIT #155	OTERO CHACRA	19.0	EL PASO NATURAL G
8223936	NM0062-82	3004525231		103		FLORANCE C #6A	BLANCO MESAVERDE	120.0	EL PASO NATURAL G
8223883	NM1966-81	3004521453		108		HUBBELL #14 CH & FT	BLOOMFIELD CHACRA & A	23.0	EL PASO NATURAL G
8223879	NM-1073-81	3004509028		108		LUDWICK #8	BLANCO-MESAVERDE	22.0	EL PASO NATURAL G
8223908	NM-0003-82A	3003922613		103		SAN JUAN 28-5 UNIT #57M	BLANCO MESAVERDE	150.0	EL PASO NATURAL G
8223909	NM-0003-82-B	3003922613		103		SAN JUAN 28-5 UNIT #57M	BASIN DAKOTA	160.0	EL PASO NATURAL G
8223910	NM-0004-82-A	3003922616		103		SAN JUAN 28-5 UNIT #59M	BLANCO MESAVERDE	230.0	EL PASO NATURAL G
8223911	NM-0004-82-B	3003922616		103		SAN JUAN 28-5 UNIT #59M	BASIN DAKOTA	160.0	EL PASO NATURAL G
8223912	NM-0005-82	3003922625		103		SAN JUAN 28-7 UNIT #134E	BASIN DAKOTA	160.0	EL PASO NATURAL G
8223932	NM0056-82	3003922626		103		SAN JUAN 28-7 UNIT #194E	BASIN DAKOTA	160.0	EL PASO NATURAL G
8223888	NM-1980-81	3003920862		108		SAN JUAN 28-7 UNIT #215	BASIN DAKOTA GAS	20.0	EL PASO NATURAL G
8223913	NM-0006-82	3003922624		103		SAN JUAN 28-7 UNIT #219E	BASIN DAKOTA	110.0	EL PASO NATURAL G
8223933	NM0057-82	3003922623		103		SAN JUAN 28-7 UNIT #257E	BASIN DAKOTA	80.0	EL PASO NATURAL G
8223935	NM0060-82	3004525227		103		WARREN #5A	BLANCO MESAVERDE	120.0	EL PASO NATURAL G
8223934	NM0059-82	3004525232		103		WARREN A #1A	BLANCO MESAVERDE	120.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	03/18/82	JA: NM 4			
8223894	NM-2013-81	3004525150		103		E H PIPKIN #17	FULCHER KUTZ PICTURED	79.2	SOUTHERN UNION GA
8223897	NM-2016-81	3004525144		103		E H PIPKIN #18	FULCHER KUTZ PICTURED	10.8	SOUTHERN UNION GA
8223895	NM-2014-81	3004525151		103		E H PIPKIN #19	FULCHER KUTZ PICTURED	61.2	SOUTHERN UNION GA
8223896	NM-2015-81	3004525120		103		E H PIPKIN #20	FULCHER KUTZ PICTURED	76.7	SOUTHERN UNION GA
8223891	NM-2010-81	3004525156		103		E H PIPKIN #21	FULCHER KUTZ PICTURED	127.0	SOUTHERN UNION GA
8223893	NM-2012-81	3004525155		103		E H PIPKIN #22	FULCHER KUTZ PICTURED	72.0	SOUTHERN UNION GA
8223892	NM-2011-81	3004525187		103		E H PIPKIN #23	FULCHER KUTZ PICTURED	74.9	SOUTHERN UNION GA
8223889	NM-2008-81	3004525158		103		E H PIPKIN #24	FULCHER KUTZ PICTURED	48.2	SOUTHERN UNION GA
8223890	NM-2009-81	3004525157		103		E H PIPKIN #25	FULCHER KUTZ PICTURED	22.0	SOUTHERN UNION GA
-GETTY OIL COMPANY				RECEIVED:	03/18/82	JA: NM 4			
8223923	NM0016-82-B	3003922732		103		C W ROBERTS #3A	OJITO GALLUP-DAKOTA	30.0	
8223924	NM0017-82-A	3003922731		103		C W ROBERTS #6	BLANCO MESAVERDE	50.0	EL PASO NATURAL G
8223925	NM0017-82-A	3003922731		103		C W ROBERTS #6	OJITO GALLUP-DAKOTA	50.0	EL PASO NATURAL G
8223922	NM0016-82-A	3003922732		103		C W ROBERTS WELL NO 3A	BLANCO MESAVERDE	500.0	EL PASO NATURAL G
-LAURENCE C KELLY				RECEIVED:	03/18/82	JA: NM 4			
8223917	NM0011-82	3004525160		103		KELLY BROTHERS #1	BLANCO PICTURED CLIFF	116.0	EL PASO NATURAL G
8223918	NM0012-82	3004525161		103		KELLY BROTHERS #2	BLANCO PICTURED CLIFF	124.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	03/18/82	JA: NM 4			
8223907	NM-2035-81	3003922845		103		FEDERAL COM A-5	BALLARD PICTURED CLIF	13.3	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	03/18/82	JA: NM 4			
8223904	NM-2027-81	3004524054		103		MCLEOD #2E	DAKOTA	300.0	EL PASO NATURAL G
-MTS LTD PARTNERSHIP				RECEIVED:	03/18/82	JA: NM 4			
8223886	NM197381107	3000561062		102-2	107-TF	ALKALI FEDERAL #1	UNDESIGNATED ABO	500.0	TRANSWESTERN PIPE
8223885	NM197181107	3000561121		102-2	107-TF	ALKALI FEDERAL #4	UNDESIGNATED ABO	480.0	TRANSWESTERN PIPE
8223884	NM197081107	3000561137		102-2	107-TF	MILNER FEDERAL #1	UNDESIGNATED ABO	360.0	
8223919	NM 0013-82	3004525216		103		SOUTH BLANCO FEDERAL 25 #6	LYBROOK GALLYP EXT	29.0	GAS CO OF NEW MEX
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/18/82	JA: NM 4			
8223947	NM 109-82	3003922467		103		SAN JUAN 29-5 #103	UNDESIGNATED PICTURED	8.6	NORTHWEST PIPELIN

JD NO	JA EKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8223945	NM-0107-82	3003922755		103		SAN JUAN 30-5 #82	BASIN DAKOTA	55.9	NORTHWEST PIPELIN
8223946	NM-0108-82	3003922728		103		SAN JUAN 30-5 #83	BASIN DAKOTA	138.3	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	03/18/82	JA: NM 4			
8223944	NM 101-82	3003922828		103		MEDIO CANYON #3	WEST LINDRITH	75.0	NORTHWEST PIPELIN
8223920	NM0014-82	3003922847		103		RUBEN CANYON #1	BLANCO	500.0	NORTHWEST PIPELIN
8223943	NM 0100-82	3004523321		103		THOMPSON #3A	FLORA VISTA	200.0	SOUTHERN UNION GA
-SUPRON ENERGY CORPORATION				RECEIVED:	03/18/82	JA: NM 4			
8223926	NM0020-82	3004525000		103		JULANDER 1-E	BASIN DAKOTA	273.0	SOUTHERN UNION GA
8223928	NM0022-82	3004525023		103		MC CORD #3-E	BASIN DAKOTA	505.0	SOUTHERN UNION GA
8223927	NM0021-82	3004525006		103		MCCORD #5-E	BASIN DAKOTA	174.0	SOUTHERN UNION GA
8223914	NM0008-82-A	3004525104		103		SUMMIT 6-E	BASIN DAKOTA	333.0	SOUTHERN UNION GA
8223915	NM 0008-82-B	3004525104		103		SUMMIT 6-E	AZTEC FRUITLAND EXTEN	642.0	GAS CO OF NEW MEX
-TENNECO OIL COMPANY				RECEIVED:	03/18/82	JA: NM 4			
8223900	NM-2022-81	3004524936		103		GOOCH 2E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8223898	NM-2021-81-A	3003922580		103		JICARILLA A 1E	BASIN DAKOTA	500.0	GAS CO OF NEW MEX
8223899	NM-2021-81-B	3003922580		103		JICARILLA A 1E	UNDESIGNATED CHACRA	500.0	GAS CO OF NEW MEX
8223902	NM-2024-81	3004524652		103		MOORE C 1E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8223903	NM-2025-84	3004524651		103		MOORE C 2E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8223901	NM-2023-81	3004524803		103		RIDDLE COM 8	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
-YATES PETROLEUM CORPORATION				RECEIVED:	03/18/82	JA: NM 4			
8223929	NM0025-82	3001523990		103		MOBIL C1 FEDERAL #12	PENASCO DRAW SA YESO	C.0	TRANSWESTERN PIPE

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before April 28, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9974 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
KANSAS CORPORATION COMMISSION									
-OLYMPIC PETROLEUM COMPANY			RECEIVED: 03/19/82			JA: KS			
8224205	K-81-0397	1503521122	108-ER			J G MANSER #2		0.0	CITIES SERVICE GA
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-MWJ PRODUCING CO			RECEIVED: 03/12/82			JA: NM			
8224383		3000500000	103			CHAVEROO STATE #8	CHAVES (SAN ANDRES)	15.0	TRANSWESTERN PIPE
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMAC INC			RECEIVED: 03/22/82			JA: OH			
8224206		3416726912	103			MILDRED DOBBINS #1	MARIETTA	2.0	GAS TRANSPORT INC
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 03/22/82			JA: OH			
8224207		3408924412	103			PARK NATIONAL BANK #1	GLENFORD	18.0	
-APPALACHIAN EXPLORATION INC			RECEIVED: 03/22/82			JA: OH			
8224213		3415320781	103	107-TF		EDWARDS UNIT #2	COPLEY	36.5	AMERICAN ENERGY S
8224209		3410322516	103	107-TF		O FARRISS #2	SHARON	6.9	COLUMBIA GAS TRAN
8224210		3410322517	103	107-TF		O FARRISS #3	SHARON	6.9	COLUMBIA GAS TRAN
8224208		3410322374	103	107-TF		V T SCANLAN #3	GRANGER	7.3	COLUMBIA GAS TRAN
8224211		3410322537	103	107-TF		W MASON #2	WADSWORTH	15.7	AMERICAN ENERGY S
8224212		3415320759	103	107-TF		WROBEL-SANDERS UNIT #1	COPLEY	2.0	AMERICAN ENERGY S
-ARAPAHO VENTURES OF NEW YORK INC			RECEIVED: 03/22/82			JA: OH			
8224214		3416726778	103			BEHA-ROWLAND #1	PALMER	38.0	
-ATWOOD RESOURCES INC			RECEIVED: 03/22/82			JA: OH			
8224216		3407523663	103	107-TF		BURKHOLDER #1	MT HOPE	20.0	
8224215		3403124508	103	107-TF		WERKER #1	CRAWFORD	18.0	
-B & B PETROLEUM			RECEIVED: 03/22/82			JA: OH			
8224217		3416724681	107-DV			HEISS BROTHERS #1	MARIETTA	10.0	COLUMBIA GAS TRAN
-B & K ENERGY COMPANY			RECEIVED: 03/22/82			JA: OH			
8224218		3415521303	107-TF			BIGGARD UNIT #1	NEWTON	30.0	COLUMBIA GAS TRAN
-BANDS COMPANY INC			RECEIVED: 03/22/82			JA: OH			
8224220		3407522693	107-TF			EBY #1	HARDY	2.0	COLUMBIA GAS TRAN
8224219		3407523170	107-TF			WEITBRECHT #5	KILLBUCK	1.5	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY			RECEIVED: 03/22/82			JA: OH			
8224222		3410322224	103	107-TF		CRABTREE UNIT #1	SHARON	15.0	
8224221		3405923279	103	107-TF		M FRAME #1	SENECAVILLE	30.0	
8224224		3415321031	103	107-TF		SPRINGER UNIT #2	AKRON WEST	25.0	
8224223		3410322590	103	107-TF		W VALENTINE #2	SHARON	18.0	
-BASIN PRODUCING CO			RECEIVED: 03/22/82			JA: OH			
8224225		3411122541	107-DV			KILLBURN #1	MALAGA	35.0	TEXAS EASTERN GAS
-BELDEN & BLAKE & CO #79			RECEIVED: 03/22/82			JA: OH			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224226		3401921514		103		N MCMULLEN 2-321071	BROWN	36.5	
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/22/82	JA: OH			
8224230		3411925431		103	107-TF	FRICK #2	RICH HILL	0.0	COLUMBIA GAS TRAN
8224229		3405923231		103	107-TF	MURTHA #1	SPENCER	0.0	COLUMBIA GAS TRAN
8224231		3411925848		103	107-TF	S BLISS #2	SALT CREEK	0.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC				RECEIVED:	03/22/82	JA: OH			
8224232		3411522656		103		RICHARD MINICH #1	DEERFIELD	0.0	
-C J WARREN OIL COMPANY				RECEIVED:	03/22/82	JA: OH			
8224376A		3418322846		103		BAKEWELL #1	DANVILLE	0.0	
8224376B		3418322846	D	107-TF		BAKEWELL #1	DANVILLE	0.0	
8224375A		3408322845		103		BANBURY #3	DANVILLE EAST	0.0	
8224375B		3408322845	D	107-TF		BANBURY #3	DANVILLE EAST	0.0	
8224380A		3412725130		103		HOOVER #1	JUNCTION CITY SOUTH	0.0	
8224380B		3412725130	D	107-TF		HOOVER #1	JUNCTION CITY SOUTH	0.0	
8224377A		3408322872		103		MCMILLAN #2	DANVILLE NORTH	0.0	
8224377B		3408322872	D	107-TF		MCMILLAN #2	DANVILLE NORTH	0.0	
8224379A		3412724272		103		PURDY #1	THORNVILLE	0.0	
8224379B		3412724272	D	107-TF		PURDY #1	THORNVILLE	0.0	
8224374A		3408322759		103		SEVENTH DAY ADVENTIST CHURCH #4	DANVILLE NORTH	0.0	
8224374B		3408322759	D	107-TF		SEVENTH DAY ADVENTIST CHURCH #4	DANVILLE NORTH	0.0	
8224378A		3408322920		103		YOUNG MENS CHRISTIAN ASSOC #1	DANVILLE NORTH	0.0	
8224378B		3408322920	D	107-TF		YOUNG MENS CHRISTIAN ASSOC #1	DANVILLE NORTH	0.0	
-C W RIGGS INC				RECEIVED:	03/22/82	JA: OH			
8224353		3416724300		107-DV		JUDITH HEINRICH #1	RENO	5.8	COLUMBIA GAS TRAN
8224354		3416725157		107-DV		RALPH HENDRICKS #1	RENO	9.1	COLUMBIA GAS TRAN
-CHARLES L WOOD				RECEIVED:	03/22/82	JA: OH			
8224382		3405922632	D	108		WOOD #1		12.0	COLUMBIA GAS TRAN
-CLAY COUNTY PRODUCTION CO INC				RECEIVED:	03/22/82	JA: OH			
8224239		3412724627		108		A ARKOUSE #1		12.5	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	03/22/82	JA: OH			
8224251		3415723692		103	107-TF	E YODER #1-715	SUGARCREEK	10.0	
8224249		3411924618		108		J SIEGRIST #1		10.0	COLUMBIA GAS TRAN
8224250		3411924652		108		J SIEGRIST #2		10.0	COLUMBIA GAS TRAN
8224242		3403123045		108		KENT-LAW #1		10.0	COLUMBIA GAS TRAN
8224243		3403123115		108		KENT-LAW #2		10.0	COLUMBIA GAS TRAN
8224244		3403123116		108		KENT-LAW #3		10.0	COLUMBIA GAS TRAN
8224240		3403122423		108		LOIS LAWKO #1		10.0	COLUMBIA GAS TRAN
8224247		3408923055		108		ROLLIE MILLER #1		10.0	NEWZANE GAS CO
8224241		3403122548		108		WALTER KENT #1		10.0	OHIO CUMBERLAND G
8224245		3408921461		108		WILLS #4 (AKA CARL ROBERTS #4)		10.0	NEWZANE GAS CO
8224246		3408921515		108		WILLS#5 (AKA ROBERTS C #5)		10.0	NEWZANE GAS CO
8224248		3408923477		108		WILLS#7		10.0	NEWZANE GAS CO
-COASTAL CORP				RECEIVED:	03/22/82	JA: OH			
8224252		3416726964		107-DV		RIGGS #3	RAVEN ROCK	28.8	
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED:	03/22/82	JA: OH			
8224253		3405922142	D	108		JESSE E & LAURA WEBER #4	KIMBOLTON	7.1	COLUMBIA GAS TRAN
-CUYAHOGA EXPLORATION & DEVELOPMENT				RECEIVED:	03/22/82	JA: OH			
8224254		3416727053		107-DV		DELMAR HENDERSHOT#6	DALZELL	13.0	
-DOME DRILLING CO				RECEIVED:	03/22/82	JA: OH			
8224255		3410322869		103	107-TF	DONNELLY #2	HINCKLEY	14.0	COLUMBIA GAS TRAN
-DON MCKEE DRILLING CO INC				RECEIVED:	03/22/82	JA: OH			
8224338		3412725407		103		C & D BORING #1	RUSHVILLE	10.0	NATIONAL GAS & OI
-DOVER OIL CO				RECEIVED:	03/22/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224257		3416726764		103		FRED LEGLEITNER #1	WARNER	1.0	GAS TRANSPORT INC
-EARTH RESOURCES EXPL DEV CORP				RECEIVED:	03/22/82	JA: OH			
8224258		3416923015		103	107-TF	ABBOTT #2	CRESTON	10.0	
8224260		3416923031		103	107-TF	BRODBECK #1	CRESTON	15.0	
8224261		3416923176		103	107-TF	BRODBECK #3	CRESTON	10.0	
8224259		3416923024		103	107-TF	SHAW #1	CRESTON	30.0	
-ENERGY UNLIMITED INC				RECEIVED:	03/22/82	JA: OH			
8224262		3400922406	D	107-TF		BOBO #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8224263		3400922407	D	107-TF		CARTER #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8224267		3400922458	D	107-TF		GOLDSBERRY #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8224264		3400922408	D	107-TF		JONES #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8224268		3400922459	D	107-TF		MERRILL #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8224265		3400922409	D	107-TF		WINNER #1	LODI TWP	0.0	COLUMBIA GAS TRAN
8224266		3400922415		103	107-DV	WINNER #2	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	03/22/82	JA: OH			
8224271		3416320668		103	107-TF	B DAVIS #5	SWAN	36.5	COLUMBIA GAS TRAN
8224270		3416320658		103	107-TF	D DAVIS #4	SWAN	36.5	COLUMBIA GAS TRAN
8224269		3415123669		103		DUTTON #7	BETHLEHEM	27.3	EAST OHIO GAS CO
-ESTATE OF BARTON A HOLL				RECEIVED:	03/22/82	JA: OH			
8224280		3407322507		103		ALICE FORAKER #1	GREEN	1.5	GREEN FALLS GAS C
8224281		3407322576		103		ANDERSON #2	WASHINGTON	3.5	COLUMBIA GAS TRAN
8224283		3412725472		103		BEBOUT BLACKSTON #6	BREMEN	1.5	PARAMOUNT TRANSMI
8224279		3407322356		103		KEARNS #1	STARR	1.5	GREEN FALLS GAS C
8224282		3407322582		103		KEARNS #2	STARR	2.5	GREEN FALLS GAS C
-EVERFLOW EASTERN INC				RECEIVED:	03/22/82	JA: OH			
8224273		3415723618		103	107-TF	CAPPELS FARMS #2	WASHINGTON	0.0	
8224272		3413322752		103	107-TF	GIRTZ-BRONKO #1	EDINBURG	0.0	
-FUTURE ENERGY CORPORATION				RECEIVED:	03/22/82	JA: OH			
8224274		3411522658		103	107-TF	D LOWE #3	STOCKPORT	30.0	
-GIANT PETROLEUM CORPORATION				RECEIVED:	03/22/82	JA: OH			
8224275		3400721929		103	107-TF	CARL MCELROY #2	ORWELL	20.0	
-HARLEY DRILLING & PRODUCING				RECEIVED:	03/22/82	JA: OH			
8224276		3416922987		107-TF		GEORGE SMITH #1	CANAAN	20.0	COLUMBIA GAS TRAN
-HILLTOP DEVELOPMENT CORP				RECEIVED:	03/22/82	JA: OH			
8224277		3411926086		103		JOHN SHAW #1	CASS	2.0	NATIONAL GAS & OI
-HOFFMAN & KUHN INC				RECEIVED:	03/22/82	JA: OH			
8224278		3412725383		103	107-TF	WHITLOCK #1	PIKE	15.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	03/22/82	JA: OH			
8224284		3411122226		103		JIM STIMPERT #1	MONROE	9.6	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN				RECEIVED:	03/22/82	JA: OH			
8224285A		3412320055		103		HEMMINGER #2	OAK HARBOR	1.0	COLUMBIA GAS TRAN
8224285B		3412320055	D	107-TF		HEMMINGER #2	OAK HARBOR	1.0	COLUMBIA GAS TRAN
-HUMMEL #1 CO				RECEIVED:	03/22/82	JA: OH			
8224286		3407523525		107-TF		HUMMEL-RABER-MAST #1	MECHANIC	25.0	
-IRVIN PRODUCING COMPANY				RECEIVED:	03/22/82	JA: OH			
8224287		3411925308		103	107-TF	NELLIE CAW #1	WAYNE	10.0	COLUMBIA GAS TRAN
8224288		3412724523		103	107-TF	SHEPPERD-RINEHART #1	SALT LICK	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED:	03/22/82	JA: OH			
8224291		3410522017		103		C O CORE #1	BEDFORD	3.0	COLUMBIA GAS TRAN
8224293		3410522192		103		C O CORE #3	BEDFORD	4.0	COLUMBIA GAS TRAN
8224289		3410522003		103		CHARLES ESKEW #1	MEIGS	3.0	COLUMBIA GAS TRAN
8224295		3410522217		103		CHARLES ESKEW #2	SALISBURY	3.0	COLUMBIA GAS TRAN
8224292		3410522079		107-DV		CLARENCE CORNELL #1	LEBANON	11.0	COLUMBIA GAS TRAN

JO JO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224290		3410522007		103		HERMAN TROUT #1	SALISBURY	3.0	COLUMBIA GAS TRAN
8224294		3410522195		103		ROY SMITH #1	BEDFORD	4.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED:	03/22/82	JA: OH			
8224339		3403121995		103	107-RT	HUBER A BRENLY UNIT #1	KEENE	5.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED:	03/22/82	JA: OH			
8224337		3403124644		103		DOLLIE MCCOY #2	MONROE	12.0	COLUMBIA GAS TRAN
-JOHN TANSKY				RECEIVED:	03/22/82	JA: OH			
8224357		3407322604		103		A R CHANDLER #1	NEW PLYMOUTH	8.0	
-K S T OIL & GAS CO INC				RECEIVED:	03/22/82	JA: OH			
8224299		3415720922	D	108		HARDWIDGE #1		0.0	EAST OHIO GAS
8224296		3405921146	D	108		LUCAS #1		8.0	EAST OHIO GAS
8224297		3415320850		103	107-TF	NABORS #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8224298		3415320893		103	107-TF	NORTHAMPTON INVESTMENT GROUP #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
-L & M PETROLEUM INC				RECEIVED:	03/22/82	JA: OH			
8224302		3416725235		108		HAROLD DAY #1-A		12.8	COLUMBIA GAS TRAN
8224301		3416724819		108		RICHARD BIEHL #1		12.8	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	03/22/82	JA: OH			
8224303		3407523235		103		B B JONES ESTATE #1	RICHLAND	5.0	COLUMBIA GAS TRAN
-LBJ DRILLING DBA JEFF MORAN				RECEIVED:	03/22/82	JA: OH			
8224300		3408924371		103		COUNTY LINE DAIRY FARM #2	HICKMAN	0.0	
-LEADER EQUITIES INC				RECEIVED:	03/22/82	JA: OH			
8224304		3411925228		107-TF		JAMES HUMMELL #2	MONROE	15.0	
8224306		3411925378		107-TF		LANE ROSS #1	MONROE	15.0	
8224305		3411925318		107-TF		WAYNE BURLINGAME #1	MONROE	15.0	
8224307		3411926097		107-TF		WM WATERS #1	MONROE	14.0	
-LESLIE OIL & GAS CO INC				RECEIVED:	03/22/82	JA: OH			
8224308		3410322487		103		HANGE #6	SPENCER	0.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	03/22/82	JA: OH			
8224310		3411925946		103		N MOORE #8	BLUE ROCK	8.0	ROVI RESOURCES CO
8224309		3411925898		103		SHAFER #1	HARRISON	6.0	COLUMBIA GAS TRAN
-MAJ				RECEIVED:	03/22/82	JA: OH			
8224334		3413120071		107-DV		CARL & J A SLONE #1	WAVERLY SOUTH	3.8	
8224333		3413120069		107-DV		GARY DAVIS #2	WAVERLY SOUTH	4.3	
8224336		3413120074		107-DV		GEORGE & BLANCHE SLONE #1	WAVERLY SOUTH	4.2	
8224332		3413120068		107-DV		JAMES & NORA ROBINSON #1	STOCKDALE	1.0	
8224335		3413120072		107-DV		PAUL & AMY RAPST #3	WAVERLY SOUTH	7.6	
-MORGAN-PENNINGTON INC				RECEIVED:	03/22/82	JA: OH			
8224340		3407523216		103		GUILBERT HUNT #1	KNOX	5.5	COLUMBIA GAS TRAN
-NATIONAL PETROLEUM CORP				RECEIVED:	03/22/82	JA: OH			
8224342		3400721273		107-TF		H SMITH #1	LENOX	15.0	OHIO GAS CO
8224341		3400720681		107-TF		REINKE #1	JEFFERSON	15.0	OHIO GAS CO
8224343		3400721394		107-TF		REINKE #2	JEFFERSON	15.0	OHIO GAS CO
8224345		3400721409		107-TF		ZORMAN HENERY PORT #2	LENOX	15.0	OHIO GAS CO
8224344		3400721408		107-TF		ZORMAN HENERY PORT #3	LENOX	15.0	OHIO GAS CO
-OMNI PETROLEUM				RECEIVED:	03/22/82	JA: OH			
8224311		3413322323		102-4		FEDOROVICH #B-3	SUFFIELD	15.0	N L INDUSTRIES
8224312		3413322324		102-4		FEDOROVICH #B-4	SUFFIELD	15.0	N L INDUSTRIES
8224313		3413322325		102-4		FEDOROVICH #B-5	SUFFIELD	15.0	N L INDUSTRIES
8224314		3413322326		102-4		FEDOROVICH #B-6	SUFFIELD	15.0	N L INDUSTRIES
8224315		3413322327		102-4		FEDOROVICH #B-7	SUFFIELD	15.0	N L INDUSTRIES
-OXFORD OIL CO				RECEIVED:	03/22/82	JA: OH			
8224316		3411923037	D	108		RICHARD WATSON #1		10.0	COLUMBIA GAS TRAN
8224317		3411923113	D	108		RICHARD WATSON #2		10.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224318		3411923182	D	108		RICHARD WATSON #3		10.0	COLUMBIA GAS TRAN
-PAGE P BLAKEMORE				RECEIVED:	03/22/82	JA: OH			
8224234		3416724366		107-DV		ALLOWAY #2	GRANDVIEW	0.0	COLUMBIA GAS TRAN
8224237		3416725693		107-DV		CURTIS-HEDDLESTON #1	BELL RIDGE	0.9	
8224235		3416725650		107-DV		HACKATHORNE #4	GRANDVIEW	0.9	COLUMBIA GAS TRAN
8224233		3416721236		107-DV		WARD-COOPER #2	BELL RIDGE	4.0	
8224236		3416725651		103		WORSTELL #3	BELL RIDGE	10.0	
-POI ENERGY INC				RECEIVED:	03/22/82	JA: OH			
8224327		3415320547		108		AELSHIRE #1		2.7	
8224330		3415320616		108		ALPER #1		8.7	
8224325		3415320583		108		BARLOW ENTERPRISES #1		16.3	
8224328		3415328577		108		BARLOW ENTERPRISES #2		16.3	
8224329		3415320538		108		BOSTON COUNTY CLUB #2		1.6	
8224326		3415320543		108		BOSTON HTS REC AREA #1		6.0	
8224331		3415320646		108		BRICHELE #1		1.2	
8224324		3415320524		108		CARTER #1		11.5	
8224320		3400722592		103	107-TF	S & H INVESTMENT #1	STREETSBORO	22.0	
8224321		3400722594		103	107-TF	S & H INVESTMENT #3	STREETSBORO	22.0	
8224319		3400722405		103	107-TF	SPAIN PATON #1	STREETSBORO	22.0	
8224322A		3400723344		103		WATTS #4	RICHLAND	10.0	COLUMBIA GAS TRAN
8224322B		3400723344	D	107-TF		WATTS #4	RICHLAND	10.0	COLUMBIA GAS TRAN
8224323A		3400723345		103		WATTS #5	RICHLAND	18.0	COLUMBIA GAS TRAN
8224323B		3400723345	D	107-TF		WATTS #5	RICHLAND	18.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED:	03/22/82	JA: OH			
8224346		3400922282		103	107-TF	MILLFIELD COAL & MINING CO #1	DOVER	54.8	TENNESSEE GAS PIP
8224348		3407322481		103	107-TF	SUNDAY CREEK COAL #38	WARD	13.1	COLUMBIA GAS TRAN
8224349A		3407322528		103		SUNDAY CREEK COAL COMPANY #39	NEW STRAITSVILLE	11.0	COLUMBIA GAS TRAN
8224349B		3407322528	D	107-TF		SUNDAY CREEK COAL COMPANY #39	NEW STRAITSVILLE	11.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORPORATI				RECEIVED:	03/22/82	JA: OH			
8224347		3407322467		103	107-TF	SUNDAY CREEK COAL COMPANY #19	WARD	11.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED:	03/22/82	JA: OH			
8224238		3410521984		103		F CARSON #2	RUTLAND	1.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED:	03/22/82	JA: OH			
8224350		3416726889		107-DV		WATSON-MARTIN UNIT #1	SIMMONS	2500.0	COLUMBIA GAS OF O
-REPUBLIC OIL CO				RECEIVED:	03/22/82	JA: OH			
8224351		3408322752		103		CLUTTER #1A	BUTLER	12.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC				RECEIVED:	03/22/82	JA: OH			
8224352		3411521569		108		SLATER BROS #1		0.1	MANSFIELD PRODUCT
-RON DORCO				RECEIVED:	03/22/82	JA: OH			
8224256		3410322870		103	107-TF	DONNELLY #3	HINKLEY	25.0	COLUMBIA GAS TRAN
-SUNSET PETROLEUM INC				RECEIVED:	03/22/82	JA: OH			
8224355		3407523181		103	107-TF	H ROBERT SHAW #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED:	03/22/82	JA: OH			
8224356		3405922715		107-TF		FAUSNIGHT #1	WHEELING	25.0	COLUMBIA GAS TRAN
-TATUM PETROLEUM OHIO INC				RECEIVED:	03/22/82	JA: OH			
8224358		3403124492		107-TF		EMMETT ROAHRIG #1	WASHINGTON	500.0	COLUMBIA GAS TRAN
8224359		3403124493		107-TF		MAUDEST MCCURDY #1	BEDFORD	350.0	COLUMBIA GAS TRAN
-THE BENATTY CORPORATION				RECEIVED:	03/22/82	JA: OH			
8224227		3411925527		103	107-TF	LAZY ACRES FARMS #1	HARRISON	40.0	COLUMBIA GAS TRAN
8224228		3411926044		103	107-TF	LAZY ACRES FARMS #3	HARRISON	35.0	COLUMBIA GAS TRAN
-TIPKA - BARTLO OIL & GAS CO				RECEIVED:	03/22/82	JA: OH			
8224360		3405923154		103	107-TF	G BURGA UNIT #1	WILLS	25.0	LIBBEY-OWENS-FORD
8224361		3405923157		103	107-TF	P ORR #2	MONROE	15.0	LIBBEY-OWENS-FORD

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TITAN ENERGY CORP				RECEIVED: 03/22/82		JA: OH			
8224368		3411522547		103	107-TF	D & M HOOPER LINSCOTT #1	MEIGSVILLE	20.0	COLUMBIA GAS TRAN
8224370		3415521645		103	107-TF	F & M HOLESKO UNIT #1	NEWTON	20.0	COLUMBIA GAS TRAN
8224371		3415521699		103	107-TF	L & E TODUT #1	ORANGEVILLE	20.0	COLUMBIA GAS TRAN
8224369		3411522550		103	107-TF	WALTER ELLIOTT #1	MEIGSVILLE	20.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED: 03/22/82		JA: OH			
8224373		3413322777		103	107-TF	FANNIN UNIT #3	PALMYRA	30.0	
8224372		3408520327		103	107-TF	LOSELY #1	PERRY	30.0	
-WELCOME OIL CO				RECEIVED: 03/22/82		JA: OH			
8224381		3407523615		103		SCHLABACH #1	MONROE	7.0	
-WILLIAM N TIPKA				RECEIVED: 03/22/82		JA: OH			
8224362		3415722488		108		DAVIDSON #2		7.0	AMERICAN ENERGY C
8224365		3415722652		108		HELMIEK #1		9.0	AMERICAN ENERGY C
8224364		3415722615		108		L P TURNER #1		6.0	AMERICAN ENERGY C
8224367		3415722810		108		POLLOCK #1		17.0	AMERICAN ENERGY C
8224363		3415722553		108		R KAISER #1A		6.0	AMERICAN ENERGY C
8224366		3415722684		108		R KAISER #2A		7.0	AMERICAN ENERGY C
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMCANA OIL CORP				RECEIVED: 03/18/82		JA: OK			
8224172	13108	3504722502		103		ZELNICEK 2-20			
-AMOCO PRODUCTION CO				RECEIVED: 03/18/82		JA: OK			
8224181	13024	3507322602		103		WROBBEL #31-1 (HUNTON)	SOONER TREND	70.0	PANHANDLE EASTERN
8224182	13023	3507322602		103		WROBBEL #31-1 (MISSISSIPPI)	SE ALPHA-HUNTON	15.0	WARREN PETROLEUM
-ANDOVER OIL COMPANY				RECEIVED: 03/18/82		JA: OK	SE ALPHA-MISSISSIPPI	15.0	WARREN PETROLEUM
8224177	13069	3501721890		102-2 103		SCHUMACHER #22-4		175.0	DELHI GAS PIPELIN
-B R POLK INC				RECEIVED: 03/18/82		JA: OK			
8224162	13044	3508320883		103		DEAN #1	MARSHALL	50.0	EASON OIL CO
-BARUCH-FOSTER CORP				RECEIVED: 03/18/82		JA: OK			
8224164	13031	3503723397		103		MCKENNEY #1	WEST SHAMROCK	18.0	CITIES SERVICE GA
-C & T RESOURCES				RECEIVED: 03/18/82		JA: OK			
8224160	12837	3511100000		103		JORDAN #2-2	OKMULGEE DIST	0.0	PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP				RECEIVED: 03/18/82		JA: OK			
8224194	13012	3501721977		103		BRINDLEY #20-1	NORTHWEST MUSTANG	105.0	DELHI GAS PIPELIN
-COBRA OIL AND GAS CORPORATION				RECEIVED: 03/18/82		JA: OK			
8224202	13042	3509322190		102-4 103		WARKENTIN "3" #1		110.0	PHILLIPS PETROLEU
-COQUINA OIL CORPORATION				RECEIVED: 03/18/82		JA: OK			
8224180	13074	3504722459		103		SCHMINKE #1	UNDESIGNATED	18.0	AMINOIL USA INC
-COX EXPLORATION INC				RECEIVED: 03/18/82		JA: OK			
8224176	13067	3508720554		103		SAMPLES #1	FLINT CREEK	44.2	SUN GAS CO
-DALCO PETROLEUM INC				RECEIVED: 03/18/82		JA: OK			
8224185	13101	3507322988		103		A & P #1	SOONER TREND	91.3	DALCO PETROLEUM U
8224183	13103	3507322469		103		ELMER #1	SOONER TREND	91.3	DALCO PETROLEUM U
8224186	13100	3504722153		103		JORDAN #1	SOONER TREND	91.3	EASON OIL CO
8224184	13102	3507322482		103		MOLENA #1	SOONER TREND	91.3	CITIES SERVICE GA
-DLB ENERGY CORP				RECEIVED: 03/18/82		JA: OK		146.0	PHILLIPS PETROLEU
8224173	13124	3507323170		103		YOST #1			
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/18/82		JA: OK			
8224174	17160	3512920669		107-DP		OKLAHOMA CAMPBELL #1	BERLIN E ATOKA	327.0	EL PASO NATURAL G
-EUGENE BARNES				RECEIVED: 03/18/82		JA: OK			
8224195	13015	3511100000		103		EUGENE BARNES #6-A		55.0	PHILLIPS PETROLEU
-F M BUXTON				RECEIVED: 03/18/82		JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224171	13078	3508321748		103		WILLSON #1	SOONER TREND	0.0	CONOCO INC
-INTER-GLOBE ENERGY INC				RECEIVED:		03/18/82 JA: OK			
8224158	13002	3510700000		103		INTER-GLOBE #1	S MICAWBER	520.0	KERR-MCGEE CORP
-JONES & PELLOW OIL CO				RECEIVED:		03/18/82 JA: OK			
8224196	13032	3508520271		103		HANKINS 35-1	NE MARIETTA	40.0	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED:		03/18/82 JA: OK			
8224175	13047	3504520930		103		BERRYMAN #1	S E ARNETT	200.0	
-LADD PETROLEUM CORPORATION				RECEIVED:		03/18/82 JA: OK			
8224198	13040	3514722413		103		HADLEY #2	WAYSIDE NE	27.3	CITIES SERVICE GA
8224197	13041	3514722409		103		J KANE #4	DEWEY EAST	9.6	CITIES SERVICE GA
8224199	13039	3514722650		103		J KANE #7	DEWEY EAST	12.9	CITIES SERVICE GA
8224201	13037	3514721890		103		PALLETT #3	EAST DEWEY	6.8	CITIES SERVICE GA
8224200	13038	3514722430		103		UNION OIL #1	WAYSIDE NE	34.2	CITIES SERVICE GA
-MAPCO PRODUCTION COMPANY				RECEIVED:		03/18/82 JA: OK			
8224191	16207	3501922445		102-4	103	CRABB 1-18	WEST HEWITT	8.0	AMINOIL USA INC
8224189	16193	3501922379		102-4	103	HOLDEN 1-17	WEST HEWITT	1.5	AMINOIL USA INC
8224192	16208	3501922355		102-4	103	WESTHEIMER-NEUSTADT "D" 2-17	WEST HEWITT	1.2	AMINOIL USA INC
8224190	16205	3501922403		102-4	103	WOODRUFF "A" 1-7	WEST HEWITT	8.0	AMINOIL USA INC
-MARLIN OIL CORPORATION				RECEIVED:		03/18/82 JA: OK			
8224161	13043	3500722050		103		LAVERTY #1	MOCANE-LAVERNE	108.0	EL PASO NATURAL G
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED:		03/18/82 JA: OK			
8224166	13852	3511921413		102-4		BEDINGFIELD #1	MARKHAM	0.0	PARKS ENERGY INVE
8224204	13756	3511921364		102-4		MOORE #1	MARKHAM	30.0	PARKS ENERGY INVE
8224165	14292	3511921409		102-4		MOORE #2	MARKHAM	0.0	PARKS ENERGY INVE
8224167	13757	3511921267		102-4		ROBISON #1	MARKHAM	40.0	PARKS ENERGY INVE
-OKLAHOMA SILURIAN PARTNERS				RECEIVED:		03/18/82 JA: OK			
8224193	13011	3510320742		103		WAGGONER #2	EAST BILLINGS	86.4	ARCO OIL & GAS CO
-PETRO-LEWIS CORPORATION				RECEIVED:		03/18/82 JA: OK			
8224170	13077	3504225580		103		JOSEPH 27-2	SOONER TREND	18.3	CITIES SERVICE GA
-PETROLEUM INC				RECEIVED:		03/18/82 JA: OK			
8224159	13028	3508720620		103		HESTER UNIT #1	N DIBBLE	0.0	SUN GAS CO
-PORTS OF CALL OIL CO				RECEIVED:		03/18/82 JA: OK			
8224169	13075	3504321209		103		MOREY #15-1	WEST PUTNAM	200.0	PANHANDLE EASTERN
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED:		03/18/82 JA: OK			
8224188	13128	3512120830		103		BUCK #2-5	NW FEATHERSTON	90.0	SOUTHEAST TRANSMI
8224187	13129	3512120812		103		STANFIELD #2-8	NW FEATHERSTON	80.0	SOUTHEAST TRANSMI
-SELLERS & SELLERS				RECEIVED:		03/18/82 JA: OK			
8224203	13115	3506300000		108		TOM'S 80 #2	GREASY CREEK	1.7	PUBLIC SERVICE CO
-SHELL OIL CO				RECEIVED:		03/18/82 JA: OK			
8224168	6831	3504520790		103		WHITE 2-31	CATESBY	123.0	TRANSWESTERN PIPE
-ST JOE PETROLEUM (US) CORP				RECEIVED:		03/18/82 JA: OK			
8224179	13073	3510321415		103		TURNER #4	UNDESIGNATED	36.5	CITIES SERVICE GA
-SULLIVAN AND CO				RECEIVED:		03/18/82 JA: OK			
8224178	13070	3508121309		103		BEN #1	W RED MOUND	67.0	
-VULCAN ENERGY CORP				RECEIVED:		03/18/82 JA: OK			
8224163	13045	3507322991		103		HOSKINS #1	SOONER TREND	150.0	ARKANSAS-LOUISIAN
-WENEXCO INC				RECEIVED:		03/18/82 JA: OK			
8224157	13046	3504921304		103		STEPHENS 1-27	WEST PAOLI	180.0	WARREN PETROLEUM

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Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9975 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-C

[Project No. 5262-001]

Mr. James O. Boyd; Application for License (5 MW or less)

April 8, 1982.

Take notice that Mr. James O. Boyd, (Applicant) filed on March 3, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for construction and operation of a water power project to be known as Hat Creek Hydroelectric Project No. 5262. The project would be located on Hat Creek in Shasta County, California near the town of Old Station, occupying lands of the United States within the Lassen National Forest. Correspondence with the Applicant should be directed to: Mr. Ronald F. Ott; Ott Water Engineers, 2334 Washington Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 6-foot high, 45-foot long rock-filled gravity structure; (2) a 20-foot high, 13-foot wide intake structure; (3) a 4,200-foot long, 66-inch diameter, low pressure pipe to be partially exposed; (4) a 2,450-foot long, 57-inch diameter steel penstock; (5) a reinforced-concrete powerhouse to contain a single generating unit with a rated capacity of 1,870 kW; (6) a 1,500-foot long powerline to connect to an existing Pacific Gas and Electric Company (PG&E) line; and (7) a 2.75-mile long access road for access to powerhouse, diverson, and pipelines. The estimated average annual energy output is 11,617,000 kWh.

Purpose of Project—Project energy would be sold to PG&E.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. It 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 June 21, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9899 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6068-000]

The California Department of Water Resources; Application for Exemption of Small Conduit Hydroelectric Facility

April 8, 1982.

Take notice that on March 8, 1982, The California Department of Water Resources (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) (16 U.S.C. 83(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Las Flores Power Plant Project (FERC Project No. 6068) would be located at the irrigation release outlet from Mojave Siphon below Ceder Springs Dam on the West Fork of Mojave River, in San Bernardino County, California. Correspondence with the Applicant should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California.

Purpose of Project—The power generated by the project would be used for State's water projects.

Project Description—The project would consist of: (1) an 18-inch diameter penstock serving; (2) a powerhouse with a rated capacity of 190 kW. The average annual generation is estimated to be about 913,000 kWh annually.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days

from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9900 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-48-000]

Commonwealth Edison Co.; Application

April 7, 1982.

Take notice that on March 30, 1982, Commonwealth Edison Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue not more than $900 million of short-term debt on or before December 31, 1984, with a final maturity date of not later than December 31, 1985.

Any person desiring to be heard or to make any protest with reference to the application should on or before April 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9943 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-54-000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

April 2, 1982

Take notice that Colorado Interstate Gas Company (CIG), on March 29, 1982, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed base rates would increase revenues from jurisdictional sales by approximately $110 million above the rates in Docket No. TA82-2-32 (PGA82-2), inclusive of the PGA adjustment proposed to be effective on April 1, 1982 (excluding the deferred purchase gas cost surcharges and the GRI adjustment). The proposed increase is based on the 12-month period ended December 31, 1981, adjusted for known and measurable changes which will become effective within the nine months subsequent to that date, as provided for in the Commission's Regulations.

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover increases in its jurisdictional cost of service. The significant changes in rate making methodology and rate components included in the filing are as follows:

1. Use of the *Atlantic Seaboard* Corporation, 11 FPC 43 (1952), method of cost classification, allocation, and rate design.

2. A 14.23 percent overall rate of return.

3. An adjustment in the method of computing the EX-1 rate.

Also included in the filing are revised tariff sheets adjusting the transportation rates CIG charges to Cities Service Gas Company under CIG Rate Schedule X-14, Natural Gas Pipeline Company of America under Rate Schedules X-32 and X-36, Michigan Wisconsin Pipe Line Company under Rate Schedule X-35, Panhandle Eastern Pipe Line Company under Rate Schedule X-38, Northwest Pipeline Corporation under Rate Schedule X-39, United Gas Pipe Line Company under Rate Schedule X-40, Sinclair Oil Corporation under Rate Schedule X-41, and Western Gas Interstate Company under Rate Schedule X-42.

Furthermore, CIG has included with its rate filing alternate tariff sheets reflecting both the use of the *United Gas Pipe Line Company*, 50 FPC 1346 (1973), method of cost classification, allocation, and rate design and the pricing of CIG's gas production from pre-1973 wells on leases acquired by CIG prior to October 8, 1969, at Natural Gas Policy Act of 1978 (NGPA) maximum lawful ceilings. CIG states that its primary tariff sheets reflect its intention to defer collection of the net costs associated with repricing its "old" production at NGPA maximum lawful ceilings until CIG's next purchased gas adjustment (PGA) tariff filing, but that alternate tariff sheets which would recover such costs in the instant filing are submitted because of the recent issuance of the *Mid-Louisiana Gas Co.* v. *FERC*, U.S. Court of Appeals for the Fifth Circuit, Case Nos. 80-3804 and 80-4010, decision issued December 23, 1981, and the lack of any guidance from the Commission as to the manner in which pipelines are to implement the court's mandate.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9928 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-411-000]

Central Vermont Public Service Corp.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that on March 30, 1982, Central Vermont Public Service Corporation (Central Vermont) tendered for filing a proposed R-11 Rate for service to Allied Power & Light Company, New Hampshire Electric Cooperative, Inc., Rochester Electric Light and Power Company, Village of Hyde Park Water and Light Department and Woodsville Fire District Water and

Light Department. The proposed rate is requested to become effective for deliveries of power and energy on and after May 31, 1982.

Central Vermont states that the R-11 Rate is intended to supersede the present Rate R-10. Central Vermont further states that the filing would increase revenues from its affected customers by $421,711 on a 1982 test year basis. Central Vermont indicates that it has made this filing because it is currently experiencing a revenue deficiency under the rate presently charged to affected customers.

According to Central Vermont copies of the filing were served on each of the affected customers and on the public utility commissions of New Hampshire and Vermont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9913 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-403-000]

Consolidated Edison Co. of New York, Inc.; Filing

April 2, 1982.

The filing Company submits the following:

Take notice that on March 26, 1982, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing, as an initial rate schedule, copies of a transmission agreement (the Agreement) between Con Edison and the Power Authority of the State of New York (PASNY).

The Agreement, dated as of October 1, 1981 provides for the transmission of firm and energy by Con Edison from PASNY to Brookhaven National Laboratory, a customer of PASNY.

Con Edison requests an effective date of October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

According to Con Edison a copy of the filing has been served upon PASNY.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9929 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3333-001]

Continental Hydro Corp.; Surrender of Preliminary Permit

April 8, 1982

Take notice that Continental Hydro Corporation (CH) permittee for the proposed Grayson Project No. 3333 has requested that its preliminary permit be terminated. The preliminary permit was issued on March 31, 1981, and would have expired on September 1, 1983. The proposed project would have utilized the U.S. Army Corps of Engineers Grayson Dam near Grayson, Kentucky. CH indicates that the project would not appear to be an economic source of energy.

CH's request is dated March 11, 1982, and the surrender of its permit for Project No. 3333 is effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9902 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-45-000]

Consumers Power Co.; Application

April 7, 1982

Take notice that on March 26, 1982, Consumers Power Company filed an application for authority to issue Securities under Section 204 of the Federal Power Act. In its application, Consumers states that it intends to enter into a financing agreement wherein it will enter into a credit agreement ("Credit Agreement") with Southern Michigan Energy Corporation, a special purpose Delaware corporation ("Issuer") and Westdeutsche Landesbank Girozentrale, New York Branch ("Agent Bank"), and First National Bank in St. Louis, Gulf International Bank B.S.C., Hessiche Landesbank—Girozentrale—New York Branch, LaSalle National Bank, the Royal Bank of Canada, New York Agency, Union Bank (Los Angeles) and such additional or replacement banks as the officers of Consumers may choose ("lending Banks") for the purpose of financing the merchandise, insurance and/or services as set forth in Exhibit K to the Credit Agreement. With the execution of the Credit Agreement, Consumers will also enter into a guaranty ("Guaranty") in favor of the Agency Bank and the Lending Banks and a pledge and Security Agreement (Security "Agreement") with the Issuer, the Agent Bank and Morgan Guaranty Trust Company of New York ("Collateral Agent"). Pursuant to the Credit Agreement, the Issuer may issue commercial paper, payment of which is guaranteed by Consumers, and advance the proceeds to Consumers. Also, pursuant to the Credit Agreement, the Agent Bank and the Lending Banks may make loans to Consumers. The total amount of commercial paper and/or loans available to Consumers pursuant to the Credit Agreement cannot exceed $100,000,000. The obligations of the Agent Bank and the Lending Banks to support any such commercial paper or to make such loans will be available to Consumers for a period not to exceed 364 days from the date of execution of the Credit Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9914 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-405-000]

Consumers Power Co.; Filing

April 2, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company on March 29, 1982 tendered for filing the Airport Interconnection Facilities Agreement Between Consumers Power Company and Northern Michigan Electric Cooperative, Inc.

The Airport Facilities Agreement is one of seven facilities agreements related to a coordinated operating agreement between Consumers Power Company, on the one hand, and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., City of Grand Haven, Michigan, City of Traverse City, Michigan and City of Zeeland, Michigan, on the other hand. The said coordinated operating agreement and the other six related facilities agreements were accepted for filing by letter of February 16, 1982 in Docket No. ER82-181-000.

Consumers Power states that copies of the filing were served on Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., City of Grand Haven, Michigan, City of Traverse City, Michigan, City of Zeeland, Michigan and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9930 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-406-000]

Consumers Power Co.; Filing

April 2, 1982.

The filing Company submits the following:

Taken notice that Consumers Power Company on March 29, 1982 tendered for filing Amendment No. 5 to the Operating Agreement dated March 1, 1966 among Consumers Power Company, The Detroit Edsion Company and The Toledo Edison Company (hereinafter referred to as "the 1966 Operating Agreement").

Amendment No. 5 makes certain modifications to Service Schedule C of the 1966 Operating Agreement. Specific provisions are being added to allow the parties to participate in Economy Energy transactions involving systems not a party to the 1966 Operating Agreement and to allow the parties to participate in Non-Displacement transactions involving systems not a party to said agreement. The rates to be used in multiple party Economy Energy transactions provide a sharing of the benefits realized by the transactions among all of the participants and are the same rates as those in effect for the same type of transaction under the Operating Agreement among Consumers Power Compay, The Detroit Edison Company and Indiana & Michigan Electric Company, which was filed with the FERC in March 1977 in Docket No. ER77-239. The rate to be used in a multiple party Non-Displacement Energy transaction is the same rate as is in effect for emergency power transactions with multiple parties under the Operating Agreement among Consumers Power Company, The Detroit Edison Company and Indiana & Michigan Electric Company filed with the FERC in April 1981 in Docket No. 81-368-000.

Consumers Power states that copies of the filing were served on The Detroit Edison Company, The Toledo Edison Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protects will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9931 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-402-000]

Duke Power Co.; Filing

April 2, 1982

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 26, 1982, a supplement to the Company's Electric Power Contract with the City of Gastonia. Duke Power states that this contact is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 227.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in contract demand: Delivery Point No. 7 from 15,500 KW to 11,000 KW and Delivery Point No. 12 from -0- KW to 16,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immeditely preceding and for the twelve months immediately succeeding the effective date.

Duke Power proposes an effective date of March 19, 1982, and therefore requests waiver of the Commission's notice requirements.

Accordingly to Duke Power copies of this filing were mailed to the City of Gastonia and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9932 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-28-001, et al.]

Eastern Shore Natural Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

April 7, 1982

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 22, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
3/5/82	Eastern Shore Natural Gas Co.	RP82-28-001....	LFUT report.
3/18/82	Cities Service Gas Co.	RP81-127-003..	LFUT report.
3/18/82	Equitable Gas Co.	RP82-40-002....	LFUT report.
3/19/82	East Tennessee Natural Gas Co.	RP78-12-014....	Report.
3/23/82	Western Gas Interstate Co.	RP81-10-005....	Report.
3/24/82	Consolidated Gas Supply Corp.	RP81-114-002..	LFUT report.
3/24/82	Sea Robin Pipeline Co.	RP81-116-002..	LFUT report.
3/24/82	United Gas Pipe Line Co.	RP81-115-002..	LFUT report.
3/25/82	Natural Gas Pipeline Co. of America.	RP80-107-010..	Report.

[FR Doc. 82-9915 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP74-126-012]

El Paso Natural Gas Co.; Peition To Amend

April 5, 1982

Take notice that on March 19, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126-012 a petition pursuant to Section 7(c) of the Natural Gas Act to amend the order issued April 2, 1974,[1] in the instant docket so as to authorize the expansion of the specified area of interest under the authorized exchange agreement with Natural Gas Pipeline Company of America (Natural) and the exchange of natural gas from such area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued April 2, 1975, in Docket Nos. CP74-126 and CP74-162, Petitioner and Natural were authorized to construct and operate certain facilities, to exchange up to 65,000 Mcf of natural gas per day, and were further given blanket authorization to add and delete from time to time exchange and balancing points located within a specified area of interest currently comprised of Eddy, Lea and Roosevelt Counties, New Mexico, Beckham, Dewey, Grady and Washita Counties, Oklahoma, and Hansford, Pecos, Terrell, Reeves and Ward Counties, Texas.

Petitioner states that it has been advised that Natural has acquired additional natural gas supplies located outside the specified area of interest in Caddo County, Oklahoma, which are not in close proximity to Natural's system and which it desires to cause to be delivered to Petitioner under their existing exchange agreement. In order that Natural may obtain such additional natural gas supplies on a long-term basis, it is explained, Petitioner and Natural amended their exchange agreement on August 24, 1981, to provide for a new exchange point under the authorized exchange agreement to expand the specified area of interest. Petitioner further states that deliveries of natural gas for Natural's account at the proposed Caddo exchange point would be commingled with natural gas purchased by Petitioner and delivered into Producer's Gas Company (Producer's) existing gathering system through common measurement facilities installed, owned and operated by Producer's; and that no additional facilities would be required at such exchange point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9933 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Project No. 6101-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 8, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 18, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6101 to be known as the John Martin Project located on the Arkansas river near the Town of Las Animas in Bent County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers John Martin Dam and Reservoir and would consist of a powerhouse with one turbine generating unit having a rated capacity of 2.66 MW and a transmission line. The project is estimated to be capable of producing 6,900,000 KWh annually. Energy produced at the project may be sold to the Town of Lamar, Colorado or Central Telephone and Utilities Corporation for distribution to their customers.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would economic analysis, preparation of preliminary engineering plans, coordination with the Corps of Engineers, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be

performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 20, 1982, the competing application itself (See 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9903 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6078-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 2, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 12, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6078 to be known as the Green River Lock and Dam No. 6 located on the Green River in Edmonson County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Green River Lock and Dam No. 6. The proposed project would consist of: (1) Two proposed six (6) foot diameter penstocks approximately 100 feet long; (2) a proposed powerhouse containing two generating units rated at 250 kW each for a total installed capacity of 500 kW; (3) a proposed 161 KV transmission line; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 1.3 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time various studies will be performed to determine the engineering, economic and environmental feasibility of the project. The Applicant will also consult with Federal, State, and local agencies concerning the environmental effects of the project. The estimated cost of the studies is approximately $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9958 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6080-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 2, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 12, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6080 to be known as the Green River Lock and Dam No. 3 located on the Green River in Ohio County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Green River Lock and Dam No. 3. The proposed project would consist of: (1) A proposed 10-foot diameter penstock; (2) a proposed powerhouse containing a generating unit rated at 2 MW; (3) a proposed 161 KV transmission line; and (4) appurtenant facilities. Applicant estimates the annual energy output to be 5.3 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to determine the feasiblity of the project. The Applicant estimates the cost of the studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9959 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 3086, 3137, 3164, and 3165]

City of Fayetteville Public Works Commission; Surrender of Preliminary Permits

April 8, 1982

Take notice that the City of Fayetteville Public Works Commission (Fayetteville), Permittee has requested that the following preliminary permits be terminated:

(i) Project No. 3086 located at the U.S. Army Corps of Engineers' B. Everett Jordan Dam on the Haw River in Chatham County, North Carolina. The preliminary permit was issued September 25, 1981 and would have expired September 1, 1982.

(ii) Project No. 3137 located at the U.S. Army Corps of Engineers' W. Kerr Scott Dam on the Yadkin River in Wilkes County, North Carolina. The preliminary permit was issued September 17, 1981 and would have expired March 1, 1983.

(iii) Project No. 3164 located at the U.S. Army Corps of Engineers' Lock and Dam No. 1 on the Cape Fear River in Bladen County, North Carolina. The preliminary permit was issued September 29, 1981 and would have expired September 1, 1983.

(iv) Project No. 3165 located at the U.S. Army Corps of Engineers' Lock and Dam No. 2 on the Cape Fear River in Bladen County, North Carolina. The preliminary permit was issued September 29, 1981 and would have expired on September 1, 1983.

Fayetteville cited that after extensive investigation at the above-mentioned locations the development of each facility was not favorable.

Fayetteville filed a request for surrender of permits for Projects Nos. 3086, 3137, 3164, and 3165 on March 17, 1982, and the surrender of Projects Nos. 3086, 3137, 3164, and 3165 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9901 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5614-000]

Georgia-Pacific Corp. and New York State Electric and Gas Corp.; Application for License (Over 5 MW)

April 2, 1982.

Take notice that Georgia-Pacific Corporation and New York State Electric and Gas Corporation (Applicant) filed on November 5, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)) for construction and operation of a water power project to be known as the Lower Saranac Project No. 5614. The project would be located on the Saranac River in the City of Plattsburg and the town of Schuyler Falls, Clinton County, New York. Correspondence with the Applicant should be directed to: Mr. J. J. Ray, New York State Electric and Gas Corporation, 4500 Vestal Parkway East, New York 13902.

Project Description—The proposed project would consist of: (1) The existing Treadway Mills dam comprised of: (a) an 83-foot long, 18-foot high gate section located adjacent to the north dam abutment containing seven 7.5-foot wide, 10-foot high gates; (b) a 75-foot long, 24.24-foot high concrete spillway positioned at a right angle to the gate section; (c) a 50-foot long, 31.1-foot high gate structure located adjacent to the spillway; and (d) a 17.2-foot high, 60-foot long gate structure located approximately 200-feet south of the main dam structure containing three 6-foot high, 6-foot wide gates; (2) a reservoir with a usable storage capacity of 370 acre-feet at elevation 283.2 feet m.s.l. when 1.6-foot high flashboards are installed on the dams; (3) an existing powerhouse built integrally to the dam containing two turbine-generators with a total rated capacity of 2.4 MW; (4) a new intake structure located at the south gate structure; (5) a new 11-foot diameter, 6,800-foot long fiberglass penstock; (6) a new powerhouse containing two turbine-generators with a total rated capacity of 6.6 MW and located adjacent to the abandoned Indian Rapids Powerhouse; (7) the existing 4.5 mile long, 23-kV transmission line serving the Treadway Mills Site; (8) a new 90-foot long, 12.5-kV transmission line connected to the existing Indian Rapids Substation and (9) appurtenant facilities. The project would produce up to 33,170,000 kWh annually. Energy produced by the project would be utilized by the Applicants.

Applicant also proposes to construct a visitor parking area, hiking/cross country ski trails, picnic areas, scenic overlook areas and boat and fishing access areas.

The project would utilize lands and existing facilities owned by Georgia Pacific Company and New York State Electric and Gas Corporation. In addition, the project would utilize 4.2 acres of land owned by the U.S. Government as part of Plattsburg Air Force Base for a transmission line corridor.

Competing Applications—This application competes with the Lower Saranac Project FERC No. 4114–001 application filed by Long Lake Energy Corporation on October 8, 1981. Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing application June 14, 1982 itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9960 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-422-000]

GPU Service Corp.; Filing

April 6, 1982.

The filing Company submits the following:

Take notice that on March 30, 1982, the GPU Service Corporation (GPU) tended for filing, on behalf of the Pennsylvania Electric Company, Metropolitan Edison Company, and the Jersey Central Power & Light Company, Proposed Revision 8 of Schedule 4.01 to the existing Agreement among them, dated July 21, 1969.

GPU states that Schedule 4.01 defines the installed capacity obligations within GPU and sets forth the weekly rate per kilowatt on which payments shall be based for deficiency of capacity among the GPU System Companies.

GPU further states that revision to this Schedule is proposed to conform with changes, submitted to the FERC, in the Pennsylvania-New Jersey-Maryland Interconnection Agreement to which the GPU System Companies are signatories.

GPU requests an effective date of June 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9916 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-51-000 (PGA82-2 and IPR82-2)]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff under purchased Gas Adjustment Clause Provisions

April 7, 1982.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on March 31, 1982, tendered for filing Forty-First Revised Sheet No. 57, and Fourth Revised Sheet No. 57–A to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1982.

Forty-First Revised Sheet No. 57 includes a revised purchased gas cost adjustment which reflects an increase in the cost of gas purchased from

TransCanada PipeLines Limited, its sole supplier of natural gas, as a result of an increase in the heat content of the gas.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1981 and ending February 28, 1982, which includes adjustments for changes in company use gas cost from that reflected in the base tariff rates and a transporation revenue refund obligation. These adjustments are required in accordance with Articles IV and VI respectively of the Stipulation and Agreement in Docket No. RP80–134 which was approved by the Commission on September 4, 1981.

Fourth Revised Sheet No. 57–A reflects the estimated incremental pricing surcharge for the six month period commencing May 1, 1982 and ending October 31, 1982. No incremental costs are estimated for this period.

Any person desiring to be heard or to protest said filing should file a petition to interevene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9976 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RI74–188–003, RI74–188–004, RI75–21–002]

Independent Oil & Gas Association of West Virginia; Second Informal Settlement Conference

April 7, 1982

Take notice that on Thursday, April 29, 1982, at 10 a.m., there will be an informal settlement conference in the above-captioned proceeding. The conference will be held in a room to be announced at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Parties, participants and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter, attendance will not be deemed to authorize intervention as a party in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9950 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–413–000]

Indianapolis Power & Light Co.; Filing

April 6, 1982.

The filing Company submits the following:

Take notice that Indianapolis Power & Light Company (IPL) on March 30, 1982, tendered for filing an Interconnection Agreement with Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier) dated as of December 1, 1981, to become effective June 1, 1982.

IPL states that said Agreement provides for the voluntary purchases and sales of wholesale power and energy between the parties under Emergency Service, Energy Transfer, Interchange Power, Short Term Power, Limited Term Power (Firm) and Diversity Power schedules at rates comparable to those set forth in like service schedules IPL has in effect with other electric utilities.

IPL requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to IPL copies of the filing were mailed to Hoosier and to the Public Service Commission in Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9917 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–426–000]

Jersey Centeral Power and Light Co.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that on March 31, 1982, Jersey Central Power and Light Company (Jersey Central) filed a wholesale rate increase for its all requirements wholesale customers. Jersey Central proposes a two-phase rate increase. Phase A, proposed to be effective on May 31, 1982, would effect an annual increase in wholesale revenues of $3,544, 901. Phase B, proposed to be effective June 1, 1982, would effect an annual increase in wholesale revenues of $5,569,678. Jersey Central states that potentially controversial issues have been relegated to its Phase B filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9918 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–412–000]

Kansas Gas and Electric Co.; Filing

April 6, 1982.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on March 30, 1982, tendered for filing proposed changes in its FERC Electric Service Tariff Nos. 55, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 131, 132, 133, 134, 135, 144, 145, 146, 147, 149, 150 and the Transmission Agreement with Electric Power Cooperative Inc. The proposed changes would increase revenues from Applicant's jurisdictional customers' sales and service by

$2,120,132 based on the twelve month period ending December 31, 1982.

KG&E is experiencing a number of major problems which necessitate requesting the proposed increase. Rising capital expenditures and costs, inflation, attrition and regulatory lag have contributed to a general deficiency in the revenue provided by jurisdictional customers.

KG&E proposes an effective date of May 31, 1982.

According to KG&E copies of the filing were served upon the public utility's jurisdictional customers and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9919 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Doc. No. GP80-39-002]

Kentucky West Virginia Gas Co.; Third-party Protest

April 7, 1982.

On March 31, 1982, the Staff of the Federal Energy Regulatory Commission (Commission Staff) filed a protest in accordance with §§ 154.94(h) and 157.40(c) of the Commission's regulations to the assertion by Weaver Oil and Gas Corporation, 5599 San Felipe, Suite 1100, Houston, Texas 77056 (Weaver) that its natural gas sales contract No. 283 with Kentucky West Virginia Gas Company (Kentucky West) in effect for the period December 1, 1978, through May 30, 1979, when it was amended, provided contractual authorization to charge prices under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that its protest is based on the statements of Kentucky West made in its now-withdrawn protest of April 30, 1979 respecting the subject contract, as well as in its August 13, 1979 protest to contracts involving certain sellers other than Weaver. In these protests, Kentucky West stated its position that the subject contract did not authorize collection of NGPA prices. Staff further states that good cause exists for this protest being filed at this time and requests a hearing on the issue of whether Weaver's original contract No. 283, Meter No. 18B85, constituted contractual authorization to charge and collect NGPA rates. Weaver made its assertion of contractual authorization in a letter filed March 23, 1982 in Docket No. GP80-39.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to this protest should file on or before April 28, 1982, a petition to intervene in accordance with 18 CFR 1.8. The seller need not petition to intervene because, under 18 CFR 154.94(j)(4)(ii), the seller in the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9904 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-46-000]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

April 2, 1982.

Take notice that on March 31, 1982, Kentucky West Virginia Gas Company ("Kentucky West") tendered for filing its Twenty-Fourth Revised Sheet No. 27 and Fifth Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective May 1, 1982.

Kentucky West states that the purpose of the filing is to:

1. Reflect the Company's semi-annual purchased gas cost adjustment determined in accordance with Section 282.503 and Section 18 of its FERC Gas Tariff, First Revised Volume No. 1;

2. Reflect the repricing of certain of its pipeline production to implement the decision of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Company vs. FERC*, No. 80-3804 ("*Mid-Louisiana*"). The implementation of the *Mid-Louisiana* decision includes both retroactive repricing of Kentucky West's production to December 1, 1978, and prospective repricing of a major portion of Kentucky West's own production commencing with January 31, 1982. The retroactive amounts included herein are restricted to (1) the repricing of 230 wells from a cost-of-service basis to the applicable NGPA price under Section 108, and (2) the repricing of the remainder of Kentucky West's production to the appropriate flowing gas rate under Section 104; and

3. Eliminate the Kentucky Severance Tax Adjustment Clause.

If, upon review of the instant filing during the thirty (30) day notice period, the Commission is unable to make a final determination that the resale rates reflected on the proposed tariff sheets are appropriate in light of the *Mid-Louisiana* decision with respect to certain categories of Kentucky West's pipeline-produced gas or regarding the manner of its implementation, Kentucky West requests that the Commission suspend its proposed tariff sheets for the minimum suspension period so that the rates may go into effect on May 1, 1982, subject to refund, pending final Commission determination of said questions.

Kentucky West also requests a waiver of all applicable rules, orders, and regulations of the Commission, as may be deemed necessary, to permit Kentucky West to amortize the retroactive collections over a three (3) year period, i.e., six PGA filings.

Kentucky West further states that, in making the instant filing, it does not waive any rights it may have to a filing to charge and collect NGPA prices for all Company-owned production retroactive to December 1, 1978, nor does it waive any rights to collect any carrying or interest charges applicable thereto.

Copies of the filing were served upon the Company's jurisdictional customers or interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9934 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4244-001]

Long Lake Energy Corp.; Application for License (Over 5 MW)

April 5, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on October 9, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed project No. 4244 to be known as the Northumberland Project located on the Hudson River Champlain Canal Lock No. 5 in Washington and Saratoga Counties, 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. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. 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) The existing Lock 5 dam, a 12-foot high masonry structure 850 feet long; (2) the existing 380-acre Lock 5 reservoir, at a normal pool elevation of 102.8 feet (U.S.G.S. datum) including 18-inch high flashboards; (3) a 550-foot long navigation barrier and intake located on the west side of the existing Champlain Canal, approximately 500 feet upstream of the Lock No. 5 structure; (4) a new 1,000-foot long, 190-foot wide (including side slopes) power canal, located along the alignment of the abandoned lock structure, and parallel to Lock No. 5; (5) a new powerhouse containing four turbine-generators with a total rated capacity of 10 MW; (6) a 700-foot long tailrace channel; (7) a switchyard; (8) a 6,000-foot long, 34.5-kV transmission line; and (9) appurtenant facilities. The Lock 5 is owned by the New York State Department of Transportation. The Applicant estimates that the combined average annual energy output of the power generating facilities would be 48,131,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Corporation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 14, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981). This application was filed as a competing license application to Georgia Pacific Corporation's application for license for Project No. 3892 filed on October 9, 1981.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9961 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6005-000]

Mason County Public Utility District No. 1; Application for Preliminary Permit

April 8, 1982.

Take notice that Mason County Public Utility District No. 1 (Applicant) filed on February 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6005 to be known as the Hamma Hamma River at River Mile 12.5 Hydro Project located on Hamma Hamma River partially within Olympic National Forest in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robertson, Manager, Public Utility District No. 1, Rt. 5, Box 555, Shelton, Washington 98584; and CH2M Hill, Attn: Mr. Orumchian, 1500 114th Avenue, SE., Bellevue, Washington 98004.

Project Description—The proposed project would consist of: (1) a 25-foot high, 150-foot long diversion structure; (2) a 6-foot diameter, 10-foot high intake structure; (3) a 6-foot diameter 200-foot long penstock; (4) a powerhouse containing a turbine-generating unit with a rated capacity of 820 kW; and (5) a 11.2-mile long, 12 kV transmission line connecting to an existing Mason County PUD No. 1 distribution line. The Applicant estimates a 4.0 million kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $32,000. Power would be sold to utilities or industrial users.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 21, 1982, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary

permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 20, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have not comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-9905 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5437-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

April 8, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 30, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5437 to be known as the West Cady Creek Waterpower Project located on West Cady Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122–196th Street N.E. Redmond, Washington, D.C. 98052.

Project Description—The proposed project would consist of : (1) inlets placed in the stream-bed; (2) a 21,000-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 4.9 NW; and (4) a 115-kV transmission line from the powerhouse to an existing Puget Sound Power and Light transmission line. The Applicant estimates that the average annual energy production would be 27.9 GWh. The proposed project is entirely located on U.S. Federal lands owned by the Snoqualmie—Mt. Baker National Forest.

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 it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 21, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 20, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9906 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5431-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

April 2, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 29, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5431 to be known as the Quartz Creek Waterpower Project located on Quartz Creek in Snohomish

County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) Inlets placed in the streambed; (2) a 11,100-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 1.8 MW; and (4) a 12-mile long, 115-kV transmission line from the powerhouse to an existing 115-kV trnasmission line owned by Puget Sound Power and Light Company. The Applicant estimates that the average annual energy production would be 8.875 GWh. The project is located entirely on U.S. Forest lands owned by Snoqualmie-Mt. Baker National Forest.

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 it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 1982, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 et seq. (1981)); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9962 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-48-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

April 7, 1982.

Take notice that on March 31, 1982, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Sixteenth Revised Sheet No. 7 and Sixth Revised Sheet No. 7a to its F.E.R.C. Gas Tariff, Original Volume No. 1 and proposed an effective date of May 1, 1982.

Michigan Wisconsin states that this filing reflects increases in its one-part rates and the commodity component of its two-part rate of approximately 10¢ per dekatherm (dth) and an increase in the demand component of its two-part rate of $.017 per dth. These increases are the result of: (1) The effect of independent producer price increases authorized under the NGPA; (2) the replacement of older sources of supply with new more expensive sources; and (3) an increase in the surcharge adjustment of 1.00¢ per dth.

Michigan Wisconsin further states that it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such a waiver may be necessary to permit this filing of Sixteenth Revised Sheet No. 7 and Sixth Revised Sheet No. 7a to be made and to become effective May 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9944 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6096-000]

Mini-Watt Electric Co.; Application for Preliminary Permit

April 8, 1982.

Take notice that Mini-Watt Electric Company (Applicant) filed on March 15, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6096 to be known as the New Home Dam Project located on the Millers River in Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Bruce Dexter, President, Mini-Watt Electric Company, Inc., 18 Chase Court, Orange, Massachusetts 01369.

Project Description—The proposed project would consist of: (1) the existing New Home Dam, a concrete and

masonry structure 8.5 feet high and 87 feet long; (2) an impoundment having a surface area of 106 acres, a storage capacity of 213 acre-feet and normal water surface elevation of 501.14 feet m.s.l.; (3) an existing intake channel 10 feet wide, 5 to 9 feet deep, and 108 feet long located on the north river bank leading to; (4) an existing powerhouse having 1 unit with a generating capacity of 187 kW; (5) an existing discharge channel having a width between 16–30 feet, a depth of 3 feet, and 120 feet long; (6) a new 4.16–kV transmission line 200 feet long; (7) an existing intake channel 40 feet wide and 100 feet long located on the south river bank leading to; (8) a new powerhouse having 2 units with a total generating capacity of 210 kW; (9) a new discharge channel 20 feet wide, 3 feet deep, and 250 feet long; (10) a new 4.16–kV transmission line 250 feet long; and (11) and appurtenant facilities. The existing project facilities are owned by Chase Machinery and Supply Company, Inc. and Chase Industrial Supply Company, Inc. Applicant estimates the average annual energy production for the project would be 1.93 MW-hours. All project energy would be sold to Chase Industrial Supply Company, Inc. and Massachusetts, Electric Company Inc.

Purposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be between $10,000 and $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 20, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9907 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–409–000]

Monongahela Power Co.; Filing

April 6, 1982

The filing Company submites the following.

Take notice that Monongahela Power Company, on March 29, 1982, (Monongahela) tendered for filing Sixth Revision of Original Sheet Nos. 14 and 15 of FERC Electric Tariff, Original No. 1. The changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $810,000, based on the twelve-month period ending December 31, 1982.

Monongahela states that the changes proposed are for the purpose of recovering increased costs incurred by the Company.

Monongahela proposes an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the jurisdictional customers and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9920 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–415–000]

The Montana Power Co.; Agreement for Sale of Firm Energy

April 6, 1982.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on March 30, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the Western Area Power Administration ("WAPA"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and WAPA.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,000,000.00, based upon energy delivered from April 6, 1979 through September 30, 1979. Montana states that the rate for firm energy under this Letter Agreement was negotiated. Montana states that these agreements have

expired as of their own terms and have not been renewed.

An effective date of April 6, 1979 is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9921 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-49-000]

Montana-Dakota Utilities Co.; Purchased Gas Cost Adjustment Filing

April 7, 1982.

Montana-Dakota Utilities Co. ("MDU"), on March 31, 1982, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Twentieth Revised Sheet No. 3A

First Revised Volume No. 2

Fourteenth Revised Sheet No. 10

The proposed effective date of MDU's PGA filing is May 1, 1982.

MDU states that this tariff filing is being made pursuant to the Purchased Gas Cost Adjustment Provisions of its FERC Gas Tariff. The proposed changes included a gas cost adjustment of a negative 20.321 cents per Mcf to Rate Schedules G-1, PR-1, I-1, and X-1. In addition, MDU proposes a surcharge adjustment of 10.401 cents per Mcf applicable to Rate Schedules G-1, PR-1, and I-1.

Rate Schedule X-4 shows a negative gas cost adjustment of 14.899 cents per Mcf and a surcharge adjustment of 18.475 cents per Mcf. The proposed changes are supported by exhibits attached to the filing.

In addition, MDU states that pursuant to an order issued by the Commission on February 19, 1982 in Docket No. CP81-316-000, MDU was authorized to commence off-system sales to Colorado Interstate Gas Company (CIG) and MIGC, Inc. under MDU's Rate Schedules X-5 and X-6 respectively. Fourteenth Revised Sheet No. 10 reflects a gas cost adjustment for the sales under Rate Schedule X-5 of 24.125 cents per Mcf.

Finally, MDU notes that the downward gas cost adjustment reflected in those rates to customers receiving service under Rate Schedules G-1, PR-1, I-1, X-1, and X-4 are due to the off-system sales to CIG and MIGC. Such reductions were made in order to comply with the Commission's Order issued in Docket No. CP81-316-000.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9977 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-62-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

April 7, 1982.

Take notice that on March 31, 1982, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2 to become effective May 1, 1982.

The proposed rates would produce increased jurisdictional revenues of approximately $153.4 million compared to the rates presently effective subject to refund in Docket No. RP81-49. $127.6 million of the proposed rates reflects increases in cost of service and $25.8 million thereof relates to a decrease in the jurisdictional sales level of 50 Bcf.

Natural states that the principal reasons for the proposed rate changes are: (1) A proposed change in overall rate of return to 14.4% which would permit an increase in the rate of return on common equity to 19%; (2) an increase in the outstanding balances of payments for undelivered gas; (3) a proposed decrease in the jurisdictional sales level to 842 Bcf; and (4) and increase in the costs of transmission and compression of gas by others.

The rates in Natural's filing reflect a cost classification and rate design methodology predicated upon modified fixed-variable assignment of costs. Under Natural's proposed rate design methodology, costs were first classified as fixed or variable. Natural then assigned to the commodity component of the applicable rates all costs classified as variable, together with one hundred percent of the requested return on common equity and associated income taxes. Other costs are assigned to the demand component. Natural states that this rate design methodology more closely follows the actual incurrence of costs while at the same time places Natural at risk on loss of its common equity return should actual sales levels fall below design level.

The filing includes an initial Rate Schedule E-2 entitled Special Emergency Sales Service. The addition of this rate schedule will permit Natural to meet emergency purchase requests, at a stated rate set out in its tariff, for those purchasers who are not eligible to purchase gas under Natural's Rate Schedule E-1. Also included are tariff provisions to incorporate a transportation cost tracking mechanism and a tariff provision to recover carrying costs associated with variations in payments for undelivered gas costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before April 22, 1982. Protests willl be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9978 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-416-000]

The Montana Power Co.; Filing

April 6, 1982.

The filing Company submits the following.

Take notice that The Montana Power Company ("Montana") on March 30, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with Western Area Power Administration ("WAPA"). Montana states that this Letter Agreement provides for the sale of non-firm energy between Montana and WAPA.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $2,600.00, based upon energy delivered from December 1, 1980 through December 31, 1980. Montana states that the rate for non-firm energy under this Letter Agreement was negotiated. Montana states that these agreements have expired as of their own terms and have not been renewed.

An effective date of December 1, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on flle with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9922 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-407-000]

Montana Power Co.; Filing

April 2, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on March 29, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations a letter agreement between the City of Tacoma (Tacoma) and Montana. Montana states that this letter agreement is for the storage of energy in Montana's reservoirs with right of first refusal for Montana to acquire this energy if Tacoma elects not to have the storage energy returned.

Montana indicates that the proposed letter agreement would not increase its revenues. Montana states that the right of first refusal to purchase energy not returned at the indicated rates under the letter agreement was negotiated.

Montana further indicates that an effective date of September 16, 1981, is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9935 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-419-000]

Montana Power Co.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on March 30, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with Western Area Power Administration (WAPA). Montana states that this Letter Agreement provides for the sale of non-firm energy between Montana and WAPA.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $4,860,000, based upon energy delivered from February 3, 1982 through February 28, 1982. Montana states that the rate for non-firm energy under this Letter Agreement was negotiated. Montana states that these agreements have expired as of their own terms and have not been renewed.

An effective date of February 3, 1982, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9945 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-417-000]

Montana Power Co.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on March 30, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with Western Area Power Administration (WAPA). Montana states that this Letter Agreement provides for the sale of non-firm energy between Montana and WAPA.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $60,750.00, based upon energy delivered from January 1, 1981 through September 30, 1981. Montana states that the rate for non-firm energy under this Letter Agreement was negotiated. Montana states that these agreements have expired as of their own terms and have not been renewed.

An effective date of January 1, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9946 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-418-000]

Montana Power Co.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on March 30, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the Western Power Administration (WAPA). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and WAPA.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $2,791,684.50, based upon energy delivered from February 25, 1981 through March 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated. Montana states that these Agreements have expired as of their own terms and have not been renewed.

An effective date of February 25, 1981 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9947 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5124-001]

Montpelier Hydroelectric Co.; Application for License (5 MW or Less)

April 6, 1982.

Take notice that Montpelier Hydroelectric Company (Applicant) filed on December 16, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as the North Branch No. 3 Project No. 5124. The project would be located on the North Branch of the Winooski River in Washington County, Vermont. Correspondence with the Applicant should be directed to: Mr. Richard Rubin, P.O. Box 121, Barre, Vermont 05641.

Project Description—The proposed project would consist of: (1) the existing State-owned Wrightsville Flood Control Dam, 1,600 feet long and 105 feet high; (2) the existing Wrightsville Reservoir, covering 190 acres with a net storage of 380 acre-feet at elevation 635 m.s.l.; (3) an 8-foot square power conduit leading to a new 6-foot diameter steel penstock 350 feet long; (4) a new 600-square foot powerhouse containing one 100-kW and one 900-kW turbine/generator unit operating under a head of 62 feet; (5) an upgraded 1,300-foot long, 13-kV transmission line; and (6) appurtenant facilities. A preliminary permit was issued to the Applicant for this site on December 2, 1981.

Purpose of Project—The average annual generation of 3.0 million kWh would be sold to the local public utility.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 7, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9908 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-95-006]

National Fuel Gas Supply Corp.; Refund Report

April 7, 1982.

Take notice that on March 25, 1982, National Fuel Gas Supply Corporation (National Fuel) submitted to FERC copies of its schedules supporting the Sales Refund Obligation of $2,746,366.54 refunded January 28, 1982. Schedule No. 1 shows the calculation of each customer's refund including interest. Schedules 2 through 9 show the calculation of the Sales Refund Obligation based upon excess sales of 31,873,336 Mcf and an actual cost of service that exceeded settlement cost of service by $6,617,775 for the twelve months ended October 31, 1981.

National Fuel states that this report was made pursuant to Section 6 or Article II, *Sales Refund Obligation*, of the Stipulation and Agreement Resolving Cost of Service and PGA issues in Docket No. RP80-95.

Copies of this filing were sent to each of National Fuel's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9948 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 78-124-004

Northern Border Pipeline Co.; Filing of Tariff and Executed Service Agreements

April 7, 1982.

Take notice that Northern Border Pipeline Company (Northern Border) on April 1, 1982, tendered for filing its proposed FERC Gas Tariff, Original Volume Nos. 1 and 2, together with all executed contracts and all material required by the Federal Energy Regulatory Commission Regulations. Northern Border requests that the tariff and service agreements become effective on September 1, 1982. In order for all parties to place their respective tariff provisions in place, Northern Border has requested a waiver of notice requirement as provided for in the Commission's regulations.

Northern Border states that the tariff enclosed for filing is in accord with the provisions and conditions of Orders 31 and 31-B and the Orders approving the tariff issued by the Commission on April 28, 1980; June 20, 1980; and April 24, 1981.

Copies of the filing were served upon Natural Gas Pipeline Company of America, Northern Natural Gas Company, Division of Inter-North, Inc., Panhandle Eastern Pipe Line Company, TransCanada Pipelines Limited and United Gas Pipe Line Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make portestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9949 filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-410-000]

New York State Electric & Gas Corp.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on March 30, 1982, tendered for filing a transmission rate agreement with the Power Authority of the State of New York (PASNY) dated February 3, 1982 which proposes changes to the following rate schedules:

Contract UD-4—Rate Schedule FPC 67

Contract NS-11—Rate Schedule FERC 70

Contract S-7—Rate Schedule FERC 80

NYSEG states that currently it provides transmission service for PASNY under the above rate schedules on an excess capacity basis for specified PASNY customers and loads. Under the agreement, NYSEG will wheel the firm power and energy requirements of PASNY's present and future municipal electric, rural electric cooperative and high load factor manufacturer customers until January 1, 1990. The rate filed for by NYSEG is $2.85 per month per kilowatt of billing demand of PASNY's customers. The estimated annual revenue increase under the revised wheeling rate is $2,202,789, based upon the twelve-month period ending October 31, 1982. The rate is subject to biennial modification by NYSEG. The increase in rate is necessary to cover all expenses associated with firm transmission services and to provide NYSEG an adequate rate of return.

NYSEG proposes an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to NYSEG copies of this filing were served on PASNY, the Public Service Commission of the State of New York and the Municipal Electric Utilities Association of New York State.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petitition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9979 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-56-000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

April 2, 1982.

Take notice that Northwest Pipeline Corporation ("Northwest"), on March 31, 1982 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase jurisdictional revenues by $91,532,152, inclusive of transportation services, annually based on the twelve-month period ending December 31, 1981, as adjusted. Northwest is also including in this filing a change in its Purchased Gas Cost Adjustment clause of the General Terms and Conditions contained in its FERC Gas Tariff, First Revised Volume No. 1 to provide for valuing certain leasehold production, previously valued on a cost-of-service basis, at the applicable price(s) under the Natural Gas Policy Act of 1978. Northwest has proposed that the increased rates and tariff sheets filed herein be effective May 1, 1982 so that after the normal five-month suspension and appropriate motion being filed by Northwest to place the rates in effect, the increased rates actually become effective on October 1, 1982.

Northwest states that the requested rate increase is to recover its jurisdictional cost of service for the twelve months ended December 31, 1981, as adjusted for changes through September 30, 1982. Northwest states that the principal reasons for the requested increases are:

(1) Increases in wages and services, rents; (2) increases in gas plant and related cost of service items; (3) increased cost of capital; and (4) decreased sales volumes.

Northwest states that copies of this filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-9936 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-239-000]

Northwest Pipeline Corp.; Application

April 5, 1982.

Take notice that on March 16, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-239-000 an application pursuant to Section 7(c) of the National Gas Act for a certificate of public convenicence and necessity authorizing the transportation of natural gas for the account of Southwest Gas Corporation (Southwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Southwest's account subject to the availability of sufficient pipeline capacity up to 25,000 Mcf of natural gas per day from the Douglas Pass Area of Colorado and Utah pursuant to the terms of a gas gathering and transportation agreement dated June 2, 1981, as amended January 4, 1982.

It is stated that Southwest has acquired supplies of natural gas in the Douglas Pass Area of Garfield and Rio Blanco Counties, Colorado, and Uintah County, Utah, which Southwest desires to make available to its service area. Applicant proposes to gather and transport the volume of natural gas up to 25,000 Mcf per day tenedered by Southwest from wells located on acreage covered by Exhibit A to the gas gathering and transportation agreement. Applicant states that a listing of the wellhead delivery points used would be shown on the periodic revisions to Exhibit B to the agreement. Appliant explains that it would then gather and transport the subject gas and redeliver thermally equivalent volumes, less applicable fuel deductions, to El Paso Natural Gas Company (El Paso) for Southwest's account at an existing point of interconnection located in Section 35, Township 34 North, Range 9 West, La Plata County, Colorado.

Applicant also requests blanket authorization to add wells and acreage to the agreement. Applicant states that such authorization would obviate the need for Applicant to prepare and file and for the Commission to act on the petitions to amend which would otherwise be necessary whenever Applicant and Southwest mutually agree to amend Exhibits A or B to the agreement to cover additional wells or acreage. It is stated that Applicant is willing to make an annual tariff filing to submit the then applicable revised Exhibits A and B to the agreement.

It is stated that Southwest agrees to reimburse Applicant in kind for the fuel and losses attributable to gathering and transporting Southwest's gas hereunder. Applicant explains that the applicable fuel and loss reimbursement volumes would equal Applicant's Piceance Creek area fuel rate times the volumes gathered for Southwest plus Applicant's mainline fuel rate times the volumes received into Applicant's mainline for transportation for Southwest. Applicant's Piceance Creek area and mainline fuel rates are set forth on Sheet Nos. 2 and 2-B, respectively, of Applicant's FERC Gas Tariff, Original Volume No. 2, it is asserted. Applicant explains that the currently effective fuel reimbursement rates are 2.69 percent for the Piceance Creek area and 1.0 percent for the mainline.

Applicant estimates that the volumes to be gathered and transported hereunder would initially be approximately 2,000 Mcf per day. It is submitted that the thermal balancing of volumes redelivered with volumes received less fuel would be achieved as nearly as feasible on a monthly basis.

Applicant proposes to charge Southwest for the volumes gathered and transported hereunder at the applicable Piceance Creek area gathering rate and mainline transportation rate as set forth from time-to-time on Sheet Nos. 2 and 2-B of Applicant's FERC Gas Tariff, Original Volume No. 2. Applicant asserts that the currently effective rates are 64.58 cents per million Btu gathered in the Piceance Creek area and 1.34 cents per hundred miles of mainline transportation for each million Btu redelivered to Southwest.

It is indicated that the agreement of June 2, 1981, also provides that after June 2, 1983, Applicant has the right to purchase up to 25 percent of the gas received by Applicant for Southwest's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9963 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-0-M

[Docket No. ER82-414-000]

Ohio Edison Co.; Filing

April 7, 1982.

The filing Company submits the following:

Take notice on March 30, 1982, Ohio Edison Company (Ohio Edison) tendered for filing proposed changes in the Facilities Use Charges included in Section 8 of the Agreement dated June 20, 1968 between Ohio Power Company and Ohio Edison Company (Ohio Edison Company FERC Rate Schedule No. 67, Ohio Power Company FERC Rate Schedule No. 71). Under the Agreement, Ohio Edison buys specified amounts of power from Ohio Power Company at points of interconnection and resells equivalent amounts of power back to Ohio Power at specified delivery points, where Ohio Power then sells such power to Buckeye Power, Inc. The proposed change affects only the Facilities Use Charges payable by Ohio Power Company to Ohio Edison.

Ohio Edison states that the primary purpose of the rate change is to reflect increased costs of service, including a sufficient return on capital invested. The current rates have been in effect since April 10, 1979 and the proposed increase is the second requested since the Agreement became effective in 1968.

Ohio Edison proposes an effective date of June 2, 1982.

Copies of the rate application were served upon Ohio Power Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9923 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-47-000

Pacific Power & Light Co.; Application

April 7, 1982.

Take notice that on March 29, 1982, Pacific Power & Light Company (Applicant), filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of up to $50 million of Preferred Stock.

Any person desiring to be heard or to make any protest with reference to the said application should on or before April 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20446, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9951 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-28-002]

Panhandle Eastern Pipe Line Co.; Change in Tariff

April 2, 1982.

Take notice that on March 26, 1982 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Second Substitute Alternate Forty-Second Revised Sheet No. 3–A.

Second Substitute Alternate Nineteenth Revised Sheet No. 3–B.

Second Substitute Alternate Sixth Revised Sheet No. 3–C.1.

Second Substitute Alternate Sixth Revised Sheet No. 3–C.2.

Second Substitute Alternate Sixth Revised Sheet No. 3–C.3.

An effective date of March 1, 1982 is proposed.

Panhandle states that by Order dated February 26, 1982 the Commission accepted for filing, with certain conditions, tariff sheets filed by Panhandle which reflect a PGA Rate Adjustment for increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account. The subject tariff sheets were approved to become effective March 1, 1982, subject to refund. The Commission's Order required Panhandle to file revised tariff sheets to be effective March 1, 1982 to reflect elimination of all unpaid accruals other than those attributable to normal billing and payment lag from its deferred account.

Panhandle states that these substitute revised tariff sheets reflect decrease rates for the elimination of unpaid accruals except those attributable to normal billing and payment lag from FERC Account No. 191.

Supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Apr. 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9937 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-58-000]

Panhandle Eastern Pipe Line Co.; Proposed Changes

April 7, 1982.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on March 31, 1982, tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A and B.

These revised tariff sheets implement a general rate increase to Panhandle's jurisdictional sales of $528 million annually based on a test year ending December 31, 1981, adjusted for charges known and measurable to September 30, 1982.

Panhandle states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, a 15.80% rate of return, new plant additions, a new supply of natural gas from Northern Border Pipeline Company and acquisition of additional storage capacity with Southwest Gas Storage Company. Panhandle's test period transmission sales are estimated to be 660,581,963 Mcf at 14.73 psia Sat. The proposed effective date of the tendered sheets is May 1, 1982.

Copies of this filing were served on Panhandle's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9952 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-59-000]

Panhandle Eastern Pipe Line Corp.; Tariff Filing

April 7, 1982.

Take notice that on March 31, 1982, Panhandle Eastern Pipe Line Corporation (Panhandle) tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective on May 1, 1982:

Original Sheet Nos. 3-A1, 9-BD, 9-BE.

Panhandle states that the sole purpose of these tariff sheets is to implement its Rate Schedule IT, applicable to all transportation service pursuant to Part 284 and § 157.45 of the Commission's regulations.

Panhandle states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9953 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6064-000]

Douglas B. Parkinson; Application for Preliminary Permit

April 2, 1982.

Take notice that Douglas B. Parkinson (Applicant) filed on March 8, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 6064 to be known as the Empire Creek-West Branch Feather River Power Project located on Empire Creek and West Branch Feather River, near Paradise, within the lands of the Lassen National Forest in Butte 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. Edward Schillinger, 6460 Fickle Hill Road, Arcata, California 95521.

Project Description—The project would consist of: (1) A 4-foot high, 40-foot long diversion structure at Empire Creek; (2) a 1,000-foot long, 24-inch diameter low pressure conduit; (3) a 1,400-foot long, 24-inch diameter penstock; (4) a 6-foot high, 60-foot long diversion structure at West Branch Feather River; (5) a 4,300-foot long, 48-inch diameter low pressure conduit; (6) a 500-foot long, 36-inch diameter penstock; (7) a combined powerhouse containing two units with a total installed capacity of 1,200 kW; (8) a 4,000-foot long, 12.5-kV transmission line from the powerhouse to an existing PG&E transmission line. The Applicant estimates that the average annual energy production would be 10.5 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 technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named docuemnts must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9968 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6097-000]

Mr. Douglass Pegar; Application for Preliminary Permit

April 8, 1982.

Take notice that Mr. Douglass Pegar (Applicant) filed on March 13, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6097 to be known as the Fremont Water Power Project located on Olive Lake partially within the Umatilla and Whitman National Forests in Grant County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip Yates, 10th Floor, 300 S.W. Sixth Avenue, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) a 32-foot high, 460-foot long existing earth and rockfilled dam; (2) a 60-foot wide, 200-foot long spillway; (3) a 36-inch diameter, 8-mile long penstock; (4) a powerhouse containing a turbine-generating unit with a rated capacity of 1,343 kW; and (5) appurtenant facilities. The Applicant estimates a 6 million kWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies and preparing a license application is estimated by the Applicant to be $10,000. Project energy would be sold to The Bonneville Power Administration.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 19, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's reguations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Wahington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9969 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5838-000]

Pickett Hydro Associates; Application for Preliminary Permit

April 2, 1982.

Take notice that Pickett Hydro Associates (Applicant) filed on December 31, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5838 to be known as the Camp Pickett Project located on the Nottoway River in Nottoway County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wayne L. Rogers, Pickett Hydro Associates, 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed project would utilized an existing Department of Defense dam, and would be located within the Fort Pickett military reservation. The proposed

project would consist of: (1) A proposed powerhouse containing an installed generating capacity of 450kW; (2) a proposed 200 foot-long transmission line; and (3) appurtenant facilities. The Applicant estimates the average annual energy generation to be 2GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $22,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 13, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (198100. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licenisng, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9964 Filed 4-12-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6041-000]

Placer County Water Agency; Application for Preliminary Permit

April 5, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6041 to be known as the Secret Town Upper Random Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 5-foot high, 5-foot long concrete diversion structure at the upper end of the Secret Town Upper Random; (2) a 30-inch diameter, 280-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 48 kW; (4) a 100-foot long transmission line connecting to an existing Pacific gas and Electric Line; and (5) a 15-foot long tailrace feeding back into lower Boardman Canal. The Applicant estimates a 376,700 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9965 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-420-000]

Public Service Co. of Oklahoma; Filing

April 7, 1982.

The filing Company submits the following:

Take notice that on March 30, 1982, Public Service Company of Oklahoma (PSO) tendered for filing a Letter Agreement (Agreement) dated January 22, 1982, between PSO and Arkansas Power and Light Company (AP&L). The Agreement provides for the transfer of 133,900 MWh of PSO's entitlement to the Tennessee Valley Authority (TVA)—South Central Electric Companies (SCEC) Diversity exchange for the 1982 summer exchange period. This entitlement is provided for in an agreement between TVA and the Mississippi Power and Light Company for the delivery of the allocated diversity within the SCEC agreement. PSO states that it desires to transfer its diversity entitlement to lower its reserves in 1982 and that AP&L desires to purchase the diversity entitlement to meet its system requirements.

PSO requests an effective date of May 30, 1982, and therefore requests waiver of the Commission's notice requirements.

According to PSO, AP&L, Southwestern Electric Company, the Oklahoma Corporation Commission and the Arkansas Public Service Commission have been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9910 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-421-000]

Public Service Co. of Oklahoma; Rate schedule Change

April 6, 1982.

The filing company submits the following:

Take notice that on March 30, 1982, Public Service Company of Oklahoma ("PSO") tendered for filing a Letter Agreement ("Agreement") dated August 19, 1981, between PSO and West Texas Utilities Company ("WTU").

The Agreement provides for the extension of the sale of five (5) megawatts of capacity, without reserves, from the system of PSO to WTU from May 31, 1982, to December 31, 1982.

PSO requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to PSO, WTU, the Oklahoma Corporation Commission and the Public Utility Commission of Texas has been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9924 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5645-001]

Raymond Rosenfield; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

April 5, 1982.

Take notice that Raymond Rosenfield filed with the Federal Energy Regulatory Commission on February 16, 1982, an application for exemption for its New England Chemical Works Project No. 5645-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Quinebaug River in Windham County, Connecticut. Correspondence with the Applicant should be directed to: Raymond Rosenfield, dba New England Chemical Works, 55 Providence Street, P.O. Box 471, Putnam, Connecticut 06260.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing dam, approximately 100 feet long and 14 feet high, constructed of cut stone and provided with flashboards; (2) a reservoir having minimal pondage and maximum water surface elevation of 263 feet m.s.l. (with flashboards); (3) an existing intake structure with wooden gates; (4) an existing powerhouse to be renovated and equipped with two turbine-generator units having a total rated capacity of 660 kW; (5) a tailrace; (6) existing transmission lines; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,000,000 kWh. Project energy would be sold to a local utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (18 U.S.C. 2705 and 2708).

operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—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 exemption. (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 former 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—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 24, 1982, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 21, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) 1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone 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 May 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission 's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9966 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-63-000]

Sea Robin Pipeline Co.; proposed Changes in FERC Gas Tariff

April 7, 1982.

Take notice that Sea Robin Pipeline Company (Sea Robin) on March 31, 1982, tendered for filing First Revised Sheet No. 148 for inclusion in its FERC Gas Tariff, original Volume No. 2.

Sea Robin states that the purpose of such filing is to reflect the conversion of a portion of the interruptible transportion service being rendered for Natural Gas Pipeline Company of America to firm service as authorized by Section 1.2 of Sea Robin's Rate Schedule X-10. Sea Robin has requested that revised tariff sheet be made effective as of April 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9954 Filed 4-12-82; 8:45am]

BILLING CODE 6717-01-M

[Docket No. ER82-105-000]

Sierra Pacific Power Co.; Order Denying Rehearing

April 2, 1982.

On March 8, 1982, Truckee-Donner Public Utility District, California, and the City of Fallon, Nevada (customers), applied for rehearing of the Commission's February 5, 1982 order in the above docket insofar as it (1) suspended the proposed Phase I rates of Sierra Pacific Power Company (Sierra) for one day rather than five months, (2) phased the price squeeze issues; and (3) waived the notice requirements for several revisions to Sierra's original filing.

The Commission has reviewed customers' application for rehearing and the attached appendices and finds no new facts which would cause us to reconsider our February 5 order. For the reasons set out in "Pennsylvania Power Company", Docket No. ER81-779-000, "Order Denying Rehearing and Petition For Reconsideration," issued March 12, 1982, we shall deny rehearing with respect to the price squeeze issues. We note also that the February 5 order did not waive the notice requirements for Sierra's original filing; for the reasons stated there, we shall not reconsider the waiver of notice requirements for Sierra's amended filings.

The Commission Orders

(A) The customers' petition for rehearing in hereby denied.

(B) The Secretary shall promply publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9969 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-65-001 and CP80-65-013]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Tariff Filing

April 2, 1982.

Take notice that on March 26, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee)

tendered for filing revised tariff sheets, consisting of the following:

Original Sheet Nos. 332A, 334A through 334E, and 345A.

First Revised Sheet Nos. 40, 44, 60, 65, 75, 76, 78, 188, 192, 221, 341, 342, 344, 345, 397 and 398.

Second Revised Sheet Nos. 200 and 201.

Tennessee states that these sheets correct omissions and minor errors in its April 30, 1981 filing in Docket No. RP81–65, to be effective April 25, 1982, and in its July 17, 1981 filing in Docket No. CP80–65, to be effective July 1, 1981.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9938 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–424–000]

The Toledo Edison Co.; Proposed Tariff Change

April 6, 1982.

The filing Company submits the following.

Take notice that The Toledo Edison Company (Toledo Edison) on March 31, 1982, tendered for filing proposed changes in its F.E.R.C. Electric Service Tariff, Original Volume No. 1 applicable to sales to Customers for Resale. The proposed changes would increase revenues from jurisdictional sales and service by $2,705,877 based on the twelve (12) month period ending December 31, 1982. It is proposed that there be increases in the Demand, Energy and Customer Charges on the Municipal Resale Service Rate—Large and the Resale Service Rate—Small.

Toldeo Edison states that the additional revenue which would result from the proposed rates is needed to offset increased operating expenses and capital costs and the costs of facilities necessary to provide adequate and reliable electrical service to its jurisdictional customers.

Toledo Edison requests an effective date of May 31, 1982.

Copies of the filing were served upon the public utility's fifteen (15) jurisdictional customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9925 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–425–000]

The Toledo Edison Co.; Cancellation

April 6, 1982.

The filing Company submits the following:

Take notice that The Toledo Edison Company (Toledo Edison), on March 31, 1982, tendered for filing a Notice of Cancellation of its Municipal Service Resale Rate-Large of FERC Electric Tariff Original Vol. No. 1 for service to the City of Bryan, Ohio (Bryan). Toledo Edison states that service is being terminated at the request of Bryan.

Toledo Edison requests that such cancellation be made effective as of June 1, 1982, the date on which Bryan intends to cease purchasing power and energy from Toledo Edison.

Copies of the filing were served upon the City of Bryan, Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–9926 Filed 4–12–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–55–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 2, 1982.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 31, 1982, tendered for filing certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately $139 million based upon the 12-month period ended December 31, 1981, as adjusted. The proposed effective date of this rate change is May 1, 1982, but Transco notes that it anticipates the full statutory five-month suspension because a provision in its rate settlement in Docket No. RP80–117 provides that new rates will not be made effective prior to October 1, 1982.

Transco states that the principal causes of the rate increase are (1) increases in costs related to new facilities; (2) increases in costs of labor, transportation services by others and other operating expenses; (3) an increase in the overall rate of return and related income taxes; and (4) a reduction in projected sales. These increases are partially offset by a decrease in depreciation rates to those agreed to in Docket No. RP80–117.

In addition, *pro forma* tariff sheets were filed which would permit Transco to reflect in its GSS and S–2 storage rates any changes in the GSS rate of Consolidated Gas Supply Corporation or the X–28 rate of Texas Eastern Transmission Corporation, respectively. Further, because of uncertainty as to liability for certain "take or pay" amounts, Transco has submitted a *pro forma* tracking mechanism that would permit Transco to recover costs related to any prepayment liability for which it may ultimately be held liable.

Copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9939 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-0-M

[Docket No. RP82-60-000]

Trunkline Gas Co.; Tariff Filing

April 7, 1982.

Take notice that on March 31, 1982, Trunkline Gas Company (Trunkline) tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective on May 1, 1982: Original Sheet Nos. 3-A1, 9-BD, 9-BE.

Trunkline states that the sole purpose of these tariff sheet is to implement its Rate Schedule IT, applicable to all transportation service pursuant to Part 284 and § 157.45 of the Commission's regulations.

Trunkline states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9911 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1999-000]

Richard B. Tullis; Application

April 2, 1982.

The filing individual submits the following:

Take notice that on March 26, 1982 Richard B. Tullis filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Cleveland Electric Illuminating Company
Executive Committee Chairman—Harris Corporation
Director—General Tire and Rubber Company

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9940 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-404-000]

The Upper Peninsula Power Co.; Filing

April 2, 1982

The filing Company submits the following:

Take notice that on March 26, 1982, The Upper Peninsula Power Company (UPPCO) tendered for filing proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, The Ontonagon County Rural Electrification Association, Village of Baraga, City of Gladstone, Village of L'Anse, City of Negaunee, and to the Wisconsin Electric Power Company.

The Upper Peninsula Power Company asserts that the filing is in accordance with Part 35 of the Commission's Regulations. UPPCO states that the schedule in the rate filed will supersede the schedule presently on file with this Commission.

The proposed changes would increase revenues from these jurisdictional sales by $198,754 based on the 12-month period ended December 31, 1980. UPPCO requests an effective date for the proposed increase of May 30, 1982.

The reason stated by UPPCO for the increase is to overcome the revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs.

Copies of the filing were served upon UPPCO's affected jurisdictional customers, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commissions rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9942 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-26-000]

Union Carbide Corp. and Tonkawa Gas Processing Co.; Application for Declaratory Order That Certain Sales Are Not First Sales Under the NGPA

April 2, 1982.

On March 16, 1982, Union Carbide Corporation (Union Carbide) and Tonkawa Gas Processing Company (Tonkawa) filed with the Federal Energy Regulatory Commission (Commission) an application for a declaratory order declaring that a certain sale of natural gas by Union Carbide to Tonkawa does not constitute a "first sale" of natural gas under section 2(21) of the Natural Gas Policy Act of 1978 (NGPA) and the Commission's regulations promulgated thereunder.

Union Carbide purchases natural gas from Valero Gas Transmission Company (Valero). Since this purchase amounts to more gas than necessary to meet Union Carbide's needs and requirements, Union Carbide sells the surplus to Tonkawa. Delivery of this surplus gas is made for the account of Tonkawa by Valero to Tonkawa's designee, Delphi Gas Pipeline Corporation (Delphi). Delphi and Tonkawa are wholly-owned subsidiaries of Texas Oil & Gas Corporation.

Any person desiring to be heard or to protest this request should, within 30 days after publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR sections 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9941 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-57-000]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

April 7, 1982.

Take notice that United Gas Pipe Line Company (United), on March 31, 1982, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending January 31, 1982, as adjusted, and would increase jurisdictional sales and transportation revenues by $340,412,061.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended January 31, 1982, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change which became effective January 1, 1982, as reflected on Fifty-sixth Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9955 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA-82-1-50-001]

Valley Gas Transmission, Inc.; Purchased Gas Cost Adjustment Filing

April 7, 1982.

Valley Gas Transmission Inc. ("Valley"), on March 31, 1982 submitted for filing as part of its FERC Gas Tariff, Original Volume No. 1, its proposed "Twenty-Second Revised Sheet No. 2A." The proposed effective date is May 1, 1982.

Valley states that this tariff sheet is filed pursuant to its currently effective Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." The adjustments are supported by computations attached to the filings.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9956 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-423-000]

Virginia Electric & Power Co.; Filing

April 6, 1982.

The filing Company submits the following:

Take notice that Virginia Electric Power Company (VEPCO) on March 31, 1982, tendered for filing proposed changes in its electric resale rate schedules presently on file with the Commission which are applicable to Rural Electric Cooperatives and Wholesale Municipalities including North Carolina Eastern Municipal Power Agency. Based on the test period 12 months ending December 31, 1982 conditions, VEPCO estimates that the proposed changes in resale rates will increase annual revenues from Cooperative Customers by $14.6 million, or 10.1 percent, and from Muncipal Customers by $3.7 million, or 6.4 percent.

VEPCO states that the increase in wholesale rates is needed to compensate the Company for increased costs of doing business and to achieve a reasonable overall rate of return of 11.78 percent.

VEPCO requests an effective date of May 30, 1982.

Copies of the filing were served upon VEPCO's jurisdictional wholesale customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9927 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6070-000]

Watershed, Inc.; Application for Preliminary Permit

April 2, 1982.

Take notice that Watershed, Inc. (Applicant) filed on March 9, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for Project No. 6070 to be known as the Mound Plant Dam Project located on the Willow River in St. Croix County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Douglas A. Spaulding, INDECO, Inc., 1500 S. Lilac Drive, 351 Tryol West Building, Minneapolis, Minnesota 55416.

Project Description—. The proposed project would consist of: (1) An existing reinforced concrete and earth fill dam having an approximate height of 49 feet and an approximate length of 430 feet; (2) an existing reservoir with a surface area of 57 acres and a storage capacity of 594 acre-feet at a normal pond elevation of 893 feet m.s.l.; (3) an existing powerhouse with a proposed installed generating capacity of 400 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy generation will be 1.6 GWh.

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 this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, the Applicant intends to submit a license application. The Applicant estimates the cost of the studies to be $25,000.

Competing Applications— Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments— Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene— Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents— Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Liensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9987 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-52-000 (PGA82-2)]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment

April 7, 1982.

Take notice that on March 31, 1982, Western Gas Interstate Company ("Western") filed herein Nineteenth Revised Sheet No. 3A and Fourth Revised Sheet No. 3B to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheets are proposed to become effective on May 1, 1982.

Western states the proposed increase in rates reflected on Nineteenth Revised Sheet No. 3A is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas cost. Western further states the proposed Purchase Gas Cost Adjustment for the Northern Division is 4.41 cents per Mcf; for the Western Division it is 40.78 cents per Mcf; and for the Southern Division it is 49.77 cents per Mcf. The proposed surcharge adjustment is 44.90 cents per Mcf for the Northern Division; 74.50 cents per Mcf for the Western Division and 8.60 cents per Mcf for the Southern Division. The surcharge adjustments will only be effective over the six-month period May 1, 1982 through October 31, 1982.

Western also states that the Base Tariff Rate for the Western Division has been increased by 13.71 cents per Mcf pursuant to the Stipulation and Agreement accepted by the Commission in Docket No. RP81-10.

Western also states that Fourth Revised Sheet No. 3B reflects the Projected Incremental Pricing Surcharge Adjustment for the period May, 1982 through October, 1982 as required by § 282.602(a)(ii) of the CFR.

Western states that copoies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9957 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5337-001]

Westfir Energy Company, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 8, 1982.

Take notice that on February 3, 1982, Westfir Energy Company, Incorporated (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5337) would be located on North Fork of the Middle Fork of the Willamette River, in Lane County, Oregon. Correspondence with the Applicant should be directed to: Mr. Orvis D. Kutschkau, Jr., President, Westfir Energy Company, Inc., P.O. Box 2425, Pasco, Washington 99302.

Project Description—The proposed project would consist of: (1) an open intake channel upstream of the existing dam; (2) a tailrace channel 60-foot downstream of the existing dam; (3) a powerhouse with a total installed capacity of 2,700 kW; and (4) a 115-kV transmission line from the powerhouse to an existing transmission line owned by the Lane County Electric Cooperative. The Applicant estimates that the average annual energy production would be 10.8 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Oregon Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9912 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-97-000]

Wheelabrator-Frye Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 2, 1982.

On March 23, 1982, Wheelabrator-Frye Inc., located at Liberty Lane, Hampton, New Hampshire 03842, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 47 megawatt biomass installation located in the City of Baltimore, Maryland. The use of natural gas, oil and coal will not exceed twenty-five percent of the total energy input during any calendar year. There are no other such facilities located at the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9972 Filed 4-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-408-000]

Wisconsin Power & Light Co;

April 2, 1982.

The filing Company submits the following:

Take notice that on March 29, 1982, Wisconsin Power and Light Company (WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) between the Diaryland Power Cooperative and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of May 1, 1982 for the amended schedules.

WPL states that a copy of the amendments and supplements and the filing have been provided to the Dairyland Power Cooperative and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9973 Filed 4-12-82; 8:45am]

Billing CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 140007; TSH-FRL-2100-1]

Centaur Associates, Incorporated; Transfer of Data To Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA will transfer information contained in Premanufacture Notices (PMNs) submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA) to Centaur Associates, Incorporated. Some of this information may be claimed to be confidential. Centaur Associates will review and analyze the PMN information for purposes of estimating the economic impact resulting from proposed Agency actions.

DATE: The transfer of data submitted in PMNs and claimed to be confidential will occur no sooner than 10 working days after publication of this notice in the **Federal Register** (April 27, 1982).

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 82T-1033, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C. (554-1404), Outside the USA: (operator—202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers of chemical substances are required to submit PMNs for new chemical substances that they intend to manufacture or import and that are not included in EPA's Initial Inventory of Chemical Substances. EPA will be reviewing submitted information in order to assess the economic impacts of possible regulatory actions taken by the Agency under section 5 of TSCA. EPA has selected Centaur Associates, Incorporated, to assist in developing such analyses. (Contract No. 68-01-6412).

Pursuant to 40 CFR 2.306(j)(1), EPA has determined that it will need to disclose confidential business information to Centaur Associates. Under the terms of the contract, EPA may provide Centaur Associates, with information submitted in PMNs, including chemical identity, production volume and company identity, as well as other information related to end uses and specific PMN properties.

If any PMN infomation is claimed to be confidential, reports prepared by Centaur Associates dealing with confidential business information will be treated as confidential. After evaluating information in a PMN, Centaur Associates, Incorporated, will return the PMN and any reports prepared by Centaur Associates, to EPA.

In accordance with the requirements of 40 CFR 2.306(j)(3), EPA is publishing this Notice to inform all submitters of PMNs that Centaur Associates will receive confidential business information from EPA.

Centaur Associates' contract specifically prohibits disclosure of any confidential information to any third party without written authorization from EPA.

Centaur Associates is required to treat all confidential business information in accordance with the requirements of the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Manual. Centaur Associates, Incorporated, personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: April 1, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-10080 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2100-7]

Issuance of PSD Permit to California Department of Water Resources

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to California Dept. of Water Resources in Sonoma County, California, EPA project number SFB 81-02.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 9, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 55 MW geothermal-electric power plant.

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of hydrogen sulfide at 6.6 lbs/hr.

Best Available Control Technology (BACT) requirements for hydrogen sulfide is use of the Stretford process and surface condenser and condensate treatment (hydrogen peroxide). Air Quality Impact Modeling is not required. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of

Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Administration (M–5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: March 18, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82–10101 Filed 4–12–82; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2100–8]

Issuance of PSD Permit to Cargill, Inc.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Cargill, Inc., West of Turlock in Stanislaus County, California, EPA project Number SE 809–01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 22, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 2000 ton per day soybean processing plant.

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of sulfur oxides at 1.2 tpy, and nitrogen oxides at 40.8 tpy.

Best Available Control Technology (BACT) requirements for NO_x include use of a Low-NO_x burner. Air Quality Impact Modeling was required for NO_x. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Administration (M–5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: March 19, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82–10102 Filed 4–12–82; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2100–3]

Issuance of PSD Permit to Las Vegas Portland Cement Co.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Las Vegas Portland Cement Company in Jean, Clark County, Nevada, EPA project number NV 81–02.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 2, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate a Portland cement manufacturing facility consisting of two one million ton per year kilns and associated facilities.

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: Particulates at 0.0125 gr/dscf (49 lbs/hr/kiln) and 0.0085 gr/dscf (20 lbs/hr/cooler); SO_2 at 130 lbs/hr/kiln, 72 ppm @ 10% O_2 (2-hr average) and 75 lbs/hr/kiln, 44 ppm @ 10% O_2 (30-day average); NO_x at 140.5 lbs/hr/kiln, 115 ppm @ 10% O_2; CO at 15 lbs/hr/kiln; Beryllium at 0.029 lbs/day.

Best Available Control Technology (BACT) requirements include use of electrostatic precipitators and baghouses (cloth filters at vent points). Air Quality Impact Modeling is required for SO_2, Particulates, NO_x, Beryllium and CO. Continuous monitoring is required for SO_2, NO_x and opacity. The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Adminstration (M–5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: March 18, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82–Filed 4–12–82; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2101–1]

Issuance of PSD Permit to Monolith Portland Cement Co.

AGENCY: Environmental Protection Agency (EPA) Region 9.

ACTION: Notice.

SUMMARY: Notice of approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Monolith Portland Cement Company, in Monolith, Kern County, California, EPA project number SE 87–11.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on December 23, 1981, the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to expand the kiln system at an existing cement plant.

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: SO_2 at 1188 tons per year; NO_2 at 1030 tons per year; TSP at 163 tons per year; and Beryllium at 0.00127 tons per year.

Best Available Control Technology (BACT) requirements for SO_2 include burning 1.5% max sulfur coal and passsing flue gasses through alkaline dust collected in a baghouse; for TSP and Be a baghouse is to be used; maximum TSP emissions from the kiln are to be 0.30 lb/ton of feed, and from the clinker cooler 0.10 lb/ton of feed.

Air Quality Impact Modeling was required for SO_2, NO_x, TSP and Be. Continuous monitoring is required and the source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Administration (M–5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: March 19, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-10104 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2101-2]

Issuance of PSD Permit to Department of the Navy

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Dept. of the Navy, Elk Hills, Kern County, California, EPA project number SJ 77-42.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 22, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to modify the Elk Hills Naval Petroleum Reserve (NPR1).

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of NO_x at 11.0 g/hp-hr (Ingersoll-Rand Engines) and at 10.0 g/hp-hr (Waukesha Engines).

Best Available Control Technology (BACT) requirements include spark retard and air fuel ration (AFR) adjustment for Ingersoll-Rand Engines and AFR adjustment for Waukesha Engines. Air Quality Impact Modeling was required for NO_x. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Administration (M-5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: March 19, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-10105 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2101-3]

Issuance of NSR Permit Amendment to Petro-Lewis Corporation

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of New Source Review (NSR) permit amendment to Petro-Lewis Corporation, Kern County, California, EPA project number SJ 77-50.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on March 9, 1982 the Environmental Protection Agency issued a NSR permit amendment to the permittee named above. The amendment is an extension of a February 1, 1978 Approval to Construct regarding the construction of three (3) 50 MMBtu/hr steam generators in the Poso Creek Field, Kern County, California.

DATE: The NSR permit amendment is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the amended permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Grants & Permits Administration (M-5), EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Date: March 19, 1982.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 82-10106 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2100-4]

Issuance of PSD Permit to Southern California Edison Company

AGENCY: Environmental Protection Agency (EPA), Region 9,

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Southern California Edison Company, San Bernardino County, California, EPA project number SE 80-01.

SUPPLEMENTAL INFORMATION: Notice is herby given that on December 9, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate a 1000 tons per day coal gasification plant.

The permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: NO_x at 140 lbs/hr (3-hour average), 50 ppmv (daily average); SO_2 at 35 lbs/hr (low sulfur coal), 175 lbs/hr (high sulfur coal); and CO at 77 lbs/hr (3-hour average), 50 ppmv (daily average).

Best Available Control Technology (BACT) requirements include water injections for NO_x control of turbine emissions, O/M plan for fugitive CO emissions control, Scot/Claus unit for SO_2 emissions control, SELEXOL sulfur removál process for SO_2 control.

Air Quality Impact Modeling is required for NO_x, SO_2 and CO. Continuous monitoring is required and the source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Copes of the permit are available for inspection upon request; address requests to Cecilia Dougherty, Grants & Permits Administration (M-5), EPA Region 9, 215 Fremont Street, San Francisco, CA 94105.

Date: March 18, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-10107 Filed 4-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL ELECTION COMMISSION

Filing Dates for California Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates for California Special Primary Election and Special General Election.

SUMMARY: Committees required to file reports in connection with the special primary election to be held in the 30th Congressional District of California on June 8, 1982 must file a 12-day pre-election report by May 27, 1982. Committees required to file reports in connection with *both* the special primary election *and* the special general election (if necessary) to be held on July 13, 1982, must file the 12-day pre-primary election report by May 27, 1982, a 12-day pre-general election report by July 1, 1982, a quarterly report by July 15, 1982, and a 30-day post-election report by August 12, 1982.

After filing these reports, committees should resume filing reports on a quarterly basis.

FOR FURTHER INFORMATION CONTACT:
Ms. Bobby Werfel, Public Information Office, 1325 K Street NW., Washington, D.C. 20463. TEL: (202) 523–4068, Toll-free: (800) 424–9530.

Notice of Filing Dates for Special Primary Election and Special General Election, 30th Congressional District, California.

The State of California has scheduled a special primary election in the 30th Congressional District for June 8, 1982. If no candidate receives a majority of the vote in that election, a special general election will be held on July 13, 1982.

All principal campaign committees of candidates involved only in the special primary election and all other political committees not filing monthly that support candidates in this special primary election shall file a 12-day pre-election report due on May 27, 1982, with coverage dates from date of candidacy, or last report, through May 19, 1982.

All principal campaign committees of candidates in the special general election all other political committees not filing monthly that support candidates in the special general election shall file a 12-day pre-election report due on July 1, 1982, with coverage dates from date of candidacy, or last report, through June 23, 1982, a July 15th quarterly report on July 15, 1982, with coverage dates from June 24, 1982 through June 30, 1982, and a 30-day post-election report due August 12, 1982, with coverage dates from July 1, 1982 through August 2, 1982.

After filing these reports, committees should resume filing reports on a quarterly basis.

Dated: April 8, 1982.

Frank P. Reiche,

Chairman, Federal Election Commission.

[FR Doc. 82-10111 Filed 4-12-82; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 3, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–861–1.

Filing Party: John C. Barnett, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T–861–1, between the Port Authority of New York and New Jersey (Port) and Flota Mercante Grancolombiana, S.A. (Flota), modifies the basic agreement between the parties which provides for the lease by Port to Flota of certain premises at the Brooklyn-Port Authority Marine Terminal. The purpose of the modification is to extend the term of the agreement for an additional five years and to increase the rental to $300,000 per annum and the tonnage rate to $2.60 per ton of cargo handled, subject to an annual minimum of 115,000 tons.

Agreement No.: 10421–1.

Filing Party: Gary R. Edwards, Esquire, Ragan & Mason, 900 17th Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10421–1 is an amendment to a cooperative working agreement between Pan American Mail Line, Inc. (PAML) and Linea Naviera Panatlantica, S.A. (LINAPA) (approved February 1, 1982) and provides that each party shall employ the firm of Chester, Blackburn & Roder, Inc. (CBR) as general agent for the performance of all management functions necessary for the operations of its ocean liner freight service in the foreign commerce of the United States. The purpose of the amendment is to add American Atlantic Shipping, Inc. (AAS) as a party to the agrrement.

Agreement No.: 10424–1

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahara, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 10424–1 modifies the basic agreement of the United States Atlantic & Gulf/Jamaica and Hispaniola Steamship Conference to increase the security deposit from $25,000 to $50,000.

By Order of the Federal Maritime Commission.

Dated: April 8, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-9992 Filed 4-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Amdt. No. 1 to Commisson Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

On March 2, 1982, the Commission amended section 5.05 of Commission Order No. 1 to incorporate a new subsection (8) to read as follows:

(8) Coordinates follow-up on Commission orders in formal proceedings to assure compliance by parties.

Dated April 8, 1982.

Alan Green, Jr.,

Chairman.

[FR Doc. 82-9993 Filed 4-12-82; 8:45]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

FB&T Corporation, Hanover, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank and Trust Company of Hanover, Hanover, Pennsylvania. Comments on this application must be received not later than May 7, 1982.

B. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

First Intercity Banc Corporation, Cleveland, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank National Association, Cleveland, Ohio. Comments on this application must be received not later than April 30, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:L

Commercial Bancshares, Inc., Crown Point, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Commercial Bank, Crown Point, Indiana. Comments on this application must be received not later than April 29, 1982.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

Metropolitan Bancshares, Inc., Munford, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of Munford Union Bank, Munford, Tennessee. Comments on this application must be received not later than May 7, 1982

E. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Southern Minnesota Bancshares, Inc., Wells, Minnesota; to become a bank holding company by acquiring 81.83 percent or more of the voting shares of Security State Bank of Wells, Wells, Minnesota. Comments on this application must be received not later than May 7, 1982

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Minneapolis, Minnesota 55480:

CNB Financial Corporation, Kansas City, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Commercial National Bank of Kansas City, Kansas City, Kansas. Comments on this application must be received not later than April 30, 1982.

Board of Governors of the Federal Reserve System, April 6, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-9892 Filed 4-12-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Cheltenham Corporation, Cheltenham, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Cheltenham Bank, Cheltenham, Pennsylvania. Comments on this application must be received not later than May 7, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

Southwest Bancshares, Inc., Lafayette, Louisiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of Southwest National Bank of Lafayette, Lafayette, Louisiana. Comments on this application must be received not later than May 7, 1982.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

Table Rock Bancshares, Inc., Shell Knob, Missouri; to become a bank holding company by acquiring 95.6 percent or more of the voting shares of Community Bank of Shell Knob, Shell Knob, Missouri. Comments on this application must be received not later than May 7, 1982.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

The Northern Corporation, Wisner, Nebraska; to become a bank holding company by acquiring 94.8 percent of the voting shares of North Side Bank, Omaha, Nebraska. Comments on this application must be received not later than May 7, 1982.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ranger Bancshares, Inc.*, Ranger, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Ranger, Texas. Comments on this application must be received not later than May 7, 1982.

2. *Southern Bancshares, Inc.*, Bremond, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Bremond, Texas; and Lott State Bank, Lott, Texas. Comments on this application must be received not later than May 7, 1982.

Board of Governors of the Federal Reserve System, April 7, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-9890 Filed 4-12-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President)

701 East Byrd Street, Richmond, Virginia 23261:

Equitable Bancorporation, Baltimore, Maryland; to acquire 100 percent of the voting shares of Equitable Bank of Delaware, National Association, Dover, Delaware. Comments on this application must be received not later than May 7, 1982.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

FirstBank Holding Company of Colorado, Lakewood, Colorado, and its subsidiary, *FirstBank Holding Company*, Lakewood, Colorado; to acquire 100 percent of the voting shares of FirstBank of Tech Center, N.A., Greenwood Village (In Organization); FirstBank of Hampden/Yosemite, N.A., Denver (In Organization); FirstBank at Havana/Iliff, N.A., Aurora (In Organization); and FirstBank at Kipling/Jewell, N.A., Lakewood (In Organization), all in Colorado. Comments on this application must be received no later than May 7, 1982.

Board of Governors of the Federal Reserve System, April 7, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-9891 Filed 4-12-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee

Date: May 3-4, 1982

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Time and Type of Meeting: Open 9:30 a.m. to 4:30 p.m.—May 3; Open 8:30 a.m. to 12 Noon—May 4; Closed 9:15 a.m. to 9:30 a.m.—May 3

Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, 5600 Fishers Lane, Room 8A-44, Rockville, Maryland 20857, Phone: (301) 443-4614

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Agenda items for the meeting will include announcements, consideration of minutes of previous meeting and future meeting dates, report from the Director, presentations and discussions on the program planning FY 1983, the National Coal Study, respirator research and certification programs, surveillance program, hazards of physical agents in mining, participation in consensus standards groups, and MSHA's air quality standards. Beginning at 9:15 through 9:30 a.m. May 3, the Committee will be performing the final review of the mine health research grant applications for Federal assistance. This portion of the meeting will not be open to the public in accordance with the provisions set forth in Section 552(c)(6), Title 5, U.S. Code and the Determination of the Director, Centers for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speaker.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 2, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82-10112 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Review Protocols for Field Studies of Positive and Negative Pressure Air-Purifying Respirators; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available.

Review of Protocols for Field Studies of Positive and Negative Pressure Air-Purifying Respirators

Date: April 27, 1982.

Time: 9:30 to 3:00 p.m.

Place: Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Room 138, Morgantown, West Virginia 26505.

Purpose: To review protocols for field studies to evaluate the performance of a powered air-purifying respirator and a negative pressure air-purifying respirator. Viewpoints and suggestions from industry, organized labor academia, other government agencies, and the public are invited.

Copies of the protocols and additional information may be obtained from: James A. Oppold, Ph. D., Director, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, WV 26505, Telephone: (304) 291-4595 or FTS 923-4595.

Dated: April 2, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82-10114 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Seventeenth National Immunization Conference; Open Meeting

On May 18 and 19, 1982, the Centers for Disease Control will sponsor the Seventeenth National Immunization Conference. The Conference will be held at the Sheraton Inn-Atlanta Airport, 1325 Virginia Avenue, East Point, Georgia, and will be open to the public, limited only by the space available.

This national conference is designed for public health workers who are involved in the organization and implementation of immunization program activity at the State and local levels throughout the United States and its Territories.

Meetings are scheduled to begin at 9:00 a.m. in the Marathon Ballroom, Sheraton Inn-Atlanta Airport.

All inquiries should be sent to: Mr. Jack Kirby, Chief, Program Services Branch, Immunization Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, Telephones: FTS: 236-3801, Commercial: 404/329-3801.

Dated: April 2, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82-10113 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Cooperative Agreements for State-Based Diabetes Control Programs; Availability of Funds

The Centers for Disease Control announces the availability of funds for Fiscal Year 1982 and Fiscal Year 1983 for cooperative agreements for State-based Diabetes Control Programs, Catalog of Federal Domestic Assistance Number 13.988. This cooperative agreement program is authorized by Section 301(a) (42 U.S.C. 241a) of the Public Health Service Act, as amended.

The objective of the cooperative agreement program is to improve the quality of life and the effectiveness of health services for diabetics. Eligible applicants are official State health agencies. Applicants must complete, or have completed, a baseline assessment of diabetes morbidity and mortality data and care resources information; establish, or have established, a framework for coordination of interested parties; and develop, or have developed, a plan of action for reducing diabetes morbidity, mortality, and economic costs among intervention populations.

It is expected that approximately $3,700,000 will be available in Fiscal Year 1982 to support 20 continuation cooperative agreements and that approximately $3,700,000 will be available in Fiscal Year 1983 to award approximately 20 continuation cooperative agreements with an average award of $185,000, with individual cooperative agreements ranging from approximately $70,000 to $290,000.

Cooperative agreements are usually funded for 12 months with a 5 year project period. Continuation awards are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new cooperative agreements are expected to be made in 1982 or 1983. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and Part 123) implementing the National Health Planning and Resource Development Act of 1974. Information on application and review procedures, deadlines, and other materials may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 262-6575, or FTS: 236-6575.

Dated: April 5, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 82-10119 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Project Grants—Health Programs for Refugees; Availability of Funds

The Centers for Disease Control announces the availability of funds for Fiscal Year 1982 and Fiscal Year 1983 for Project Grants for Health Programs for Refugees, Catalog of Federal Domestic Assistance Number 13.987. This grant program is authorized by Section 412(c)(3) of the Immigration and Nationality Act as amended by the Refugee Act of 1980, Pub. L. 96-212.

The purpose of the program is to augment State and local resources in providing public health and general health assessments for refugees newly arrived in the United States. The term "refugee" is defined in Section 101(a)(42) of the Immigration and Nationality Act. Any person so classified, regardless of national origin (except Soviet refugees for whom there is another special program to promote their private care and resettlement), shall be eligible for health assessment services under this program.

Eligible applicants are the official State health agencies and, in consultation with the State health agency, health agencies of political subdivisions of a State. Direct grants to health agencies of political subdivisions will not be considered for funding in 1982 and 1983 where the State health agency applies for and receives a grant for programs within the State, except in special situations which are clearly justified to the Regional Health Administrator, Public Health Service, of the appropriate Department of Health and Human Services Regional Office. States are expected to work with agencies and organizations in localities with significant refugee populations to identify their health needs and to develop programs to meet these needs.

It is expected that $4,985,000 will be available in Fiscal Year 1982 to award approximately 3 new and 44 continuation grants with the average award expected to be $106,000, ranging from $4,000 to $1,800,000. For Fiscal Year 1983, $4,049,000 has been requested to award 1 new and 47 continuation grants with the average award expected to be $84,000, ranging from $3,000 to $1,300,000. Initial grants are usually funded for 12 months in a 1 to 3 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties of the appropriation process.

Priority for funding new grants will be placed on (1) the extent of unmet public health needs associated with refugees; and (2) the need for general health assessments for refugees, with particular attention given to the identification of health problems which might affect employability, the referral of refugees for appropriate diagnostic and treatment services, and the identification of funding sources for needed services.

Applications for new grants will be reviewed on the basis of (1) the size of the refugee population; (2) the extent of health problems among refugees; (3) the need for assistance in addressing health problems; (4) the capability of applicant agencies to deliver or coordinate the delivery of needed services, including the identification of providers of services, the establishment of referral programs, and the identification of financing arrangements for services; and (5) consistency with the State's comprehensive plan for refugee resettlement activities.

Applications are subject to review as governed by OMB Circular A-95. Copies of applications should be sent to State and areawide clearinghouses. Information on application and review procedures, deadlines, the consequences of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: April 5, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building No. 1 3521-35 Market Street Mailing Address: P.O. Box 13716 Philadelphia, Pennsylvania 19101 (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430

[FR Doc. 82-10115 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Project Grants for Preventive Health Services—Childhood Immunization; Availability of Funds

The Centers for Disease Control announces the availability of funds for Fiscal Year 1982 and Fiscal year 1983 for Project Grants for Preventive Health Services—Childhood Immunization, Catalog of Federal Domestic Assistance Number 13.268. This grant program is authorized by Section 317 (42 U.S.C. 274b) of the Public Health Service Act as amended.

The objectives of this grant program are to reduce morbidity and mortality due to vaccine-preventable diseases of childhood; to eliminate indigenous measles from the United States by October 1, 1982; to raise and/or maintain immunization levels above 90 percent for children under age 15 against measles, rubella, diphtheria, tetanus, and poliomyelitis; to raise and/or maintain immunization levels above 90 percent for children under age 7 against measles, mumps, rubella, diphtheria, pertussis, tetanus, and poliomyelitis; and to develop, test, and implement systems for use in the States to ensure that 90 percent or more of all children complete basic immunizations by age 2.

Any State and, in consultation with State health authorities, political subdivisions of States and other public entities are eligible to apply for a grant.

It is expected that $21,817,000 will be available in Fiscal Year 1982 to award 64 continuation grants and that $21,928,000 will be available in Fiscal Year 1983 to award 64 continuation grants with the average award expected to be $300,000, ranging from $10,000 to $1,400,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new grants are expected to be made in 1982 or 1983 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A–95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and Part 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the consequences of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: April 5, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430

[FR Doc. 82-10116 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-18-M

Project Grants for Venereal Disease Control; Availability of Funds

The Centers for Disease Control announces the availability of funds for Fiscal Year 1982 and Fiscal Year 1983 for Project Grants for Venereal Disease Control, Catalog of Federal Domestic Assistance Number 13.977. This grant program is authorized by Section 318 (42 U.S.C. 247c) of the Public Health Service Act as amended.

The objective of this grant program is to reduce morbidity and mortality from venereal disease by preventing cases and complications. Any State and, in consultation with State health authorities, political subdivisions of States are eligible to apply for a grant.

It is expected that approximately $31,000,000 will be available in Fiscal Year 1982 and that approximately $39,000,000 will be available in Fiscal Year 1983 to award 64 continuation grants to supplement programs to control venereal disease and prevent its complications. The average award in Fiscal Year 1983 is expected to be $628,571, ranging from $24,450 to $2,550,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds.

No new grants are expected to be made in 1982 or 1983 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties to the appropriation process.

Applications are subject to review as governed by OMB Circular A–95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and Part 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the cosequences of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: April 5, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430

[FR Doc. 82–10117 Filed 4–12–82; 8:45 am]

BILLING CODE 4160–18–M

Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education; Availability of Funds

The Centers for Disease Control announces the availability of funds for Fiscal Year 1982 and Fiscal Year 1983 for Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education, Catalog of Federal Domestic Assistance Number 13.978. This grant program is authorized by Section 318(b) (42 U.S.C. 247c) of the Public Health Service Act as amended.

The objectives of this grant program are to develop, improve, and evaluate methods for the prevention and control of syphilis, gonorrhea, and other sexually transmitted diseases (STD) through demonstrations and applied research; to develop, improve, apply, and evaluate methods and strategies for public information and education about syphilis, gonorrhea, and other STD; and to support particularly deserving public information and education programs which cannot be supported through other grant programs. Any State, political subdivisions of States, and other public or nonprofit private entities are eligible to apply for a grant.

It is expected that approximately $300,000 will be available in Fiscal Year 1982 to award 1 continuation grant and to extend 2 to 3 Hepatitis B cooperative agreements. No new awards are anticipated in Fiscal Year 1982. It is expected that $500,000 to $1,000,000 will be available in Fiscal Year 1983 to award 5 to 7 new grants with the average award expected to be $100,000, ranging from $80,000 to $350,000. Initial grants are usually funded for 12 months in a 1 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

The deadline for submitting applications in Fiscal Year 1983 is July 1, 1983. Depending upon the type of proposal submitted, applications may be subject to review as governed by OMB Circular A–95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and Part 123) implementing the National Health Planning and Resource Development Act of 1974. Information on the applicability of these review requirements and other application procedures, copies of program guidelines, the consequences of late submission, and other materials may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 262–6575, or FTS: 236–6575, or the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: April 5, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430

[FR Doc. 82–10118 Filed 4–12–82; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Advisory Committees Meetings; Circulatory System Devices Panel, et al.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Circulatory System Devices Panel

Date, time, and place. May 14, 8:30 a.m., Rm. 403–425A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, May 14, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 3:45 p.m.; open committee discussion, 3:45 p.m. to 4 p.m.; Mr. Glenn A. Rahmoeller, Bureau of Medical devices (HFK–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the

committee. Those desiring to make formal presentations should notify the contact person before May 4, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addressses of propsed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The panel will make its recommendations for the classification of resuscitation aids, AC fibrillators, peripheral transluminal angioplasty catheters, and Heparin complex coatings. The panel may also review one or more premarket approval applications (PMA's) for pacemakers and other cardiovascular devices. As time permits, the panel may review generic labeling for anticoagulation therapy for prosthetic heart valves.

Closed committee deliberations. The panel may discuss information relevant to one for more PMA's for pacemakers or other cardiovascular devices. As time permits, the panel may also review information relevant to premarket notification submissions for replacement heart valves, pacemakers, or other cardiovascular devices. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Neurological Device Section of the Respiratory and Nervous Systems Devices Panel

Date, time, and place. May 21, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Closed committee deliberations, 9 a.m. to 11 a.m.; open committee discussion, 12 p.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m.; Dr. Robert F. Munzner, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the panel section leader before April 30, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. The committee will discuss the details of a premarket approval application (P820012) for a device which indicates elevated intracranial pressure. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Open committee discussion. The committee will discuss the safety and effectiveness of a device which indicates elevated intracranial pressure for which a premarket approval application (P820012) has been received.

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. May 24 and 25, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, May 24, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, May 25, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; Dr. George C. Murray, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

General function of committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before May 10, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of propsed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On May 24 the committee will discuss premarket approval applications (PMA's) and possible changes in the guidelines for the introduction of new models to clinical studies, and may discuss PMA's for other ophthalmic products. If discussion of all pertinent intraocular lens (IOL) issues is not completed, discussion will be continued the following day. On May 25 the committee may discuss PMA's or general issues relating to contact lens products, including a general discussion of the need for and feasibility of the approval of 250-milligram salt tablets for lens care and final draft contact lens and contact lens product guidelines. Copies of draft guidelines are available for comment from the Bureau of Medical Devices, Division of Ophthalmic; Ear, Nose, and Throat; and Dental Devices (HFK–460), 8757 Georgia Ave., Silver Spring, MD 20910.

Closed committee deliberations. On May 24 and May 25 the committee will conduct reviews of PMA's for IOL applications. On May 25 the committee may also discuss PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting lised above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation and the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations

relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent fo the cited statutes.

The FACA, as amended, provided that a portion of a meeting may be closed where the mater for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: April 5, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-9806 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees Meetings; Anesthetic and Life Support Drugs Advisory Committee

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Anesthetic and Life Support Drugs Advisory Committee

Date, time, and place. May 3, 9 a.m., Conference Rm. F, Parklawn Bldg, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; John M. Singer, Bureau of Drugs (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3560.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the fields of anesthesiology and surgery.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss adverse experiences of long-acting, highly protein bound, local anesthetics; ongoing research into localized long term neurotoxicity following intended epidural administration of local anesthetics; and hepatic dysfunction following administration of enflurane during the conduct of anesthesia and surgery.

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. May 6, 9 a.m., Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1869.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational prescription drug products for use in obstetrics, gynecology, and contraception.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the FDA action report and revision of oral contraceptive labeling.

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. May 6, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 9 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 5 p.m.; Neil Abel, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5197.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the safety and efficacy of radioactive pharmaceuticals and contrast agents, as well as advances, changing concepts, and trends in the field.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss various items such as the radiopharmaceutical (good manufacturing practice) guidelines, nuclear pharmacy guidelines, pediatric toxicology guidelines, citizen's petition concerning nomenclature for radiopharmaceutical kits, and a report on the unapproved indications regarding approved drugs.

Oncology Drugs Advisory Committee

Date, time, and place. May 7, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 9 a.m. to 12 m.; open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 5 p.m.; Lee W. Ripper, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5197.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational prescription drugs for use in the field of oncology.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss (1) the revised preclinical toxicology protocol for oncolytic drugs and (2) requirements for additional preclinical studies on drug combinations, focusing on instances where both drugs are investigational and/or studies in which one drug of the combination interferes with the catabolism of the other, an oncolytic agent.

Gastrointestinal Drugs Advisory Committee

Date, time, and place. May 13 and 14, 9:30 a.m., Auditorium, Lister Hill Center, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and executive secretary. Open public hearing, May 13, 9:30 a.m. to 10:30 a.m.; open committee discussion, 10:30 a.m. to 5 p.m.; open committee discussion, May 14, 9 a.m. to 5 p.m., Joan Standaert, Bureau of Drugs (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4730.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss cimetidine; Tagamet (NDA 17–920) for use in gastric ulcer; sincalide; Kinevac (NDA 17–697) for post operative ileus; metoclopramide; Reglan (NDA 17–854) for use in gastroesophageal reflux disease; bentiromide; Chymex (NDA 18–366) for use in a pancreatic function test; ranitidine; and Zantac (NDA 18–703) for therapy of duodenal ulcer.

Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. May 25, 9 a.m., Rm 703–727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, May 25, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, May 26, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Dr. James G. Dillon, Bureau of Medical Devices (HFK–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 427–7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before May 1, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications which may include a muscle stimulator for treatment of scoliosis, a ceramic hip prosthesis, a total knee prosthesis, a porous coated hip prosthesis, and a bone cement.

Anti-Infective Drugs Advisory Committee

Date, time, and place. May 27 and 28, 9 a.m., Conference Rm. G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, May 27, 9:30 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, May 28, 8:30 a.m. to 4:30 p.m. John J. Curtis, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6797.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the safety and effectivenss aspects of Eradacil (rosoxacin), an azaquinolone antimicrobial agent, in the treatment of uncomplicated Gonorrhea in males and females; the revision of the guidelines for clinical studies for the development of antibiotic drugs; and the development of guidelines for prophylactic use of antibiotics in surgery.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: April 6, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-9807 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Correction

In FR DOC. 8575 appearing at page 13587 in the issue of Wednesday March 31, 1982, make the following changes:

(1) On page 13588, first column, last line, "Garnerella" should be changed to read "Gardnerella".

(2) On page 13589, first column, twelveth line from botton of the page, "acid" should be changed to read, "aid".

(3) On page 13589, middle column, under "*Division of Vector-Borne Viral Diseases (HCRT).*", eighth line, "a" should be removed following "basis for" and before "development" which is the first word on the ninth line.

BILLING CODE 1505-01-M

Food and Drug Administration

[Docket No. 82M-0099]

Hewlett-Packard Co.; Premarket Approval of Hewlett-Packard Capnometer, Model 47210A, Option A10 Cutaneous

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Hewlett-Packard Capnometer, Model 47210A, Option A10 Cutaneous sponsored by Hewlett-Packard Co., Waltham, MA. After reviewing the recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 13, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On August 17, 1981, Hewlett-Packard Co., Waltham, MA, submitted to FDA an application for premarket approval of the Hewlett-Packard Capnometer, Model 47210A, Option A10 Cutaneous, a trend monitor for carbon dioxide tension at the skin surface. The application was reviewed by the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of the device on adults. On March 15, 1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 13, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-9896 Filed 4-12-82; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, from 9:00 a.m. to recess on May 26 and from 9:00 a.m. to adjournment on May 27, 1982, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open on May 26 from approximately 1:00 p.m. to recess, during which time there will be a brief staff presentation on the current status of the Animal Resources and Primate Research Centers program, and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 26 from 9:00 a.m. to approximately 12:00 noon for the review, discussion, and evaluation by the Subcommittee on Primate Research Centers of individual grant applications, submitted to the Primate Research Centers Program, and on May

27 from 9:00 a.m. to adjournment for the review, discussion, and evaluation by the Subcommittee on Animal Resources of individual grant applications, submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (310) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences and Primate Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-9878 Filed 4-12-82; 8:45 am]

BILLING CODE 4140-01-M

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, May 11–12, 1982, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland 20205. In addition, the ad hoc Blood Resources Working Group of the above Committee will meet May 10, 1982, at 7:30 PM in Room 5C–01, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20205.

The meeting of the Working Group will be open to the public from 7:30 PM to adjournment on May 10, 1982, to discuss program needs, and the Advisory Committee will be open to the public from 9:00 AM to 5:00 PM, May 11, and from 8:30 AM to adjournment on May 12, 1982, to duscuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. Larry Blaser, Chief of the Research Reporting Section, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistance to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–08, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: April 5, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-9880 Filed 4-12-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Regents and the Extramural Programs and Lister Hill Center and National Medical Audiovisual Center Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 20–21, 1982, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center and National Medical Audiovisual Center Subcommittee on the preceding day, May 19, 1982, from 2:00 to 5:00 p.m., in the 5th-floor Conference Room of the Lister Hill Center Building, and from 1:00 to 5:00 p.m., in the 7th-floor Conference Room of the Lister Hill Center Building, respectively.

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on May 20 and from 9:00 to 12:00 noon on May 21 for administrative reports and program discussions. The entire meeting of the Lister Hill Center and National Medical Audiovisual Center Subcommittee will be open to the public for a discussion of program direction of the Lister Hill Center and National Medical Audiovisual Center, and a report on the April 22–23 NLM Board of Scientific Counselors' meeting. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on May 19 will be closed to the public, and the regular Board meeting on May 21 will be closed from 12:00 noon to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-9885 Filed 4-12-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), May 13, 14 and 15, 1982, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 to 10:00 p.m. on May 13, from 9:00 a.m. to 12:15 p.m. and 2:00 to 4:45 p.m. on May 14, and from 9:00 a.m. to 11:30 a.m. on May 15. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463,

the meeting will be closed to the public from 7:00 p.m. to 8:00 p.m. and 10:00 to 10:30 p.m. on May 13, from 12:15 to 2:00 p.m. and 4:45 to adjournment on May 14, and from 11:30 a.m. to adjournment on May 15, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20205, (301) 496–4128.

Dated: March 31, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-9879 Filed 4-12-82; 8:45]

BILLING CODE 4140-01-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, May 20–21, 1982, at the Holiday Inn, 8120 Wisconsin Avenue, Varsailles Room IV, Bethesda, Maryland, 20014. The entire meeting will be open to the public from 9:00 a.m. through adjournemnt on both days for a discussion and update of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland, 20205, (301/496–6927) will furnish substantive program information.

Dated: April 2, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-9883 Filed 4-12-82; 8:45 am]

BILLING CODE 4140-01-M

General Research Support Review Committee, Biomedical Research Support Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Research Support Subcommittee of the General Research Support Review Committee, Division of Research Resources, National Institutes of Health, May 24, 1982, Building 31C, Conference Room 7, Bethesda, Maryland 20205, from 8:30 a.m. to adjournment.

The meeting will be open to the public on May 24 from 8:30 a.m. to 10:00 a.m. to discuss program planning for the Biomedical Research Support Grant Program and evaluation of the Biomedical Research Development Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code, Sections 552b(c)(4) and 552b(c)(6), and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 24 from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications for the Biomedical Research Support Shared Instrumentation Program. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalogue of Federal Domestic Assistance Program No. 13.337, Biomedical Research Support, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8b (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-9884 Filed 4-12-82; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on Special Actions for Grants, Review of Contracts and Budget of the Office of the Director, and Cancer Control and the Community, May 16–19, 1982, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting and the Subcommittees on Cancer Control and the Community and Review of Contracts and Budget of the Office of the Director will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: *National Cancer Advisory Board*

Dates of meeting: May 17–19, 1982

Place of meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health

Open: May 17, 8:30 a.m.—adjournment, May 19, 8:30 a.m.—adjournment

Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; the International Agency for Research on Cancer; a Discussion of the Review Process; and reports on the NCAB Subcommittees.

Closed session: May 18, 8:30 a.m.—adjournment

Closure reason: To review cancer grant applications.

Name of committee: *Subcommittee on Cancer Control and the Community*

Date of meeting: May 16, 1982

Place of meeting: Building 31, A Wing, Conference Room 11A10, National Institutes of Health

Open: May 16, 7:30 p.m.—adjournment

Agenda: A discussion of business concerning Cancer Control and the Community to include Community Clinical Oncology Program RFAs.

Name of committee: *Subcommittee on Special Actions for Grants*

Date of meeting: May 18, 1982

Place of meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health

Closed: May 18, 8:30 a.m.—adjournment

Closure reason: Review of individual immunology grant applications.

Name of committee: *Subcommittee for the Review of Contracts and Budget of the Office of the Director*

Date of meeting: May 19, 1982

Place of meeting: Building 31, C Wing, Conference Room 7, National Institutes of Health

Open: May 19, 12:30 p.m.—adjournment

Agenda: To provide concept review for OD, NCI contracts which are planned to be awarded for FY 82 & 83.

(Catalog of Federal domestic assistance program numbers:
13.392, project grants in cancer construction.
13.393, project grants in cancer cause and prevention.
13.394, project grants in cancer detection and diagnosis.
13.395, project grants in cancer treatment.
13.396, project grants in cancer biology.
13.397, project grants in cancer centers support.
13.398, project grants in cancer research manpower.
13.399, project grants and contracts in cancer control.)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–9882 Filed 4–12–82; 8:45 am]

BILLING CODE 4140–01–M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, May 20, 21 and 22, 1982 at The Linden Hill Hotel and Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on May 20, 1982 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on May 21, 1982 to adjournment on May 22, 1982 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205 (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496–9223) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(B) (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

Community Management Officer, National Institutes of Health.

[FR Doc. 82–9886 Filed 4–12–82; 8:45 am]

BILLING CODE 4140–01–M

Neurological Disorders Program-Project Review B Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, June 7, 8, and 9, 1982, in the Longwood Room of the Linden Hill Hotel and Racquet Club, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:30 p.m. until 9:30 p.m. on June 7th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 a.m. on June 8th to adjournment on June 9th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Buildings, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catlog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–9887 Filed 4–12–82; 8:45]

BILLING CODE 4140–01–M

Study Sections; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections of May through June 1982, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the executive secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	May–June, 1982 meetings	Time	Location
Behavioral and Neurosciences 1, Dr. Laura Weinstein, Rm. A25, Tel. 301–496–7286	May 17–18	8:30	Holiday Inn, Georgetown, DC.
Behavioral and Neurosciences 2, Dr. Bertie H. Woolf, Rm. A23A, Tel. 301–496–7286	May 28	8:30	Bldg. 31C, Room 9, Bethesda, MD.
Behavioral and Neurosciences 3, Dr. Laura Weinstein, Rm. A25, Tel. 301–496–7286	May 24	8:30	Westwood Bldg., Room 428, Bethesda, MD.
Behavioral and Neurosciences 4, Dr. Bertie H. Woolf, Rm. A23A, Tel. 301–496–7286	May 21	10:00	Holiday Inn, Bethesda, MD.
Biomedical Sciences 1, Ms. Joan D. Fredericks, Rm. A10, Tel. 301–496–1067	May 24–25	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences 2, Dr. Charles Baker, Rm. A10, Tel. 301–496–7150	May 20–21	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences 3, Ms. Joan D. Fredericks, Rm. A10, Tel. 301–496–1067	June 2–4	8:30	Holiday Inn, Georgetown, DC.
Biomedical Sciences 4, Dr. Charles Baker, Rm. A10, Tel. 301–496–7150	May 26	8:30	Bldg. 31C, Room 7, Bethesda, MD.
Clinical Sciences 1, Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7510	May 24–25	9:00	Holiday Inn, Georgetown, DC.
Clinical Sciences 2, Dr. Alex Liacouras, Rm. A19, Tel. 301–496–7477	May 27–28	8:30	Ramada Inn, Bethesda, MD.
Clinical Sciences 3, Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7477	May 10–11	9:00	Holiday Inn, Georgetown, DC.
Clinical Sciences 4, Dr. Alex Liacouras, Rm. A19, Tel. 301–496–7477	May 6–7	8:30	Ramada Inn, Bethesda, MD.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.983, National Institutes of Health, HHS)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: March 31, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–9888 Filed 4–12–82; 8:45 am]

BILLING CODE 4140–01–M

Working Group on Blood Resources and Blood Substitutes; Meeting

Notice is hereby given of the meeting of the Working Group on Blood Resources and Blood Substitutes, sponsored by the National Heart, Lung, and Blood Institute, on June 1, 1982, from 9:00 a.m. to 12:30 p.m., Building 31, C Wing, Conference Room 10 at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting will be open to the public. The Working Group on Blood Resources and Blood Substitutes is meeting to examine and coordinate federal research activities which concern human blood and its substitutes. Attendance by the public will be limited to space available.

For detailed program information, a list of meeting participants, and a meeting summary contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood Resources and Blood Substitutes, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, MD 20205, 301–496–5031.

Dated: April 2, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–9881 Filed 4–12–82; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Health Services Administration; Allied Health Professions Eligible for Scholarship Consideration Under the Health Professions Preparatory Scholarship Program for Indians and the Indian Health Scholarship Program

The Health Professions Preparatory Scholarship Program for Indians is authorized by section 103 of the Indian Health Care Improvement Act, Pub. L. 94–437. The Indian Health Scholarship Program was initially authorized by section 104 of Pub. L. 94–437, but is now authorized by section 338G (formerly section 757) of the Public Health Service Act. Both programs are intended to encourage Indians to enter the health professions and to assure the availability of Indian health professionals to serve Indians. This list is based upon the needs of the Indian Health Service as well as upon the needs of Indians for additional service by specific health professions.

Regulations at 42 CFR 36.304 provide that the Indian Health Service shall, from time to time, publish a list of health professions eligible for consideration for the award of Health Professions Preparatory Scholarships for Indians and Indian Health Scholarships. Also, Section 338G(b) of the Public Health Service Act (42 U.S.C. 294y–1) authorizes the determination of specific health professions for which Indian Health Scholarships will be awarded.

Pending the availability of funds, consideration will be given to qualified applicants for scholarship support under the above named scholarship programs in the following health profession categories:

Clinical Laboratory Technology
Radiology Technology
Optometry
Nursing * * *
  Bachelor of Science in Nursing
  Associate Degree in Nursing
Medicine
Dentistry

This list of eligible allied health professions is effective for the 1982/1983 academic year only.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Colombel, Indian Health Service, Parklawn Building, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland, Telephone: 301–443–5441.

Dated: April 2, 1982.

John H. Kelso,

Acting Administrator.

[FR Doc. 82–9893 Filed 4–12–82; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–82–1116]

Privacy Act of 1974; New System of Records

AGENCY: Housing and Urban Development Department.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective 30 calendar days from its publication date (May 13, 1982)

unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5336. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Project Management Records (HUD/H–9). It contains information about tenants of multifamily projects (five or more units) which HUD has acquired or expects to acquire because of a pending foreclosure on the project. The system is used to provide information required in the property disposition program to adequately manage and account for the rental of HUD acquired multifamily projects and projects on which HUD is Mortgagee-in-Possession. This information is required to qualify prospective tenants of HUD-owned projects, to maintain rental accounts, to assist collection efforts where current and former tenants are delinquent in their rental payments, to provide rent rolls and income and expense data to prospective purchasers of tenant occupied properties, to certify tenants' incomes for subsidy benefits, and to perform other related program management functions. The prefatory statement containing General Routine uses, applicable to most of the Department's systems of records, was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was published at 46 FR 54914 (November 4, 1981) A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on March 1, 1982.

HUD/H–9

SYSTEM NAME:

Project Management Records.

SYSTEM LOCATION:

Headquarters, HUD Field Offices and HUD Project Managers under the jurisdiction of the HUD Field Offices. For a complete listing of HUD Field Offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants (prospective, current and former) of multifamily projects (five or more units) which HUD expects to acquire, generally as a result of foreclosure, or has acquired, or of which HUD expects to or has taken possession.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records consist of documents pertaining to rental applications and rent payments. The documents include leases and rental information if the projects are being conveyed or transferred to HUD; individuals' names, addresses, telephone numbers, identifying numbers such as Social Security Numbers (if available), income, circumstances of employment, expenses, liabilities, and personal and credit references, and records of rents paid and owed while tenants of HUD; and related information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S. Housing and Urban Development Act, 42 U.S.C. 3535(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine uses paragraph in prefatory statement. Other routine uses: Consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal claims collection standards, 4 CFR 102.4; to Federal, State and local governmental organizations—to verify information provided on applications to expose fraudulent information; to HUD project managers—to permit them to perform their property managment functions; to State motor vehicle agencies and Internal Revenue Service—to obtain current addresses of debtors; to attorneys hired by the Department in connection with eviction related activities—to facilitate eviction related activities; to collection agencies hired by the Department—to collect delinquent rent; and to prospective purchasers of tenant occupied properties—to provide them rent rolls and income and expense data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and on magnetic tape, disc or drum.

RETRIEVABILITY:

Project number, project address, and name of tenant.

SAFEGUARDS:

Desk, file cabinets kept in secured area. Computer records are maintained in secured areas with technical restraints employed with regard to accessing records. Access restricted to authorized individuals.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the mandatory General Records Schedules contained in HUD Handbook 2228.2. Project records are conveyed to purchasers of the projects.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Multifamily Financing and Preservation, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURE:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Tenants and prospective tenants.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d))

Dated: April 5, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82–10029 Filed 4–12–82; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N-82-1117]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Housing and Urban Development, Department.

ACTION: Notification of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT-34, Pay and Leave Records of Employees.

EFFECTIVE DATE: This amendment shall become effective without further notice in 30 calendar days (May 13, 1982) unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5336. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The following modifications are being made to the Pay and Leave Records of Employees (HUD/DEPT-34) system of records:

1. Categories of individuals covered by the system is being modified by adding the words "current and separated" immediately before the words "HUD employees" to make coverage more specific.

2. Categories of records in the system is being modified to specify that the system includes sign in/sign out sheets and information pertaining to pay/leave problems of employees. The words "sign in/sign out sheets and related documentation; Congressional requests or inquiries on the pay/leave problems of employees; court orders; personnel/payroll data requests; information about the problem received from the employee, an administrative office, or a personnel employee, including supporting documentation; written correspondence pertaining to pay/leave problems, and related information or documentation" are being added to categories of records in the system.

3. Routine uses are being modified by adding the words "and to resolve employee appeals on pay/leave decisions" immediately following the words "to GAO—for audit".

4. Safeguards are being modified by substituting the words "all personnel who handle or maintain records as a part of their official duties are instructed and cautioned on the confidentiality of the records" instead of the words "all payroll personnel and computer operators and programers are instructed and cautioned on the confidentiality of the records."

5. Retention and disposal provisions for pay/leave problem records are being added.

6. The words "HUD employees, banks, other financial institutions, and courts" are being added to record source categories.

The prefatory statement, containing General Routine uses applicable to most of the Department's systems of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of Hud's Field Offices was published at 46 FR 54914 (November 4, 1981). The Pay and Leave Records of Employees (HUD/DEPT-34) notice was published previously at 46 FR 54889 (November 4, 1981). The notice is published below in its entirety, as amended. A report of the Department's intention to amend this system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on March 3, 1982.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Dated: April 7, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

HUD/DEPT-34

SYSTEM NAME:

Pay and Leave Records of Employees.

SYSTEM LOCATION:

All Department offices. For a complete listing of offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and separated HUD employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number and employee number, grade, step, and salary; organization, retirement or FICA data as applicable; Federal, state and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deduction; allotments by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability; sick, transferred, and without pay); time and attendance records, including sign in/sign out sheets and related documentation, leave applications and reports, individual daily time reports, adjustments to time and attendance, overtime reports, supporting data, such as medical certificates, number of regular, overtime, holiday, Sunday and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; "Notification of Personnel Actions" Congressional requests or inquiries on the pay/leave problems of employees; court orders; personnel/payroll data requests; information about the problem received from the employee, an Administrative Office, or from a Personnel employee, including supporting documentation; written correspondence pertaining to pay/leave problems; and related information or documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local government, except Social Security Numbers will be reported only to such authorities that have satisfied the requirements set forth in Section 7(a)(2)(B) of the Privacy Act of 1974. To the Office of Personnel management concerning pay, benefits, retirement deductions, and other information necessary for the Office to carry on its Government-wide personnel functions; to GAO—for audit and to resolve employee appeals on pay/leave decisions; to other Federal government agencies—to facilitate employee transfers; to State agencies—to verify workmen's compensation injury claims; time and attendance data—to contractor for scanning, keying, producing error lists, and producing input media.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual, machine-readable and magnetic media.

RETRIEVABILITY:

Name of employee; Social Security Number.

SAFEGUARD:

Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All personnel who handle or maintain records as a part of their official duties are instructed and cautioned on the confidentiality of the records. Manual files kept in lockable desks, file cabinets and safes.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA. Generally, records on employee pay/leave problems are retained in the Personnel Systems and Payroll Division in Headquarters for three years after a decision has been made on the problem. In Payroll, the retention schedule for these records is the same as that for employee pay and leave records. In Personnel Offices, problem pay/leave records are retained for six months after a decision has been made on the problem, and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Systems and Payroll Division, Office of Personnel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals, supervisors, timekeepers, official personnel records, previous employers, or other Federal government agencies, Headquarters or Regional Office personnel responsbile for solving pay/leave problems, Area and Service Office personnel who have information about pay/leave problems, banks, other financial institutions, and courts.

[FR Doc. 82-10028 Filed 4-12-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges Water Charges and Related Information Wind River Irrigation Project, Wyoming

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior by the Assistant Secretary—Indian Affairs in 230 DMI and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Superintendent by the Area Director in 10 BIAM 7.0 section 2.70. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to the final rule published on June 14, 1977, in 43 FR 30361, this notice sets forth the changes to the operation and maintenance charges, and related information, applicable on presently assessable land located within the Wind River Irrigation Project, Wyoming, south of the Big Wind River. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Public notices declaring the intent to raise the operation and maintenance assessment rate per acre were published weekly in three local newspapers and placed in several of the post offices and other public buildings throughout the reservation. The Project Engineer also discussed the project's financial situation necessitating an increase in the irrigation operation and maintenance assessment to $6.55 per acre at a meeting of Wind River Water Users Association on March 3, 1982 and at the Joint Business Council meeting of the Shoshone and Arapahoe Tribes on March 10, 1982.

Interested persons were given 30 days from the Public Notice posting date to submit written comments, views or arguments regarding the proposed rate. This 30 day period ended March 22, 1982. The only written comment was received from the Joint Business Council of the Shoshone and Arapahoe Tribes, which protested the increase on behalf of the enrolled members of the Tribes. The Council's letter suggested "* * * reduction in personnel or other internal adjustments that 'time study' might reveal as problems prohibiting operation within an established budget." As a direct result of this letter internal budgetary adjustments have been made which will reduce the proposed O&M rate of $6.55 to $6.40.

In compliance with the above, the operation and maintenance charge for the assessable lands under the Wind River Irrigation Project, Wyoming south of the Big Wind River, for the calendar year 1982 and subsequent years until further notice, is hereby fixed at $6.40 per acre. The operation and maintenance charges for the assessable trust patent Indian lands of the Wind River Irrigation Project, which are located north of the Big Wind River (LeClair Irrigation District) will remain at $9.50 per acre for 1982 and subsequent years until further notice.

Richard Whitesell,

Superintendent, Wind River Agency.

[FR Doc. 82-10122 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Intent To Amend Honey Lake-Beckwourth Land Use Plan, Eagle Lake Resource Area, Susanville District Office, California

The Department of the Interior, Bureau of Land Management, Susanville

District, California, is beginning an amendment of the land use plan for 56,000 acres of public land in the Honey Lake and Beckwourth Planning Units.

The Honey Lake and Beckwourth Planning Units are located in northeastern California in Lassen, Plumas, and Sierra Counties. The majority of the lands are scattered and occur primarily around the communities of Susanville, Doyle, and Sierra Valley.

The anticipated major issues currently identified to be addressed in the amendment process are the impacts of livestock grazing on other resources and the manageability of scattered public lands.

A grazing environmental impact statement will be part of the planning process. Possible alternatives in the grazing EIS will be proposed action, no action, no grazing, increased livestock grazing use, and decreased livestock grazing use.

The interdisciplinary team which will prepare the amendment includes representatives from the following disciplines: range, wildlife, lands, soils, water resources, minerals, forestry, recreation, cultural resources, wild horses, threatened and endangered plants, fire, and socioeconomics.

Public participation activities during the amendment process will include consultation with affected users and other agencies, meetings with interested groups and individuals, mailouts, media notices, public meetings, and distribution of the draft and final amendment and grazing EIS for comment.

Two public meetings will be held to identify and clarify significant issues to be addressed in the amendment process. The meetings will be on April 27, 1982, at 8:00 p.m. at the Grange Hall in Vinton, California, and on April 28, 1982, at 8:00 p.m. at the Long Valley Elementary School in Doyle, California.

Further information, as well as relevant planning documents, will be available from 7:45 a.m. to 4:30 p.m. weekdays from Mark Morse, Area Manager, Eagle Lake Resource Area, Bureau of Land Management, P.O. Box 1090, 2545 Riverside Drive, Susanville, California 96130, telephone 916–257–5381.

Dated: April 6, 1982.

Ben F. Collins,

Acting District Manager.

[FR Doc. 82-10121 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-84-N

[N-30767]

Nevada; Order Providing for Opening of Public Lands

April 1, 1982.

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been reconveyed to the United States:

Mount Diablo Meridian

Parcel A

Situate in the county of Washoe, State of Nevada, described as follows: Parcels 1 thru 31 inclusive and Parcels 38 thru 50 inclusive, and Parcels 52, 55, 56 and 57 as shown on the Division of Land Map No. 43–B for Marian E. Durkee, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on April 13, 1979, as Filed No. 599440.

Parcel B

All that certain parcel of land situate within the North half of Section 19, T. 19N., R. 19 E., M.D.B.&M., Washoe County, Nevada, being more particularly described as follows:

Commencing at the west ¼ corner of Section 19 as shown on Division of Land Map #43B in the Official Records of Washoe County, Nevada; thence North 02°20'21" West, 1501.61 feet along the Westerly line of said Section 19 to the Southwest corner of the North ½ of the North ½ of said Section 19, the True Point of Beginning. Thence continuing North 02°20'21" West 1094 feet, more or less, to the ordinary high water line of the Truckee River; Thence along said high water line 2187 feet, more or less; Thence South 848 feet, more or less, to a point on the South line of the North ½ of the Northwest ¼ of said Section 19, said point being further described as bearing South 88°16'37" East 1805.06 feet from the True Point of Beginning; Thence along said line South 88°16'37" East 674.06 feet; thence South 88°25'05" East 426.52 feet to the Westerly line of that parcel conveyed to Sierra Pacific Power Company by Deed recorded April 11, 1968, Document Number 112766; thence along said Westerly line South 20°39'32" West 1066.06 feet; thence continuing along said Westerly line South 33°17'17" East 474.76 feet to the South line of the North ½ of said Section 19; Thence along said line South 89°35'12" West 1552.07 feet to the Southwest corner of the Southeast ¼ Northwest ¼ of said Section 19; Thence along the West line of said ⅛th section North 0°05'12" East 1454.62 feet to the Northwest corner of said ⅛th section; Thence North 88°16'37" West 1239.56 feet along the South line of the North ½ North ½ of said Section 19 to the True Point of Beginning.

Excepting therefrom all that portion thereof, lying below the natural ordinary high water line of the Truckee River.

The area described contains 1,992 acres in Washoe County.

Upon acceptance of title to such lands, they became part of the toiyabe National Forest and are subject to all the laws, rules, and regulations applicable thereto. At 10 a.m., on May 13, 1982, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Forest Supervisor, Toiyabe National Forest, 111 No. Virginia Street, Room 601, Reno, Nevada 89501.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-10120 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-84-M

[W-12166]

Wyoming; Termination of Classification; Correction

April 2, 1982.

Memorandum To: Federal Register. From: Chief, Branch of Lands and Minerals Operations. Subject: Correction to Federal Register Notice, W–12166. Wyoming: Termination of Classification.

In FR Doc 82–4606 published on page 7763 on Monday, February 22, 1982 make the following correction.

In the second column, the first line of the land discription reads:

Sec. 1, E½W½SE¼NE¼NE¼

It should be corrected to read:

Sec. 1, E½W½SW¼NE¼NE¼

Harold G. Stinchcomb,

Acting State Director.

[FR Doc. 82-10123 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Public Meeting; Proposed Land Exchange

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to hold a public meeting on a proposed land exchange between Kenai National Wildlife Refuge, Soldotna, Alaska and Kenai Native Association, Inc., Kenai, Alaska. A draft report on this proposed transaction is available for review. Comments and suggestions are requested.

DATES: The public meeting will be held at 7:00 P.M. on Monday, April 26, 1982 in the Assembly Chambers of the Kenai Borough Building in Soldotna, Alaska. Written comments are requested by May 26, 1982.

ADDRESSES: Requests for the draft report and/or comments should be addressed to: William H. Mattice, Chief, Division of Realty, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Gail S. Baker, Division of Realty, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, 907–263–3490.

SUPPLEMENTAL INFORMATION: Approximately 18,000 acres were conveyed to the Kenai Native Association, Inc. (KNA) from within the Kenai National Wildlife Refuge as provided for by the Alaska Native Claims Settlement Act (ANCSA). However, Section 22(g) of ANCSA requires that lands conveyed from within National Wildlife Refuges existing prior to December 18, 1971 remain subject to the laws and regulations governing use and development of such refuges. It is impossible, therefore, for KNA to build roads, subdivide, or develop commercially the 18,000 acres they have selected.

For this reason KNA desires to return 6,562 acres to the Kenai Refugee in exchange for "clear title" to the remaining acreage, *i.e.*, a title unencumbered by the constraints of Section 22(g) of ANCSA. Section 1302 of the Alaska National Interest Lands Conservation Act (ANILCA) provides for land exchanges between Native Corporations and the FWS.

Dated: April 5, 1982.

William H. Mattice,

Chief, Division of Realty.

[FR Doc. 82-9969 Filed 4-12-82; 8:45]

BILLING CODE 4310-55-M

National Park Service

Availability of Plans of Operations for the Purpose of Oil Drilling: Big Cypress National Preserve

In accordance with § 9.52 of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received two Plans of Operations for the purpose of oil drilling in the Preserve. The first, submitted by the Exxon Company USA is for drilling operations in the Baxter Island area, and the second, submitted by Hughes and Hughes is for drilling operations in the Northwest Racoon Point area. The public is invited to review and comment on the Plans of Operations, copies of which are available for review during normal business hours at Everglades National Headquarters, Route 27, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Ochopee, Florida; Dade County Public Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street, Atlanta, Georgia. Comments received on or before May 13, 1982 will be entered into the official record. For further information, contact Pat Tolle, Management Assistant, Everglades National Park (305) 247–6211.

Dated: April 5, 1982.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region.

[FR Doc. 82-10059 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 2, 1982. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by April 28, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALASKA

Fairbanks Division

Fairbanks, *Clay Street Cemetery (AHRS Site No. FAI–164)*, 7th Ave. and Riverside Dr.

ARIZONA

Maricopa County

Peoria, *Central School*, 10304 N. 83rd Ave.

ARKANSAS

Benton County

Rogers, *Applegate Drugstore*, 116 S. 1st St.

Clay County

Piggott, *Pfeiffer House and Carriage House*, 10th and Cherry Sts.

Franklin County

Ozark, *Franklin County Jail*, 3rd and River Sts.

Prairie County

Des Arc, *Frith-Plunkett House*, 8th and Main Sts.

Pulaski County

Little Rock, *Taborian Hall*, 9th and State Sts.
Little Rock, *Termimal Warehouse Building*, 500 E. Markham St.

CALIFORNIA

Alameda County

Alameda, *Park Street Historic Commercial District*, Roughly bounded by Oak St., Park, Lincoln and Encinal Aves.

Orange County

Santa Ana, *Builders Exchange Building*, 202–208 N. Main St.

CONNECTICUT

Fairfield County

Redding, *Barlow, Aaron, House*, Umpawaug Rd.
Stamford, *Davenport, Deacon John, House*, 129 Davenport Ridge Rd.
Westport, *Town Hall*, 90 Post Rd. E.
Wilton, *Sloan-Raymond-Fitch House*, 249 Danbury Rd.

Hartford County

Farmington, *Cowles, Gen. George, House*, 130 Main St.
Granby, *Holcomb, Nathaniel, III House*, 45 Bushy Hill Rd.
Hartford, *Charter Oak Place*, 1—3 Charter Oak Pl. (boundary increase)
Hartford, *Little Hollywood Historic District*, Farmington Ave., Owen, Frederick and Denison Sts.
Hartford, *Mather Homestead*, 2 Mahl Ave.
Rocky Hill, *Rocky Hill Congregational Church*, 805—817 Old Main St.
Simsbury, *Grist Mill*, 73 West St.

Litchfield County

Salisbury, *Scoville Memorial Library*, Main St.

Middlesex County

Cromwell, *Sage-Kirby House*, 93 Shunpike Rd.
Middletown, *Hubbard, Nehemiah, House*, Laurel Grove Rd. and Wadsworth St.
Middletown, *Middletown Alms House*, 53 Warwick St.
Middletown, *Russell, Edward Augustus, House*, 318 High St.
Middletown, *Saint Luke's Home for Destitute and Aged Women*, 135 Pearl St.

New Haven County

Seymour, *Sanford-Humphreys House*, 61—63 West St.

New London County

Norwich, *Buckingham, William A., House*, 307 Main St.

Tolland County

Coventry, *Parket-Hutchinson Farm*, Parker Bridge Rd.

KENTUCKY

Clark County

Pine Grove vicinity, *Martin, Major John, House (Clark County Multiple Resource Area)* (addition), Basin Spring Rd.

Crittenden County

Marion, *Fohs Hall*, 143 N. Walker St.

Jefferson County

Louisville, *Adath Israel Cemetery*, 2716 Preston St.

Louisville, *Ancient and Accepted Scottish Rite Temple*, 200 E. Gray St.
Louisville, *Commodore Apartment Building*, 2140 Bonnycastle Ave.
Louisville, *Emerson School*, 1100 Sylvia Ave.

Knox County

Barbourville, *Speed Hall*, College St.

Livington County

Smithland, *Olive, Richard, House*, Court St.

Mason County

Mays Lick, *Mays Lick Consolidated School*, U.S. 69 and KY 324

Woodford County

Midway vicinity, *Payne, Lewis, House*, Lansing Lane

LOUISIANA

Caddo Parish

Shreveport, *Shreveport Municipal Building*, 724 NcNeil St.

Lincoln Parish

Ruston vicinity, *Calhoun Farmhouse*, NE on Ruston of LA 821

Ouachita Parish

West Monore vicinity, *Allen-Barringer House*, SW of West Monroe off Elkins Rd.

St. Landry Parish

Opelousas, *St. Landry Catholic Chruch*, 900 N. Union St.

MARYLAND

Baltimore

(Independent City)
Krug Iron Works, 415 W. Saratoga St.

Cecil County

Earleville vicinity, *St. Stephens Episcopal Church*, N of Earleville on MD 282

Kent County

Kennedyville vicinity, *Shrewsbury Church*, Shrewsbury Lane

MASSACHUSETTS

Essex County

Danvers, *Rea-Proctor Homestead*, 180 Conant St.

Hampden County

Springfield, *Forest Park Heights Historic District*, Off MA 21

Hampshire County

Belchertown, *Belchertown Center Historic District*, North and South Main, Main, Maple, Walnut, Park, and Jabish Sts.

Plymouth County

Norwell, *Norwell Village Area Historic District*, MA 123
Plymouth, *Plymouth Village Historic District*, Roughly bounded by Water, Main and Brewster Sts.

Suffolk County

Boston, *McKay, Donald, House*, 78–80 White St.

Worcester County

Petersham, *Petersham Common Historic District*, MA 32/122

MICHIGAN

Berrien County

Berrien Springs, *Old Berrien County Courthouse Complex*, Cass, Kimmel, Madison and Union Sts. (boundary increase)

Cass County

Marcellus vicinity, *Newton, George, House*, 20689 Marcellus Hwy.

St. Joseph County

Three Rivers, *Downtown Three Rivers Commercial Historic District*, N. Main St., Michigan and Portage Aves.

MISSISSIPPI

Hinds County

Jackson, *Merrill-Maley House*, 739 N. State St.
Raymond vicinity, *McNair Plantation*, SW of Raymond on MS 18

MONTANA

Deer Lodge County

Anaconda, *Washoe Theater*, 305 Main St.

Gallatin County

Three Forks, *Ruby Theatre*, 212 Main St.

Glacier County

Browning vicinity, *Holy Family Mission*

Lewis and Clark County

Helena, *Silverman, Morris, House*, 412 N. Rodney St.

Missoula County

Missoula, *Carnegie Public Library*, 335 N. Pattee St.
Missoula, *Milwaukee Depot*, 250 Station Dr.
Missoula, *St. Francis Xavier Church*, 420 W. Pine

Powell County

Deer Lodge, *Deer Lodge American Women's League Chapter House*, 802 Missouri Ave.
Deer Lodge, *Trask Hall*, 703 Fifth Ave.

Richland County

Sidney, *Peoples' Congregational Church*, 203 2nd Ave., SW

Yellowstone County

Billings, *Moss, Preston B., House*, 914 Division St.
Billings, *Prescott Commons*, Rimrock Rd.

NEVADA

Douglas County

Genoa vicinity, *Walley Hot Sprints*, S of Genoa on NV 206, Foothill Rd.

NEW JERSEY

Hunterdon County

Flemington vicinity, *Dart's Mill Historic District*, NE of Flemington on Rt. 523

Mercer County

Trenton, *St. Michael's Episcopal Church*, 140 N. Warren St.

Middlesex County

New Brunswick, *Agnew, Thomas I., House*, Memorial Pkwy.
New Brunswick, *Hale Street School*, 373 Hale St.

Morris County

Madison vicinity, *Gibbons, William, Racehorse Stable Complex*, Swing Tree Farm

Ocean County

OLD VILLAGE OF TOMS RIVER MULTIPLE RESOURCE AREA. This area includes: Toms River, *Birdsall, Amos Capt. House*, 234 Washington St.; *Brant, A. A., House*, 9 Allen St.; *Crawford House*, 46 E. Water St.; *Giberson, Capt. George W. House*, 54 E. Water St.; *Horner House*, 44 E. Water St.; *House at 80 E. Water Street; Ocean County Courthouse*, Washington St.; *Ocean County Jail*, Sheriff St.; *Stewart House*, 57 E. Water St.; *Stoutenburgh-Minturn House*, 86 E. Water St.; *Williams House*, 96 E. Water St.

Passaic County

Clifton, *Vreeland, John and Anna, House (Hamilton House)*, 971 Valley Rd.
Passaic, *Aycrigg Mansion*, Main Ave. and Temple Pl.

NEW YORK

Oneida County

Barneveld, *Mappa Hall*, Mappa Ave.

NORTH CAROLINA

Camden County

Belcross vicinity, *Grandy, Caleb, House*, Off Sr 1145

Chowan County

Smalls Crossroads vicinity, *Cullins-Baker House*, NC 32

Hertford County

Como vicinity, *Vernon Place*, N of Como off U.S. 258

Macon County

Franklin, *Siler, Jesse R., House*, 115 W. Main St.

Nash County

Rocky Mount vicinity, *Benvenue*, 330 Southern Blvd.

Wilkes County

Thurmond vicinity, *Elkin Creek Mill*, SR 2045

OHIO

Ashland County

Loudonville, *Garst, John, House*, NE of Loudonville on OH 95

Clark County

Springfield, *Kelly, O. S., Cottage and House*, 329 S. Center St. and Fountain and Mulberry St.

Franklin County

Columbus, *Valley Dale Ballroom*, 1590 Sunbury Rd.

Hamilton County

Cincinnati, *Hulbert House and McAlpin Bridal Cottage*, 333 and 341 LaFayette Ave.
Cincinnati vicinity, *Salem Methodist Church Complex*, 6137 Salem Rd.

Mercer County

Celina vicinity, *Grand Lake St. Marys Lighthouse*, Grand Lake St. Marys-Northwood

Muskingum County

Adamsville vicinity, *Denison, William, House*, 7115 Adamsville Rd. (OH 93)
Mount Sterling, *Taverner-Sears Tavern*, Main St.

Pickaway County

Meade vicinity, *Oak Grove School*, Hayesville-Adelphi and Pickaway-Salt Creek Rds.

Portage County

Mantua, *Crafts, William H., House*, 4619 W. Prospect St.

Richland County

Mansfield, *PARK AVENUE WEST MULTIPLE RESOURCE AREA*. This area includes: *Barr, Jacob H., House*, 646 Park Ave., W.; *Bissman, B. F., House*, 458 Park Ave., W.; *Bissman, Peter, House*, 462 Park Ave., W.; *Black, T. F., House*, 490 Park Ave., W.; *Building at 240 Park Avenue West; Building at 252—254 Park Avenue West; Building at 309 Park Avenue West; Building at 358 Park Avenue West; Building at 415 Park Avenue West; Building at 478 Park Avenue West; Building at 561 Park Avenue West; Central United Methodist Church*, 378 Park Ave., W.; *Colonial, The*, 283 Park Ave., W.; *Cook, J. M., House*, 429 Park Ave., W.; *Douglas, S. M., House*, 437 Park Ave., W.; *Dow House*, 564 Park Ave., W.; *First English Lutheran Church*, 53 Park Ave., W.; *Fraser House*, 681 Park Ave., W.; *Freundlich, Louis, House*, 400 Park Ave., W.; *Gardner Building*, 114 Park Ave., W.; *Gilbert, F. A., House*, 343 Park Ave., W.; *Greek Revival Style House*, 177 Park Ave., W.; *Jones, John J., House*, 600 Park Ave., W.; *Kern, Rufus A., House*, 608 Park Ave., W.; *Krause, John, House*, 428 Park Ave., W.; *McLean, Emerson O., House*, 454 Park Ave., W.; *Mansfield, Judge, House*, 228 Park Ave., W.; *Mansfield Womens Club*, 145 Park Ave., W.; *Mechanics Building and Loan Company*, 2 S. Main St.; *Mengert, Louis C., House*, 565 Park Ave., W.; *Ohio Theatre*, 136 Park Ave., W.; *Old Carriage Barn*, 337 Park Ave., W.; *Pacific Curios Antiques*, 365 Park Ave., W.; *Park Avenue Baptist Church*, 296 Park Ave., W.; *Preston, Burton, House*, 543 Park Ave., W.; *Richland Trust Building*, 3 Park Ave., W.; *Robinson, E. Gilbert, House*, 557 Park Ave., W.; *Rowland House*, 409 Park Ave., W.; *Sherman, John, Memorial Gateway*, 699 Park Ave., W.; *Spreng, W. S., House*, 408 Park Ave., W.; *Spreng, Wilfred J., House*, 414 Park Ave., W.; *Stewart Towers*, 13 Park Ave., W.; *Sturges, Susan House*, 317 Park Ave., W.; *Tappan House*, 308 Park Ave., W.; *Townsend, Edwin O., House*, 519 Park Ave., W.; *Tracy, Rufus A., House*, 446 Park Ave., W.; *Upson House*, 234 Park Ave., W.; *Vaughn, Sherrod N., House*, 610 Park Ave., W.; *Wagner, Clayton C., House*, 450 Park Ave., W.; *Walter, Fred A., House*, 376 Park Ave., W.; *Ward, W. S., House*, 350 Park Ave., W.; and *Willis, W. T., House*, 551 Park Ave., W.

Shelby County

JACKSON CENTER MULTIPLE RESOURCE AREA. This area includes: Jackson Center, *Cargill, Oliver, Building*, 113 Pike St.; *Carter, Dr. John M., House*, 206 W. Pike St.; *Clayton, W. H., House*, 405 E. Pike St.; *Davis, Calvin M., House*, 115 W. Pike St.; *Davis, Israel L., Store*, W. Pike St.; *Disciples Church of Christ*, College St.; *Hughes, James A., House*, 112 W. Pike St.; *Mintchell, Jacque, House*, 205 W. Pike St.; *Sayre, Lewis, Log House*, 405 N. Main St.; *Seventh Day Baptists Church*, W. Pike St.
Port Jefferson, *Port Jefferson School*, Wall and Spring Sts.

Stark County

Hartville vicinity, *Stewart, Harry Bartlett, Property*, 13340 Congress Lake Rd.

Warren County

Franklin, *Butler, Charles, House*, 13 E. Jackson St.

Wayne County

West Salem vicinity, *Britton, James F., House*, 7428 Britton Rd.
Wooster, *Old Wayne County Jail*, W. North St.

Wood County

Bowling Green, *Floral Hall*, City Park on Conneaut Ave.

OREGON

Benton County

Corvallis, *Pernot, Dr. Henry S., House*, 242 SW. 5th St.

Jackson County

Central Point vicinity, *Bursell, Victor and Bertha, House*, 3075 Hanley Rd.

Josephine County

Grants Pass, *Clemens, Michael, House*, 612 NW. 3rd St.
Grants Pass, *Kienlen-Harbeck Building*, 147 SW. G St.

Multnomah County

Portland, *Henry, C. K., Building*, 309 SW. 4th Ave.
Portland, *Waldo, Block*, 431—433SW. 2nd Ave.

PENNSYLVANIA

Bucks County

Buckingham vicinity, *Spring Valley Village Historic District*, Mill Rd. and U.S. 202
Newtown vicinity, *Twining Farm*, Buck Rd.

SOUTH CAROLINA

Aiken Coiunty

Aiken, *Chinaberry (Williams-Converse House)* 441 York St., SE.

Berkeley County

Moncks Corner vicinity, *Santee Canal*, NE of Moncks Corner

Chesterfield County

Chesterfield, *CHESTERFIELD MULTIPLE RESOURCE AREA*. This area includes: *East Main Street Historic District*, Hursey Dr., E. Main and Craig Sts.; *West Main Street Historic District*, W. Main, Church and Academy Sts.; and *Lucas, Dr. Thomas E., House*, 716 W. Main St.

TENNESSEE

Shelby County

Memphis, *Hotel Claridge*, 109 N. Main St.
Memphis, *Newburger, Joseph, House*, 168 East Pkwy., South

UTAH

Davis County

Kaysville, *Barnes, John R., House*, 10 South 100 West St.
Layton vicinity, *Layton, George W., House*, W. Gentile St.

Grand County

Cisco vicinity, *Robidoux Inscription*

Salt Lake County

Salt Lake City, *Cheesman, Morton A., House*, 2320 Walker Lane
West Jordan, *Gardner Mill*, 1050 West 7800 South

WASHINGTON

Clark County

Ridgefield, *Ridgefield American Woman's League Chapter House*, 406 N. 1st St.

King County

Seattle, *Auxiliary Schooner ADVENTURESS*, Winter-Lake Union Dry Dock
Seattle, *Colonial Hotel*, 1119—1123 1st Ave.
Seattle, *Globe Building, Beebe Building and Hotel Cecil*, 1001—1023 1st Ave.
Seattle, *Grand Pacific Hotel*, 1115—1117 1st Ave.
Seattle, *M. V. Vashon*, Pier 52
Seattle, *National Building*, 1006—1024 Western Ave.
Seattle, *Schooner Zodiac (Schooner California)* Lake Union Dry Dock

WISCONSIN

Buffalo County

Alma, *ALMA MULTIPLE RESOURCE AREA*. This area includes: *Alma Historic District*, Roughly bounded by RR tracks, 2nd, Swift and Cedar Sts.;
Alma City Sewage Disposal Plant, 100 W. Disposal St.;
Berni, Jacob, House, 911 Riverview Dr.;
Burlington Hotel, 809 N. Main St.;
Harry, Fred, House, 402 N. 2nd St.;
Lane, Frederick, Jr., House, 1109 S. Main St.;
Senn, John L., House, 811 S. 2nd St.;
Steiner, John, Store, 1101 S. Main St.;
Tenney, Dr. J. T., House, 305 N. 2nd St.;
Union Brewery, 801, 805 and 807 S. Main St.; and
Walser, Ulrich, House, 711 N. 2nd St.

Columbus County

Columbus, *Lewis, Gov. James T., House*, 711 W. James St.

Winnebago County

Oshkosh, *Wisconsin National Life Insurance Building*, 220 Washington Ave.

[FR Doc. 82-10091 Filed 4-12-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 4]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foriegn commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

South Carolina Docket No. 82-97-T, filed March 18, 1982. Applicant: THOMPSON TRUCKING, INC., P.O. Box 9713, 3741 Ashley Phosphate Road, Charleston, SC 29410-0713. Representative: Lawrence A. Laddaga, Esq., Wise Cole & Pearlman, P.A., 151 Meeting St., Suite 300, Charleston, SC 29402. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: COMMODITIES IN GENERAL (USUAL EXCEPTIONS): Between points and places in Charleston County, and points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Public Service Commission of South Carolina, 111 Doctors Circle, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10003, filed March 23, 1982. Applicant: FIVE STAR COURIER SERVICE INC., 380 North Broadway, Suite 215, Jericho, NY 11753. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Films, liquid petroleum products and refrigerated goods:* Between New York City on the one hand, and, on the other, Nassau, Suffolk and Westchester Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10026 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transfere may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79477. By decision of November 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DAVID S. DRACUP, d.b.a. D.S.D. TRUCKING, of Jamestown, NY, of Certificate Nos. MC-110197 and MC-110197 and MC-110197 (Sub-Nos. 16, 17, 18, and 19), issued to DANIEL S. DRACUP & CO., INC., of Jamestown, NY, authorizing the transportation as a *common carrier*, over irregular routes, as summarized: (1) *new furniture*, from named points in PA, NY, and CT, to points in AL, CT, GA, KY, MA, NY, NC, RI, SC, TN, VA, and WV; (2) *veneer, plywood, and plate glass mirrors*, from named points in NY, to points in CT, MA, and RI; (3) *voting machines*, between Jamestown, N.Y., and points in Marion County, S.C., on the one hand, and, on the other hand, points in AL, AR, CT, FL, GA, KY, LA, ME, MA, MS, NH, MN, RI, TN, VT, VA, and WV; (4) *roofing and siding*, from East Walpole, MA, to points in Chautauqua and Cattarauqus Counties, NY, (5) *slate and marble*, from points in VT, to certain points in NY, and PA; (6) *automobile driver training devices*, between Jamestown, NY, on the one hand, and, on the other, points in AL, CT, FL, GA, KY, MA, NC, RI, SC, TN, VA, and WV; and (7) *lumber and plywood and baled rags*, from points in AL, AR, CT, FL, GA, KY, LA, ME, MA, MS, NH NC, RI, SC, TN, VT, VA, and WV, to named points in N.Y. Representative: Daniel S. Dracup, 12 East Fourth Street, Jamestown, NY 14701.

Notice.—TA has not been filed. Transferee is not a carrier.

MC-FC-79682. By decision of March 26, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Ariel Express Company, Inc., of Wilmington, DE, of Certificate NO. MC66562 and all subs thereunder issued

to REA Express, Inc. (C. Orvis. Sowerwine, Trustee) authorizing: General commodities in express service, between named points in the U.S. Applicant's representative is: Robert B. Walker 915 Pen Bldg., 425 13th St., NW, Washington, DC 20004. TA lease is not sought. Transferee is not a carrier.

MC–FC–79693. By decision of March 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Ray Garrison t/a Mechanicsburg Trucking Service Company, Inc. of Hershey, PA, of Certificate NO. MC–151303 issued to George W Smith, Jr. Company, (John H. Harmon, Trustee in Bankruptcy) a corporation, of Capitol Heights, MD authorizing general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the United States. Applicant's representative: John Wills Beach, 34 West Middle Street, Gettysburgh, PA 17325. TA lease is not sought. Transferee is not a carrier.

MC–FC–79702. By decision of March 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Northern Carriers, Inc., of Rockford, IL of Permit No. MC–154681 (Subs-No. 1, 4 and 5 and Certificate No. MC–154681 Subs No. 1, 2, 3, and 6, issued to North Central Transportation, Inc., of Fargo ND, authorizing General and named commodities, including *wood, lumber, iron, steel and machinery,* between named points throughout the U.S. The contracting shippers under the permits are AM Pac Hardwoods, Inc., North Central Distributing; Northern Plains Steel; Louisiana—Pacific Corp.; and Champion International Corp. Applicant's representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. TA lease is sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10025 Filed 4–12–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed 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 verifed 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 operation right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–60

Decided: April 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 138841 (Sub-21), filed March 19, 1982. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709, (605) 342–7090. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161001, filed March 12, 1982. Applicant: ROBERT CORNELL, P.O. Box 422, Perris, CA 92370. Representative: Susan Nichols, Florida Verification Bureau, Inc., P.O. Drawer 17308, Pensacola, FL 32522, (800) 874–1559 (Out of State), (904) 438–1493. 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, between points in the U.S. (except AK and HI).

MC 161160, filed March 23, 1982. Applicant: MARON SHIPPING AGENCY, INC., 1 World Trade Center, Suite 2767, New York, NY 10048. Representative: William A. Maron (same adddress as applicant), (212) 432–1460. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–056

Decided: April 6, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Fisher not participating.

MC 144195, Sub 4, filed March 29, 1982. Applicant: QUINCY L. BYRD, INC., 2027 Anchor Lane, Austin, TX 78723. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *shipments weighing 100 pounds or less* if transported in a motor

vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 159725, Sub 1, filed March 25, 1982, Applicant: TESKEY TRANSPORTATION CO., 501 S. Stimson Ave., City of Industry, CA 91745. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017, (213) 727–8471. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161195, filed March 23, 1982. Applicant: TERRY ROGERS TRUCKING, P.O. Box 41, Palo Cedro, CA 96073. Representative: Sharon R. Rogers, 10018 Swede Creek Rd., Palo Cedro, CA 96073, (916) 547–3004. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161274, filed March 30, 1982. Applicant: THOMAS A. KILLIAN d.b.a. T AND D COMPANY, 501 W. 172nd Street, South Holland, IL 60473. Representative: Thomas E. Nicely, 16207 S. Olcott, Tinley Park, IL 69477, (312) 429–1763. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 161275, filed March 24, 1982. Applicant: MIAMI VALLEY TRANSPORTATION CONSULTANTS, INC., 1300 East Third Street, Dayton, OH 45403. Representative: John P. Sweeney (same address as applicant), (513) 222–4065. As a *broker of general commodities,* (except household goods), between points in the U.S.

Volume No. OP4–129

Decided: April 5, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Fisher not participating.

MC 161237, filed March 29, 1982. Applicant: ARNIE WILHELMS d.b.a. K & W EXPRESS, c/o Darcy Williams, R.R. No. 1, Monroe, WI 53566. Representative: Arnie Wilhelms (same address as applicant), (608) 328–4874. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–78

Decided: April 5, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 145468, Sub-51, filed March 26, 1982. Applicant: KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, 9292 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397–7033. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161148, filed March 22, 1982. Applicant: INTERSTATE TRUCK TRANSPORT, INC., P.O. Box 116, Sussex, NJ 07461. Representative: Stephen L. Weiss (same address as applicant), (201) 875–9135. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161188, filed March 23, 1982. Applicant: TONY DRONE, P.O. Box 451, Ridgway, IL 62979. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10024 Filed 4–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Doc. No. AB–167 (Sub-No. 455N)]

Conrail Abandonment Between Mt. Holly and Ft. Dix, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Mt. Holly and Ft. Dix in the County of Burlington, NJ, a total distance of 9.7 miles effective on March 11, 1982.

The net liquidation value of this line is $618,691. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10008 Filed 4–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Doc. No. AB–167 (Sub-No. 449N)]

Conrail Abandonment in Trenton, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line in Trenton between milepost 0.0 and in the County of Mercer, NJ, a total distance of 2.1 miles effective on March 11, 1982.

The net liquidation value of this line is $94,482. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10007 Filed 4–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-No. 447N)]

Conrail Abandonment Between Airport Road and Union Boulevard, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Airport Road and Union Boulevard in the County of Lehigh, PA, a total distance of 1.3 miles effective on March 11, 1982.

The net liquidation value of this line is $48,734. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties

otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10006 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 446N)]

Conrail Abandonment Between Carey Lumber and Dresden, NY; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Carey Lumber and Dresden in the County of Yates, NY, a total distance of 0.5 miles effective on March 11, 1982.

The net liquidation value of this line is $22,007. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10005 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Doc. No. AB-167 (Sub-No. 383N)

Conrail Abandonment Between Elizabeth, NJ, and End of Track; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Elizabeth and End of Track in the County of Union, NJ, a total distance of 0.4 miles effective on March 11, 1982.

The net liquidation value of this line is $56,434. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10004 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 381N)]

Conrail Abandonment Between Cornwall and Lebanon, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Cornwall and Lebanon in the County of Lebanon, PA, a total distance of 1.9 miles effective on March 11, 1982.

The net liquidation value of this line is $144,034. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10003 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 379N)]

Conrail Abandonment Between Mount Holly, NJ and End Of Track; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Mt. Holly and End of Track in the County of Burlington, NJ, a total distance of 1.3 miles effective on March 11, 1982.

The net liquidation value of this line is $78,793. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10002 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 378N)]

Conrail Abandonment Between Plainfield and Greencastle, IN; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Plainfield and Greencastle in the County of Putnam, IN, a total distance of 21.0 miles effective on March 11, 1982.

The net liquidation value of this line is $1,207,663. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10001 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Doc. No. AB-167 (Sub-No. 377N)]

Conrail Abandonment Between Maybrook and Highland, NY; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Maybrook and Highland in the Counties of Orange and Ulster, NY, a total distance of 21.2 miles effective on March 11, 1982.

The net liquidation value of this line is $1,160,859. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10000 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 375N)]

Conrail Abandonment Between Norristown and Port Indian, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Norristown and Port Indian in the County of Montgomery, PA, a total distance of 2.1 miles effective on March 11, 1982.

The net liquidation value of this line is $263,454. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9999 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 374N)]

Conrail Abandonment Between Spring Mill and Earnest, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Spring Mill and Earnest in the County of Montgomery, PA, a total distance of 2.4 miles effective on March 11, 1982.

The net liquidation value of this line is $410,219. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9998 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 372N)]

Conrail Abandonment Between Polk Junction and Polk State School, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Polk Junction and Polk State School in the County of Venango, PA, a total distance of 1.3 miles effective on March 11, 1982.

The net liquidation value of this line is $27,398. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9997 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 370N)]

Conrail Abandonment Between West of Birdsboro and Reading, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between West of Birdsboro and Reading in the County of Berks, PA, a total distance of 5.5 miles effective on March 11, 1982.

The net liquidation value of this line is $313,681. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9996 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 366N)

Conrail Abandonment Between New Paris and Richmond, IN and OH; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between New Paris and Richmond in the Counties of Wayne and Preble, IN and OH, a total distance of 3.4 miles effective on March 11, 1982.

The net liquidation value of this line is $400,195. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9995 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-418N]

Conrail Abandonment Between Bridgeport and Plainfield, IN; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Bridgeport and Plainfield in the County of Putnam, IN, a total distance of 7.1 miles effective on March 11, 1982.

The net liquidation value of this line is $500,612. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10011 Filed 4-12-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-390N)]

Conrail Abandonment Between Centerville and West Cambridge City, IN; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Centerville and West Cambridge City in the County of Wayne, IN, total distance of 10.1 miles effective on March 11, 1982.

The new liquidation value of this line is $758,796. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich

Secretary.

[FR Doc. 82-10020 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-400N)]

Conrail Abandonment Between Thorne and Pine, IN; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Thorne and Pine in the County of Marion, IN, a total distance of 4.4 miles effective on March 11, 1982.

The new liquidation value of this line is $505,204. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich

Secretary.

[FR Doc. 82-10017 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-391N)]

Conrail Abandonment Between Weir Jct. and Weir Village, MA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Weir Jct. and Weir Village in the County of Bristol, MA, total distance of 1.1 miles effective on March 11, 1982.

The net liquidation value of this line is $85,456. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich

Secretary.

[FR Doc. 82-10014 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-393N)]

Conrail Abandonment Between Center Street Bridge Jct and End of Track, NJ; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Center Street Bridge Jct and End of Track in the County of Hudson, NJ, a total distance of 0.3 mile effective on March 11, 1982.

The net liquidation value of this line is $3,407. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10015 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-408N)]

Conrail Abandonment Between Cranbury and Hightstown, NJ; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Crawfordsville and Olin in the County of Washington, IN, a total distance of 28.0 miles effective on March 11, 1982.

The net liquidation value of this line is $1,176,783. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10010 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-405N)]

Conrail Abandonment Between Jct Ave. A Branch and Avenue C, NJ; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Jct Ave. A Branch and Avenue C in the County of Hudson, NJ, a total distance of 0.7 miles effective on March 11, 1982.

The net liquidation value of this line is $25,315. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10009 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 444N)]

Conrail abandonment between Genesee and Wyoming Junction and Batavia, NY; Notice of Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between G & W Junction and Batavia in the Counties of Genesee and Livingston, NY, a total distance of 10.4 miles effective on March 11, 1982.

The net liquidation value of this line is $342,387. If, within 120 days from the date of this publication, Conrail receives

a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10013 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 398N)]

Conrail Abandonment in Lowerton, NY; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 0.0 and milepost 0.3 in the County of Niagara, NY, a total distance of 0.3 miles effective on March 11, 1982.

The net liquidation value of this line is $13,365. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10018 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-384N)]

Conrail Abandonment of Maumee River Bridge, OH; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Maumee River Bridge milepost 85.38 to milepost 85.61 in the County of Lucas, OH, a total distance of 0.23 mile effective on March 11, 1982.

The net liquidation value of this line is $20,100. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10022 Filed 4-12-82; 8:45 am]

BILLING CODE 7305-01-M

[Docket No. AB-167 (Sub-387N)]

Conrail Abandonment Between Stillwater and New Paris, OH; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Stillwater and New Paris in the Counties of Montgomery and Preble, OH, total distance of 30.2 miles effective on March 11, 1982.

The net liquidation value of this line is $1,840,032. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10023 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-349N)]

Conrail Abandonment Between Bridesburg Connection and Frankford Arsenal Connection, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Bridesburg Connection and Frankford Arsenal Connection in the County of Philadelphia, PA, a total distance of 0.5 miles effective on March 11, 1982.

The net liquidation value of this line is $20,214. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish in equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich

Secretary.

[FR Doc. 82-10019 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-403N)]

Conrail Abandonment Between E. of Birdsboro and Brooke Interlooking, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between E. of Birdsboro and Brooke Interlocking in the County of Berks, PA, a total distance of 1.2 miles effective on March 11, 1982.

The net liquidation value of this line is $429,251. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish in equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich

Secretary.

[FR Doc. 82-10021 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-422N)]

Conrail Abandonment Between Mt. Carmel Junction and Mt. Carmel, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Mt. Carmel Junction and Mt. Carmel in the County of Northumberland, PA, a total distance of 1.25 miles effective on March 11, 1982.

The net liquidation value of this line is $54,476. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10012 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 402N)]

Conrail Abandonment Between Jct. McGee's Line and End of Track in PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Jct. McGee's Line and End of Track in the County of Clearfield, PA, a total distance of 0.2 miles effective on March 11, 1982.

The net liquidation value of this line is $1,220. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10018 Filed 4-12-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 29, 1982–April 2, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That the increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm

TA-W-11,941; Pantasote, Inc., Dorsey Apparel Div., Escondido, CA

TA-W-12,536; Cincinnati Rubber Manufacturing Co., Inc., Cincinnati, OH

TA-W-12,198; Electric Apparatus Co., Howell, MI

TA-W-12,467; Willow Coat Co., Hoboken, NJ

TA-W-12,753; Blue Bird Products Co., Philadelphia, PA

TA-W-11,867; Cerden & Son Manufacturing, Inc., Frankton, IN

TA-W-12,750; AMI Medical Electronics, Inc., Ronkonoma, NY

TA-W-12,510; Longview Booming Shakemill, Longview, WA

TA-W-11,339; Sintered Metals, Inc., Gloucester, MA

TA-W-11,550; G.C. Lingerie Corp., Tuscumbia, AL

TA-W-12,414; H-F Manufacturing Co., Perkasie, PA

TA-W-12,353; Robert Bruce, Inc., Philadelphia, PA

TA-W-11,566; Abex Corp., Signal-Stat Div., Union, NJ

TA-W-12,222; International Shoe Co., Perryville, MO

TA-W-11,749 and 11,758; Acme Leather Sportswear, Inc., Elizabeth, NJ

TA-W-12,558; Trifine Trouser Co., Inc., New York, NY

TA-W-12,521; Wilcox Forging, Inc., Mechanicsburg, PA

TA-W-12,499; Miami Express, Inc., Hialeah, FL

TA-W-12,380; Coccia Manufacturing Co., Inc., Alpha, NJ

TA-W-12,325; Levi Strauss & Co., Valencia Street, San Francisco, CA

TA-W-12,115; Mayflower Coat Co., Inc., Paterson, NJ

TA-W-11,754; Florsheim Shoe Co., Chicago, IL

TA-W-11,565; Publix Shirt Corp., Gallitzin, PA

TA-W-11,443; Perkins Engines, Inc., Wayne, MI

TA-W-12,311; Elyria Manufacturing Corp., Elyria, OH

TA-W-11,970; Kaye Coat Co., Inc., Passaic, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,786; McGrew Brothers Sawmill, Inc., Ashland, OR

TA-W-12,215; International Harvester, Louisville Kentucky Tractor Plant, Louisville, KY

TA-W-12,302; International Harvester, Melrose Park, IL

TA-W-12,383 and 12,388; International Harvester, Memphis, Tennessee and Louisville, Kentucky Foundries, Memphis, TN and Louisville, KY

TA-W-12,555; International Harvester, Springfield, Ohio Plant, Springfield, OH

TA-W-12,277; Glendale Mills, Inc., Maspeth, NY

TA-W-12,231; The Liverpool Div., Modern Tool & Die Co., Valley City, OH

TA-W-11,708; General Electric Co., Quartz & Chemical Products Dept., Welloughby, OH

TA-W-12,633; Mirando Manufacturing Co., Inc., Elizabeth, NJ

TA-W-12,281; Vera Industries, Inc., Secaucus, NJ

TA-W-12,690; Sam Bruitin & Co., Patterson, NJ

In the following case the investigation revealed that criterion (3) had not been met the reason specified.

TA-W-11,740; A.M. General Corp., Marshall, TX

There are no aggregate U.S. imports of trolley cars.

Affirmative Determinations

TA-W-12,701; Mitchell Apparel, Inc., Orange, NJ

A certification was issued in response to a petition received on May 14, 1981, covering all workers separated on or after January 31, 1981.

TA-W-12,329; Van De Mark Chemical Co., Inc., Lockport, NY

A certification was issued in response to a petition received on February 18, 1981 covering all workers separated on or after February 14, 1980.

TA-W-12,164; Union Carbide Corp., Metals Div., Portland, OR

A certification was issued in response to a petition received on January 21, 1981 covering all workers separated on or after May 19, 1980.

TA-W-12,445; Toby Fashions, Inc., Union City, NJ

A certification was issued in response to a petition received on March 9, 1981 covering all workers separated on or after July 1, 1981.

TA–W–12,894; ABU-Garcia, Inc., The Conolin Div., Santa Ana, CA

A certification was issued in response to a petition received on August 12, 1981 covering all workers separated on or after September 1, 1980 and before December 1, 1981.

TA–W–12,093; Conlin & Roberts, San Francisco, CA

A certification was issued in response to a petition received on January 12, 1981 covering all workers separated on or after January 7, 1980.

TA–W–11,900; Herbert Kenzer, Inc., New York, NY

A certification was issued in response to a petition received on December 4, 1980 covering all worker separated on or after June 20, 1980.

TA–W–11,556; Rubin Gloves, Inc., Gloversville, NY

A certification was issued in response to a petition received on August 1, 1980 covering all workers separated on or after July 30, 1979.

I hereby certify that the aforementioned determinations were issued during the period March 29, 1982–April 2, 1982. Copies of these determinations are available for inspections in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 6, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82–10042 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 31st day of March 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date received	Date of petition	Petition No.	Articles produced
CCS/Hatfield Wire & Cable (IBEW)	Linden, NJ	3/26/82	3/5/82	TA-W-13,371	Wire and cable—copper, insulate.
Conflo Manufacturing, Inc. (company)	Wadsworth, OH	3/30/82	3/25/82	TA-W-13,372	Industrial gate, globe and check steel and iron valves.
Conflo Manufacturing, Inc. (company)	Orrville, OH	3/30/82	3/25/82	TA-W-13,373	Castings—valves.
Davis Coal Co. (workers)	Kermit, WA	3/25/82	3/15/82	TA-W-13,374	Coal—mining, processing selling.
Duluth Misabe & Iron Range Railway Co. (Bro. of Maintenance of Way).	Duluth, MN	3/25/82	3/15/82	TA-W-13,375	Railroad maintenance workers—rails, bridges, buildings, etc.
F. Jos. Lamb Company (UAW)	Warren, MI	3/26/82	3/22/82	TA-W-13,376	Machines and tools—automation special.
General Electric Co., Wiring Device (IUE)	Warwick, RI	3/29/82	3/23/82	TA-W-13,377	Wiring devices.
Little Prince Co., (workers)	Columbia, PA	3/29/82	3/23/82	TA-W-13,378	Outerwear—childrens.
Manner Handbag Co. (Int'l Leather Goods Plastics & Novelty).	Lodi, NJ	3/29/82	3/26/82	TA-W-13,379	Handbags.
Maury Manufacturing Company (ACTWU)	Columbia, TN	3/30/82	3/25/82	TA-W-13,380	Shirts—men's.
McDonald Dairy Co., Fluid Milk Plant (workers)	Flint, MI	3/29/82	3/12/82	TA-W-13,381	Dairy products.
RCA Corporation (IUE)	Dunmore, PA	3/29/82	3/25/82	TA-W-13,382	Tubes—picture, color.
Schwinn Bicycle Co. (UAW)	Chicago, IL	3/29/82	3/15/82	TA-W-13,383	Bicycles and exercise bikes.
Tecumseh Products Co., Tecumseh Div. (United Products Workers Union).	Tecusseh, MI	3/29/82	3/29/82	TA-W-13,384	Compressors—refrigeration.

[FR Doc. 82–10038 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–12,074]

Klingman Brothers, Inc., Sedro Woolley, Washington; Negative Determination Regarding Application for Reconsideration

By an application dated February 15, 1982, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing red cedar shakes and shingles at Klingman Brothers mill at Sedro Woolley, Washington. The determination was published in the **Federal Register** on January 26, 1982, (47 FR 3646).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

A company official claims in his application for administrative reconsideration that Klingman Brothers' major customer's share of purchases from canadian suppliers increased in

1980 compared to 1979 and that the increased Canadian shakes was at Klingman's expense. It is also alleged that (1) workers at Klingman were adversely affected by imports of red cedar shakes and shingles from Canada beginning in 1978 and that (2) raw material prices have increased because of the exportation of logs from U.S. markets.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department of Labor's survey of Klingman's customers showed that all the surveyed customers, which accounted for all of Klingman's sales decline in 1980, decreased their foreign and domestic purchases. Overall domestic shipments of shingles decreased in 1980 by 32 percent; while imports decreased by 7 percent. The dominant cause of domestic production loss was the downturn in the housing industry. this also resulted in the decrease in imports.

Worker separations in 1978 or the first eleven months of 1979, irrespective of changes in imports would not be coverable since the Act does not permit the certification of workers who were separated from employment more than one year before the date of the petition on which the certification was granted. Further, increases in raw material prices for whatever cause would not provide a basis for certification.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is therefore, denied. Signed at Washington, D.C., this 1st day of April 1982.

Robert S. Kenyon,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-10039 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-10,984, TA-W-10,985, TA-W-10,987]

Massey-Ferguson, Inc., Tractor Division; North American Implement Plant, Des Moines, Iowa; North American Tractor Plant, Detroit, Mich.; Transmission and Axle Plant, Wayne, Mich.; Negative Determiniation Regarding Application for Reconsideration.

By an application dated August 10, 1981, the company requested administrative reconsideration of the Department of Labor's Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing small farm tractors, medium farm tractors, cabs for farm tractors and loaders and backhoes at Massey-Ferguson's North American Tractor plant in Detroit, Michigan. The determination was published in the **Federal Register** on July 10, 1981 (46 FR 35826). The company also requested administrative reconsideration of the Department of Labor's Negative Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing manufactured components at Massey-Ferguson's Transmission and Axle plant in Wayne, Michigan and in the case of workers producing components at the North American Implement plant in Des Moines, Iowa. These determinations were published in the **Federal Register** on July 10, 1981 (46 FR 35825).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The company claims in its application for reconsideration that the workers producing loaders and backhoes at the Detroit plant should be certified since these attachments were mounted onto the A-line industrial tractors whose workers were certified eligible for trade adjustment assistance. The company further claims that the Department certified workers producing tractor loaders and backhoes at Ford Motor Company's Romeo, Michigan plant, TA-W-8433 and thus, should certify the Massey-Ferguson workers producing tractor loaders and backhoes. With respect to the A-line transmission production at the Wayne, Michigan plant, TA-W-10,987 and the production of A-line tractor components at the Des Moines plant, the company claims that this production was integrated into A-line tractors or loaders and backhoes produced at the Detroit plant and that the Des Moines and Wayne workers should also be certified.

The Department's review shows that all of the statutory criteria were met for Detroit (TA-W-10,985) workers producing small farm tractors, (A-line: 34–81 horsepower) and cabs for farm tractors at the Detroit plant. However, the increased import criterion was not satisfied for Detroit workers producing medium farm tractors (B-line: 90–190 horsepower). The "contributed importantly" test for workers producing loaders and backhoes (C-line) at Detroit and the Des Moines plant, (TA-W-10,984) was not met.

The Department considers tractors and loader/backhoes as essentially different final articles with the former being used primarily in agriculture and the latter primarily in construction. The installation of the hydraulics and attachments on a tractor intrinsically change a tractor's use, operation and appearance so as to make it a different final article. Massey-Ferguson workers producing loader/backhoes were denied in their own right since they did not meet the "contributed importantly" test of the Act. Imports of loader backhoes decreased absolutely and relative to domestic shipments in 1979 compared to 1978. While imports of loader backhoes increased in 1980, domestic shipments fell by an amount several times larger, indicating that the increased imports were not an important cause of the decline at Massey-Ferguson. The basis for certifying workers on the integration-of-production principle consists in using the certification of workers producing final articles impacted by increased imports to confer eligibility on workers producing components for these final articles, provided the amount of integration is substantial, not the other way around as the petitioner claims.

The Department does not agree with the company's claim that the cerification of the Ford Romeo workers producing tractor loaders and backhoes would provide a basis for certifying workers at Massey-Ferguson producing loaders and backhoes. The Department notes that the Ford petition TA-W-8433 was filed earlier and the investigative period was earlier than the Massey-Ferguson petition. Data which the Department had available at the time of the Ford Romeo investigation showed that imports were increasing; however, when the entire year of 1980 was analyzed in the Massey-Ferguson case, domestic shipments of loader backhoes were found to have fallen sharply, by an amount seventeen times the amount which imports increased. Under the circumstances, the Department could not find that increased competitive imports were an important cause of the workers' layoffs.

With respect to the company's contention that there was integration of

production of components manufactured at the Wayne Transmission and Axle plant into the Detroit tractors, the Department did not find that the amount of integration of production with the A-line tractor production at Detroit was substantial enough to warrant certification. Lastly, the components produced at Des Moines were not sufficiently integrated into the A-line tractor production in Detroit to warrant certification of the component workers.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 1st day of April 1982.

Stephen A. Wandner,

Deputy Director, Office of Research, Legislation and Program Policies.

[FR Doc. 82-10040 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,343]

North Shore Shake, Inc., Hoquiam, Washington; Negative Determination Regarding Application for Reconsideration

By an application dated February 8, 1982, the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing red cedar shakes and shingles at the North Shore Shake, Inc., Hoquiam, Washington. The determination was published in the **Federal Register** on January 26, 1982 (47 FR 12,343).

Pursuant to 20 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision

The company claims that Canadian imports increased as a percent of the U.S. market in 1980 compared to 1979. It is also claimed that the Department was inconsistent in denying the North Shore worker group while the Department of Commerce certified the mill for firm adjustment assistance.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department notes that although Canadian shakes and shingles may have increased its share of the U.S. market, aggregate U.S. imports of such products decreased absolutely in 1981 compared to 1980 and 1980 compared to 1979, suggesting other more serious factors were affecting the industry. The Department's customer survey showed that North Shore's major customer reported reduced sales as well as reduced purchases, in quantity, from North Shore Shake and foreign sources in 1980 and 1981. The Department's customer survey, which represented virtually all of North Shore's shake and shingles sales, found only one customer which increased its foreign purchases of shakes and shingles while decreasing its purchases from North Shore. Significantly, however, it increased its total domestic purchases as well.

The Department does not agree with the company's claim that the Deartment was necessarily inconsistent in its determination in view of the Commerce Department's certification of the firm. The worker petition must be handled on its own merits for the appropriate time-frame for which it was filed in determining whether it meets the statutory criteria of Section 222 of the Act. It is not unprecedented that different determination have been made for the worker group and the firm by the Departments of Labor and Commerce, respectively, given the different filing times, and differences in investigative methods and amount of data collected.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application, is therefore, denied.

Signed at Washington, D.C., this 1st day of April 1982.

Robert S. Kenyon,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-10041 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,869]

Reproduction Technologies, Inc., Elkhart, Indiana; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation (TA-W-12,869) was initiated on July 31, 1981 in response to a petition received on July 30, 1981 which was filed on behalf of workers at Reproduction Technologies, Inc., Elkhart, Indiana. The workers produce magnetic audio and data tape recorders.

The petitioning workers requested in a letter that the petition be withdrawn. On the basis of this request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-10043 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,052]

S.M. Astro Drilling & Blasting Company, Inc., Kingston, New York; Revised Determination on Reconsideration

On March 18, 1982, the Department made an Affirmative Determination Regarding Application for Reconsideration for former workers at S.M. Astro Drilling & Blasting Company, Inc., Kingston, New York.

Counsel for the workers claims that workers of S.M. Astro should be considered as workers directly employed by the Independent Cement Corporation whose workers were certified for trade adjustment assistance benefits on June 29, 1981, TA-W-9530, and thus, directly engaged in the production of "articles" within the meaning of the Trade Act of 1974.

The Department's review showed that the Department's Notice of Negative Determination was based on the fact that the S.M. Astro workers did not produce an article but supplied services instead.

On reconsideration, the Department found that the hydraulic cement was produced at the Kingston quarry site where both companies were engaged in cement production. The Astro workers drilled and blasted the rock from the quarry face. The rock was crushed by Independent Cement workers and dried out in kilns at the quarry.

S.M. Astro ceased all operations at the quarry site in April, 1980. U.S. imports of hydraulic cement increased absolutely and relative to domestic production in 1979 compared to 1978. Imports of cement by Independent Cement Corporation increased in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with hydraulic cement produced at the Kingston quarry by S.M. Astro Drilling and Blasting contributed importantly to the decline in sales or production and to the total or partial separation of workers and former workers of S.M. Astro Drilling and Blasting, Kingston, New York. In accordance with the provision of the Trade Act of 1974, I make the following revised determination:

All workers of S.M. Astro Drilling and Blasting Company, Inc., Kingston, New York who became totally or partially separated from employment on or after July 8, 1979 and before May 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1982.

Robert S. Kenyon,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-10044 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-7-C]

Barnes and Tucker Co.; Petition for Modification of Application of Mandatory Safety Standard

Barnes and Tucker Company, 1912 Chestnut Avenue, Barnesboro, PA 15714 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Lancashire No. 24-D Mine located in Indiana County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mining equipment be equipped with illumination devices.

2. This mine employs 310 chocks not designed to accommodate illumination systems as required by 30 CFR 75.1719, and installation of such systems would require extensive modification and fabrication both mechanical and electrical.

3. The lower Freeport coal seam ranges from 38 to 44 inches in height with substantial pitches and rolls, at times reaching ten degrees of uphill and downhill mining. The canopy coverage and walkway limitations that require personnel to travel within the chock system only allow 22 to 38 inches of vertical height and 24 inches in horizontal width. In addition, rock rolls are encountered in the roof and floor of the coal seam which require shooting with permissible explosives. This subsequent shooting of rolls would necessitate the removal of a substantial portion of the lighting system from the chocks in order to prevent damage to the system.

4. The low clearance would create a blinding and glare situation to the operators, chock setters, and laborers working within these chocks.

5. The 28.5" gap between the Gullick chocks allows continual falling of roof between the canopies and thus would result in a diminution of safety by causing damage to the lighting devices and the power cables and their junction boxes. Failure of any of the lighting devices would lead to a further diminution of safety to the operators and nearby workers because of the abrupt change in lighting levels along the longwall face.

6. An additional diminution of safety would be created by the elimination of caplamp signalling between the longwall workers and the equipment operator due to the light intensities, glare effects, and loss of any of the lighting devices within the system.

7. For these reasons petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 13, 1982. Copies of the petiton are available for inspection at that address.

Dated April 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10045 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-225-C]

Golden Age Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Golden Age Coal Company, Box 260, Bypro, Kentucky 41612 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 1 Mine located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mining equipment be equipped with illumination devices.

2. Because the coal seam ranges from 39 to 43 inches, locating luminaires on the tops and/or sides of the equipment could cause these devices to strike and dislodge roof support. The glare resulting from these devices causes discomfort for the miners working in the area.

3. Petitioner states that the mining equipment in question is factory equipped with headlights on each end which provide greater visibility for the miners because there is no glare problem for workers in that area.

4. For these reasons, petitioner request a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 13, 1982. Copies of the petition are available for inspection at that address.

Dated: April 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10046 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-22-C]

Sourwood Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sourwood Coal Company, Route 1, Box 35, Palmer, Tennessee 37365 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 1 Mine (I.D. No. 40-02755) located in Sequatchie County, Tennessee. The

petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mining equipment be equipped with luminaires.

2. The coal seam, located in the Sewanee coal seam, varies from pencil thickness to 39 inches in height.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. The lights would cause an abrupt, virtually instantaneous change in light intensity, causing those persons nearby to suffer temporary light blindness;

b. The miners must travel between intensely light and dark areas of the mine, impairing their field of vision, and

c. Cap lamp signalling would be adversely affected by the intense lights.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 13, 1982. Copies of the petition are available for inspection at that address.

Dated: April 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10047 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-12-C]

South Hopkins Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

South Hopkins Coal Company, P.O. Box 554, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its Mine No. 4 (I.D. No. 15-12798) located in Hopkins County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The average height of the coal seam is 60 inches. A 12-inch clearance from the roof is required to prevent the equipment from striking and damaging roof support. Geological faults and undulations cause the operating distance in many areas of the mine to be much less than 48 inches.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because:

a. The compartment for the operator is severely restricted, hampering the movement of the operator's legs and arms, which could cause loss of controls;

b. The canopy restricts the operator's visibility and increases fatigue, increasing the chance of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 13, 1982. Copies of the petition are available for inspection at that address.

Dated: April 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10048 Filed 4-12-82; 8:45am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-68; Exemption Application No. D-2749]

Exemption From the Prohibitions for Certain Transactions Involving the Boyd, Veigel and Gay, Inc., Money Purchase Pension Plan and Trust Located in McKinney, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) The contribution to the Boyd, Veigel and Gay, Inc. Money Purchase Pension Plan and Trust (the Plan) by Boyd, Veigel and Gay, Inc. (the Employer), the sponsor of the Plan, of certain parcels of real property (Buildings 3 and 4); and (2) the lease (the Lease) of Buildings 3 and 4 and certain other parcels of real property (Buildings 1, 2, 5, and 6) contiguous to Buildings 3 and 4 by the Plan to the Employer.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5498) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notice to interested persons as described in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited

transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the contribution of Buildings 3 and 4 by the Employer to the Plan, provided that the Employer's federal tax deduction for the contribution of Buildings 3 and 4 will not be greater than their fair market values on the date of the contribution and the contribution of Buildings 3 and 4 will be valued at their fair market values by the Plan on the date of contribution; and (2) the Lease of Buildings 1 through 6 provided that the terms and conditions of the Lease are and will remain at least as favorable to the Plan as the Plan could obtain in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan B. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-10049 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-67; Exemption Application No. D-2730]

Exemption From the Prohibitions for Certain Transactions Involving Hinderliter Profit Sharing Plan and Trust Located in Tulsa, Oklahoma

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit (1) the proposed exchange between the Hinderliter Profit Sharing Plan and Trust (the Plan) and the Hinderliter Energy Equipment Corporation (the Employer), the Plan sponsor, of preferred stock of the Employer (the Stock) presently held by the Pan, for subordinated debentues (the Debentures) of the Employer; and (2) the proposed extension of credit by the Plan to the Employer pursuant to the terms and conditions of the debentures.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5513) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to interested persons in compliance with the provisions of the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code,

including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the exchange of the Stock currently held by the Plan for the debentures to be issued by the Employer provided that the terms and conditions of the exchange are at least as favorable to the Plan as those obtainable from an unrelated third party; and (2) the proposed extension of credit by the Plan to the Employer pursuant to the terms and conditions of the Debentures.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-10050 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3092]

Proposed Exemption for Certain Transactions Involving the National Reserve Life Insurance Company Pension and Profit Sharing Plan Located in Topeka, Kansas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of participations in real estate mortgage loans by the National Reserve Life Insurance Company Pension and Profit Sharing Plan (the Plan) to the National Reserve Life Insurance Company (the Employer). The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the transactions.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 24, 1982.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–3092. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution profit sharing plan with 80 participants and assets totalling $3,864,236 as of July 30, 1981. The Plan is administered by five trustees, all of whom are employees of the Employer and participants of the Plan.

2. The Employer is in the business of selling and issuing ordinary life insurance and annuity products. It has engaged in this business since 1919. The Employer is a South Dakota corporation with executive offices located in Topeka, Kansas. In excess of 90 percent of the stock of the Employer is owned by the Kansas City Life Insurance Company, a Missouri corporation. As a part of its business operations, the Employer regularly extends financing to various entities for real estate development and improvements in exchange for which the Employer receives from the borrower a promissory note secured by a first (and sometimes a second) mortgage on the property being financed.

3. Prior to 1974, the Plan participated in every first mortgage loan extended to a borrower by the Employer.[1] The degree of participation varied from case to case, depending upon the judgment of the trustees of the Plan. In exchange for the cash which the Plan transferred to the Employer, the Employer assigned to the Plan a portion of the borrower's promissory note and mortgage. The amount of the principal of the note assigned to the Plan was equal to the cash transferred. The interest rates on those loans presently outstanding range from 7.88% to 12.25%. The value of such participations held by the Plan as of November 30, 1981, based on current market values, is $149,500.

4. The Plan will be terminated and the assets of the Plan will be liquidated and distributed to the participants. In connection with the termination of the Plan, it will be necessary to sell the real

[1] The applicant requested and received an exemption from the Department (Prohibited Transaction Exemption 81–14, 46 FR 13428, February 20, 1981 (PTE 81–14)) to permit the Plan to participate in mortgage loans with the Employer for a five year period from the date of grant. The applicant represents that the Plan did not acquire participations in any mortgage loans pursuant to PTE 81–14.

estate loan participations (the Participations) currently held by the Plan.

5. Since the Participations are relatively small portions of the total amount of the real estate notes in question, the balance of which is owned entirely by the Employer, the applicant represents that it is desirable that the Participations be sold to the Employer. The applicant further represents that there would be great difficulty in finding an outside market for the Participations. Therefore, the applicant requests an exemption to permit the sale of the Participations by the Plan to the Employer.

6. The Participations will be sold to the Employer at their fair market value. As of November 30, 1981, the Participations had a face value of $212,947, and the Employer's portion of the notes had a face value of $14,111,620. The Spelman Mortgage and Investment Company, an independent appraiser, has established the fair market value of the Participations to be $149,500 as of November 30, 1981. The appraisal was performed by Everett C. Spelman, Jr., M.A.I., S.R.E.A.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) because:

(1) The transaction involved is relatively simple in nature in that the Employer will pay the fair market value for the Participations to the Plan in cash, and the Plan will assign the Participations to the Employer;

(2) The sale will be for the fair market value of the Participations as established by an independent appraiser;

(3) The Plan will be able to liquidate its assets for distribution to the participants of the Plan; and

(4) The trustees of the Plan have determined that the proposed sale is in the interests of and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Notice will be provided to all Plan participants and beneficiaries by mailing a copy of the Notice of Pendency as published in the **Federal Register** by first class mail and by posting a copy of the Notice of Pendency in and about work locations in the executive offices of the Employer. The notice will inform interested persons of their right to comment and/or request a hearing within the time period set forth in the Notice of Pendency. Such notice will be given within 10 days after publication in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Participations by the Plan to the Employer provided the Plan receives an amount at least equal to the fair market value of the Participations on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Singed at Washington, D.C. this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of the Labor.

[FR Doc. 82-10051 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-70; Exemption Application No. D-2856]

Exemption From the Prohibitions for Certain Transactions Involving the Norick Employees Profit Sharing Retirement Plan Located in Oklahoma City, Oklahoma

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would permit the proposed loan (the Proposed Loan) of $200,000 by the Norick Employees Profit Sharing Retirement Plan (the Plan) to Norick Brothers Inc., a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 29, 1982, notice was published in the **Federal Register** (47 FR 4364) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to all interested persons in compliance with the notification requirements as set forth in the notice. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Proposed Loan as described herein, provided that the terms and conditions of the Proposed Loan will be and remain at least as favorable to the Plan as an arm's length transaction would be with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor Management Services Administration, Department of Labor.

[FR Doc. 82-10052 Filed 4-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2452 and D-2453]

Proposed Exemption for Certain Transactions Involving the Ophthalmic Associates Employees Pension Plan and the Pearlstine-Salkin Associates Employees Pension Plan Located in Lansdale, Pa.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) The proposed sale (the Sale) to the Ophthalmic Associates Employees Pension Plan (the Ophthalmic Plan) and the Pearlstine-Salkin Associates Employees Pension Plan (the Pearlstine Plan, collectively the Plans) of an improved parcel of real property (the Property) by Ophthalmic Investors Associates (Ophthalmic Investors), a party in interest with respect to the Plans; (2) the lease (the Lease) of the Property by the Plans to Pearlstine-Salkin Ophthalmic Associated Investors (PSO), a party in interest with respect to the Plans; (3) the satisfaction by the Plans of certain payment obligations of Ophthalmic Investors pursuant to certain indebtedness on the Property; and (4) an extension of credit by Ophthalmic Investors to the Plans. The proposed exemption, if granted, would affect Ophthalmic Investors, PSO, the participants and beneficiaries of the Plans and other persons participating in the transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before May 25, 1982.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of

Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D-2452 and D-2453. The application for exemption and the comments received will be available for public inspection in the Public Documents Room for Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Pearlstine-Salkin Associates, P.A. and Ophthalmic Associates, P.A. (Pearlstine and Ophthalmic, collectively, the Employers), the sponsors of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Pearlstine Plan is a pension plan with approximately 25 participants and total assets, as of July 1, 1981, of $718,102. The Ophthalmic Plan is a pension plan with approximately 13 participants and total assets, as of October 31, 1980, of $947,683. Pearlstine and Ophthalmic are partnerships engaged in the practice of law and medicine, respectively. Ophthalmic Investors is composed of individual shareholders and officers of the Employers and trustees of the Plans. The Property is an office building utilized by the Employers as their places of business.

2. Ophthalmic Investors is the owner of the Property under an installment sales agreement (the 1st Mortgage) entered into with the Upper Hanover Township Industrial Development Authority, an unrelated party, in July of 1973 in the original principal amount of $550,000. The 1st Mortgage is secured by at first lien on the Property. The 1st Mortgage has an interest rate of 6¼% per annum, is payable in equal installments of principal and interest and is due on February 1, 1989. As of December 31, 1980, the balance of the 1st Mortagage was $388,665. One September 1, 1980, the 1st Mortgage was reset (the Addendum) to include an additional sum of $75,000. This sum was utilized to construct an additional wing to the Property. The Addendum has an interest rate of 9½% per annum, is payable in equal installments of principal and interest and is due on February 1, 1989 to coincide with the due date of the 1st Mortgage. As of December 31, 1980, the Addendum had an outstanding balance of $76,530. Robert W. Plank, MAI-SRA (Plank), an independent appraiser of Philadelphia, Pennsylvania, determine that, as of September 26, 1980, the fair market value of the Property was $900,000. Plank determined that based upon an "income" approach, the Property could expect to yield an annual income of $90,482.

3. The applicants are requesting an exemption to permit the Sale of the Property to the Plans by Ophthalmic Investors and the subsequent Lease of the Property by the Plans to PSO, a partnership composed of shareholders and officers of the Employers and trustees of the Plans. Each Plan will share equally in the expenses with respect to the Sale and the income from the Lease. The details of the Sale would be as follows:

(a) The Sales price would be $900,000, the appraised value of the Property as determined by Plank.

(b) The Plans would pay $200,000, $100,000 from each Plan, in cash to Ophthalmic Investors as an initial downpayment on the Property.

(c) The Plans would take the Property subject to the existing 1st Mortgage and Addendum with the total outstanding balance, as of December 13, 1980, of $456,196. The Plans would not assume the obligations of Ophthalmic Investors pursuant to the 1st Mortgage and Addendum. The Plans, would, however, be required to make the payments to satisfy the 1st Mortgage and Addendum.

(d) The Plans would enter into a second mortgage (the Second Mortgage) with Ophthalmic Investors for the balance of the Sales price to be repaid over a period of 10 years with an interest rate of 10½% per annum. The Second Mortgage would be secured by the Property.

4. The Lease of the Property by the Plans to PSO would be a "triple net" lease and would provide for an initial 10 year term. PSO will have the option to renew the Lease for one term of five years. Initial rentals payable under the Lease will be the fair market rental value of the Property as determined by Plank. A new appraisal of the Property by an independent qualified appraiser would be made every three years and rental payments will be adjusted to reflect the fair market rental value. In no event will the rentals, as adjusted, be less than the rentals received by the Plans in the preceding three year period. The obligations of the Plans pursuant to the 1st Mortgage, the Addendum and the Second Mortgage will be fully amortized out of the Lease rentals. As a result, the applicants represent that the Plans, at the termination of the 1st Mortgage, the Addendum and the Second Mortgage, will own the Property without encumbrances for no cost to the Plans other than an initial $200,000 cash down payment. The applicants also represent that the Property is located in a viable trade area and has experienced and is expected to experience a steady appreciation in value. PSO will sublease the Property to the Employers. However, the sublease will be on identical terms and subject to identical rentals and rental adjustments as the Lease so that the PSO will act merely as a conduit of rental payments by the Employers to the Plans.

5. In the event of a default under the Lease within seven years following the Sale of Property, the Plans will have the right to sell the Property to Ophthalmic Investors at the greater of fair market value or the original Sales price of the Property of $900,000. At the occurence of this repurchase, the Plans would have no further obligations to satisfy the 1st Mortgage and Addendum and the Plans would be relieved of its obligations under the Second Mortgage. The balance remaining owing by the Plans on the Second Mortgage would be credited against the repurchase price.

6. The National Bank of Boyertown, Pennsylvania (the Bank), which is independent of the parties to the transactions, has agreed to act as trustee of the Plans with respect to the transactions. The Bank has determined that the proposed transactions would be in the best interests of the Plans and its participants and beneficiaries. The Bank will monitor the terms of the Lease and

will enforce the rights of the Plans pursuant to the Lease.

7. In summary, the applicants represent that the proposed transaction satisfy the statutory criteria of section 408(a) of the Act because: (1) The Bank, an independent party, has determined that the proposed transactions are in the best interests of the Plans; (2) the Bank will monitor terms of the Lease; (3) the Sales price of the Property and the rentals to be received by the Plans pursuant to the Lease have been determined by Plank, an independent appraiser; (4) the rentals to be received by the Plans will be adjusted every three years to reflect the fair market rental value of the Property; (5) the rental payments will completely amortize the obligations of the Plan pursuant to the 1st Mortgage, the Addendum and the 2nd Mortgage; and (6) within seven years following the Sale of the Property and in the event of default under the Lease, the Plans may sell the Property back to Ophthalmic Investors at the greater of the fair market value or the original purchase price; and (7) the Plans will obtain an appreciating asset currently with a value of $900,000 for no cost other than an initial downpayment of $200,000 in cash.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all participants and beneficiaries of the Plans by mail or hand delivery within 10 days of the publication of the notice of proposed exemption in the **Federal Register**. The notice will include a statement informing interested persons of their right to request a hearing or comment on the proposed exemption as well as a copy of the notice of pendency as it appears in the **Federal Register**.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fuduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) The Sale of the Property by Ophthalmic Investors to the Plans for $900,000, provided that this price is not greater than the fair market value of the Property at the time of Sale; (2) the Lease of the Property by the Plans to PSO, provided the terms and conditions of the Lease are at least as favorable to the Plans as the Plans could obtain in a similar transaction with an unrelated party; (3) the satisfaction by the Plans of the payment obligations of Ophthalmic Investors pursuant to the 1st Mortgage and Addendum; provided the terms and conditions of the 1st Mortgage and Addendum are at least as favorable to the Plans as the Plan could obtain in a similar transaction with an unrelated party; and (4) the extension of credit by Ophthalmic Investors to the Plans pursuant to the Second Mortgage, provided the terms and conditions of the Second Mortgage are at least as favorable to the Plans as the Plans could obtain in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–10053 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–69; Exemption Application No. D–2845]

Exemption From the Prohibitions for a Certain Transaction Involving the Riverside Manufacturing Company Profit-Sharing Plan Located in Atlanta, Georgia

AGENCY: Office of Pension and Welfare Benifit Program, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the sale of stock by the Riverside Manufacturing Company Profit-Sharing Plan (the Plan) to the Citizens & Southern Holding Company (C&S Holding), a party in interest with respect to the Plan.

EFFECTIVE DATE: This exemption is effective November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5528) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Citizens and Southern National Bank, the Plan trustee, and the Citizens and Southern Georgia Corporation. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the notice to interested persons requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406 (a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the November 10, 1980, sale by the Plan of 400 shares of stock in the Citizens and Southern Bank of Albany to C&S Holding, for $43,236 in cash, provided such amount was not less than the fair market value of such stock at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–10054 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–66; Exemption Application No. D–2333]

Exemption From the Prohibitions for Certain Transactions Involving the Smith & Schancke Retirement Trust Located in Dayton, Ohio

AGNCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits for a period of five years certain proposed loans of money by the Smith & Schancke Retirement Trust (the Trust), which consists of a defined benefit, defined contribution and target benefit plan (the Plans), to Smith & Schnacke (the (Employer), the sponsor of the Plans.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 29, 1982, notice was published in the **Federal Register** (47 FR 4366) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed by the Employer. The notice set forth summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this

exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency.

No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Acccordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanction resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loans of money by the Trust to the Employer for a period of five years provided that the terms of the loans are at least as favorable to the Trust as the Trust could obtain in transactions with unrelated parties.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–10055 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–71; Exemption Application No. D–2902]

Exemption From the Prohibitions for a Certain Transaction Involving the Southwestern Stationery and Bank Supply of Ponca City, Inc. Employee Profit Sharing Plan and Trust Located in Ponca City, Oklahoma

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the sale of a certain parcel of real property (the Property) by the Southwestern Stationery and Bank Supply of Ponca City, Inc. Profit Sharing Plan and Trust (the Plan) to the Southwestern Stations and Bank Supply, Inc. of Ponca City (the Employer).

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 29, 1982, notice was published in the **Federal Register** (47 FR 4368) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the

general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of its participants and beneficiaries; and (c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the Property by the Plan to the Employer for $85,000, provided that this amount is not less than the fair market value of the Property at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 8th day of April 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–10056 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–29–M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended).

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 01–18–82 to 01–17–83; 10 percent of the total number of factory production workers for normal labor turnover purposes.

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Somerset Mfg. Co., Inc., Somerset, PA; 3–8–82 to 3–7–83; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and sleepwear)

The following certificate was issued in Puerto Rico.

Glamourette Fashion Mills, Inc., Quebradillas, PR; 01–27–82 to 01–26–83; 61 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rate of $3–02 an hour for the first 240 hours and $3.19 an hour for the remaining 240; (2) machine stitching-seaming, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; (3) pressing, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; and (4) kettle handlers and dyers for a learning period of 240 hours at the rate of $3.02 an hour. (Sweaters and related products)

Each certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 28, 1982.

Signed at Washington, DC, this 7th day of April 1982.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 82–10057 Filed 4–12–82; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

April 8, 1982.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on May 6–7, 1982.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street NW., Washington, D.C. A portion of the morning and afternoon session on May 6 and the afternoon session on May 7, 1982 will not be open to the public pursuant to subsections (c) (2), (4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may

disclose: Internal personnel rules and practices of an agency; trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on May 6, 1982 follows:

(Closed to the Public)

8:00–9:30—Chairman and Council Members to Discuss Personnel and Reorganization

(Open to the Public)

9:30–10:30—Committee Meetings—Policy Discussion
- Education Programs—Room 807
- Fellowship Programs & Research Programs—Room 1134
- Planning and State Programs—Room 1025
- Public Programs and Special Programs—1st Floor

10:30 to Adjourn—Consideration of specific applications (closed to the public for the reasons stated above).

The morning session on May 7, 1982 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.).

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Chairman's Grants and Grants Departing from Council Recommendation
D. Application Report
E. Gifts and Matching Report
F. FY 1982 Program Funding
G. FY 1983 Appropriations Request
H. FY 1984 Budget Planning
I. Dates of Future Council Meetings
J. Technical Assistance and Minority Access
K. Committee Reports on Policy and General Matters
   a. Fellowship Programs
   b. Planning and Assessment Studies
   c. Special Programs
   d. Research Programs
   e. Education Programs
   f. Public Programs
   g. State Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82–10092 Filed 4–12–82; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Subpanel for Law and Social Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Law and Social Sciences of the Advisory Panel for Social and Economic Science

Date & Time: April 30, 1982 and May 1, 1982, 9:00 AM to 5:00 PM, each day

Place: Room 523, National Science Foundation, 1800 G Street, NW, Washington, DC 20550

Type of Meeting: Closed—9:00 AM to 5:00 PM, April 30 and May 1, 1982

Contact Dr. Felice J. Levine, Program Director, Law and Social Sciences, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357–9567

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Law and Social Sciences

Agenda: Closed—to review and evaluate research proposals as part of the selection process for awards

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 8, 1982.

[FR Doc. 82–10093 Filed 4–12–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 18, 1982 (47 FR 11790). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1982 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Transportation of Radioactive Materials,* April 14, 1982, Washington, DC. The Subcommittee will continue the review of the adequacy of the NRC procedures for certifying packages for transporting radioactive materials. Notice of this meeting was published March 26.

**Systematic Evaluation Program,* April 15, 1982, Washington, DC. The Subcommittee will review the completion of the Systematic Evaluation Program review of the Palisades Plant. Notice of this meeting was published March 29.

**Ad Hoc. Metal Components Subgroup,* April 15, 1982, Washington, DC. The Subcommittee, in open executive session, will review the NRC Staff's action plan on pressurized

terminal shock to reactor vessels. Notice of this meeting was published March 29.

**Wolf Creek,* April 21 and 22, 1982, Emporia, KS. The Subcommittee will review the application of Kansas Gas and Electric Company, et al. for an operating license for the Wolf Creek Plant. Notice of this meeting was published April 5.

**Midland Plant Units 1 and 2,* April 29, 1982, Washington, DC. The Subcommittee will discuss remedial action being taken by Consumers Power Company regarding the Midland soils and structural settlement issues.

**Watts Bar,* April 29, 1982, Knoxville, TN. The Subcommittee will review the application of Tennessee Valley Authority for an operating license for the Watts Bar Nuclear Power Plant Units 1 and 2.

**Metal Components,* April 29, 1982, Washington, DC. The Subcommittee will review the status of the steam generator degradation problems with the NRC Staff and the industry.

**Extreme External Phenomena,* April 30, 1982, Washington, DC. The Subcommittee will meet with the NRC regulatory staff and experts from outside NRC to duscuss severe rainfall and flood phenomenology, the state-of-the-art of related probabilistic methods, and the need for licensing-oriented research in these areas.

**Clinch River Breeder Reactor (CRBR),* May 4 and 5, 1982, Washington, DC. The Subcommittee will review the Core Destructive Accident (CDA) energetics issue as related to the Clinch River Breeder Reactor.

**Regulatory Activities and Three Mile Island Unit 2 Action Plans (TMI),* May 5, 1982, Washington, DC. The Subcommittee will review the proposed 10 CFR 50 rule on, "Licensing Requirements for Pending Operating License Applications" (rule contains basic requirements of NUREG–0737, "Clarification of TMI Action Plan Requirements"); it may also review some proposed Regulatory Guides.

**Qualification Program for Safety Related Equipment,* May 5, 1982, Washington, DC. The Subcommittee will review the proposed rulemaking on 10 CFR Part 50.49, "Environmental Qualification of Electrical Equipment for Nuclear Power Plants".

**Ad Hoc Metal Components Subgroup,* May 12 and 13, 1982, Washington, DC. The Subcommittee will review the NRC Staff's action plan on pressurized thermal shock to reactor vessels.

**Reactor Radiological Effects,* May 14, 1982, Washington, DC. The Subcommittee will review control room habitability.

**Advanced Reactors,* May 17 and 18, 1982, Argonne, IL. The Subcommittee will continue the discussion of a draft of the proposed ACRS report on Liquid Metal Fast Breeder Reactors (LMFBR) safety philosophy and issues.

**Qualification Program for Safety Related Equipment,* May 19 and 20, 1982 (TENTATIVE), Albuquerque, NM. The Subcommittee will continue its review of the NRC Staff's development of equipment qualification criteria.

**Midland Plant Units 1 and 2,* May 20 and 21, 1982, Midland, MI. The Subcommittee will review the Consumers Power Company application for an operating license for Midland Plant Units 1 and 2.

**Clinch River Breeder Reactor (CRBR),* May 20 and 21, 1982, Washington, DC. The Subcommittee will discuss the seismic-related issues regarding the Clinch River Breeder Reactor Construction Permit review.

**Perry Nuclear Power Plant Units 1 and 2,* May 25 and 26, 1982, Cleveland, OH. The Subcommittee will continue the review of the application of Cleveland Electric Illuminating Company for an operating license for the Perry Nuclear Power Plant Units 1 and 2.

**Class 9 Accidents,* May 28, 1982, Washington, DC. The Subcommittee will review the severe accident research plan and the proposed rule on hydrogen control.

**Watts Bar,* Date to be determined (late May), Washington, DC. The Subcommittee will contine the review of the application of Tennessee Valley Authority for an operating license for the Watts Bar Nuclear Power Plant Units 1 and 2.

**Regulatory Activities,* June 1, 1982 (TENTATIVE), Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**Grand Gulf Unit 1,* June 2, 1982, Washington, DC. The Subcommittee will continue the review of the Mississippi Power Company application for an operating license for Grand Gulf Unit 1.

**Safety Research Program,* June 2, 1982, Washington, DC. The Subcommittee will review the NRC Safety Research Program and the budget for FY 1984 and FY 1985.

**Emergency Core Cooling Systems (ECCS),* Date to be determined (mid June), Washington, DC. The Subcommittee will discuss General Electric Company's request for a change in 10 CFR Part 100, Appendix K requirements, the NRC Staff's code audit capability, the LOFT ATWS test Nuclear Steam Supply System vendor code predictions and results, and the NRC work on operator accident guidelines and procedures.

**Human Factors,* Date to be determined (mid June), Washington, DC. The Subcommittee will review SECY–82–111, "Requirements for Emergency Response Capability."

**Washington Public Power Supply System Unit 2 (WPPSS),* Date to be determined (late June), Hanford, WA. The Subcommittee will continue the review of the application of Washington Public Power Supply System for an operating license for the WPPSS Nuclear Project Unit 2.

**Regulatory Acitvities,* July 6, 1982 (TENTATIVE), Washington, DC. The Subcommittee will review proposed Regulatory Guides and Regulations.

**Safety Research Program,* July 7, 1982, Washington, DC. The Subcommittee will continue its review of the NRC Safety Research Program and budget for FY 1984 and FY 1985.

**Clinch River Breeder Reactor (CRBR) and Site Suitability,* Date to be determined, Washington, DC. The Subcommittee will continue the site suitability review for the Clinch River Breeder Reactor.

**Metal Components,* Date to be determined, Washington, DC. The Subcommittee will continue the review of the pressurized thermal shock.

**Transportation of Radioactive Materials,* Date and location to be determined. The Subcommittee will continue the review of the adequacy of the NRC procedures for certifying packages for transporting radioactive materials.

ACRS Full Committee Meeting

May 6–8, 1982: Items are *tentatively* scheduled.

**A. Wolf Creek Station Unit 1*—Operating license, ACRS report to NRC.

**B. Palisades Nuclear Plant*—Systematic Evaluation Program, ACRS report to NRC.

**C. Quantitative Safety Goals*—ACRS comments to NRC regarding proposed NRC quantitative safety goals for regulation of nuclear facilities.

D. *Environmental Qualification of Nuclear Power Plant Components*—ACRS comments to NRC regarding proposed criteria for environmental qualification of electrical equipment important to safety (10 CFR 50.49).

**E. Seismic Design Methodology*—ACRS comments to NRC regarding proposed seismic design methodology for nuclear facilities.

**F. Application of Three Mile Island Unit 2 Lessons Learned to Operating Licenses*—ACRS comments to NRC regarding proposed rule (10 CFR 50.34).

**G. ACRS Subcommittee Activities*—Reports of designated ACRS

Subcommittees regarding safety related activities including proposed changes in NRC Regulatory Guides; reactor pressure vessel "thermal shock"; security and safeguards considerations at nuclear facilities; consideration of extreme environmental events at nuclear facilities; and proposed plan of action for resolution of steam generator tube deficiencies in nuclear plants.

*H. *Meeting with NRC Commissioners (Tentative)*—Discuss regulatory issues including the proposed NRC Long Range Research Program Plan, proposed NRC quantitative safety goals, ACRS plan of action for review of the Clinch River Breeder Reactor, ACRS review of NRC Staff plan for resolution of thermal shock of reactor pressure vessels, and ACRS comments regarding instrumentation for monitoring reactor pressure vessel water level or inventory.

*I. *Reports by NRC Staff*—Regarding current activities including repairs and restart of the Robert E. Ginna Nuclear Station, operation deficiencies at the D. C. Cook Nuclear Station, proposed cooperative LOFT research program, the status of Three Mile Island Unit 1 steam generator tube repairs, and consideration of seismic events in emergency planning.

June 3–5, 1982: Agenda to be announced.

July 8–10, 1982: Agenda to be announced.

Dated: April 8, 1982.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 82-10094 Filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on April 29, 1982, Room 1167, 1717 H Street, NW., Washington D.C. The Subcommittee will discuss with the NRC Staff the status of Unresolved Safety Issues A–3, A–4 and A–5 and other related matters. In addition, the utility owners group on steam generator will present an update of steam generator issues and possible resolutions.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by membes of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information and industrial security. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to membes of the public attendance. The agenda for subject meeting shall be as follows:

Thursday, April 29, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telehone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information and industrial security. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 8, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-10095 Filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Midland Plant Units 1 and 2; Meeting

The ACRS Subcommittee on Midland Plant Units 1 and 2 will hold a meeting on April 29, 1982, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss remedial action being taken by Consumers Power Company regarding the Midland soils issues.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 29, 1982—8:00 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Consumers Power Company, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Fisher (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 8, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-10096 Filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the TSs for the facility to defer until Cycle 5 criticality, tests to verify the efficiency of HEPA filters and charcoal adsorbers in the filter systems for the Reactor Building purge exhaust, the Control Room emergency ventilation system, and the Auxiliary and Fuel Handling Building ventilation system. This amendment is applicable only during the shutdown period prior to Cycle 5 criticality. These tests will be required prior to criticality following authorization to restart.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendement will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1982, (2) Amendment No. 76 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-10097 Filed 4-12-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18618; File No. SR-NYSE-82-3]

Self-Regulatory Organizations; Proposed Rule Changes; New York Stock Exchange, Inc.; Proposed Amendments to Rule 325 (Capital Requirements for Individual Members and Member Organizations) and Rule 326 (Growth Capital Requirement, Business Reduction Capital Requirement and Unsecured Loans and Advances) to Conform with Changes to the Uniform Net Capital Rule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, ("Act"), 15 U.S.C. 78(s)(b)(1), notice is hereby given that on March 12, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes: (1) reduce the level for required notification to the Exchange by 2 percent—from 7 percent to 5 percent of aggregate reserve formula debit items—for member organizations whose net capital as computed under the alternative method falls below the prescribed level (Rule 325(b)(3)); (2) reduce the levels in Rule 326 under which member organizations are required to cease to expand/reduce their business and limit/reduce unsecured loans and advances by 2 percent—from 7 percent and 6 percent to 5 percent and 4 percent, respectively, of aggregate reserve formula debit items; and, (3) add provisions to Rules 325 and 326 relating to the percentage of funds required to be segregated pursuant to the Commodity Exchange Act and Regulations thereunder in instances where a broker/dealer is registered as a Futures Commission Merchant.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The test of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The proposed changes are intended to conform with amendments which the Securities and Exchange Commission has adopted, effective May 1, 1982, to its Uniform Net Capital Rule, Rule 15c3-1 of the Act, to lower the net capital requirement under the alternative computation method from the present 4% to 2% of the reserve formula aggregate debit items.

The proposed changes are also intended to conform with previous amendments made to the Uniform Net Capital Rule (effective July 23, 1979) with regard to broker/dealers who are also registered as Futures Commission Merchants with the Commodity Futures Trading Commission.

Statutory Basis For The Proposed Rule Changes

The proposed changes to Rules 325 and 326 are consistent with Rule 15c3-1 and Sections 6(b)(1), 6(b)(5) and 6(c)(3)(A) of the Act.

The proposed rule changes are consistent with SEC Rule 15c3-1 in that they reduce prescribed Exchange levels for reporting minimum net capital (Rule 325(b)(3)) and for restricting/reducing a member's business activities and unsecured loans and advances (Rule 326) proportionately with the 2 percent

reduction in the alternative method (aggregate reserve formula debit items) for computing net capital requirements under the amendments to the Uniform Net Capital Rule.

The proposed changes are consistent with Section 6(b)(1) in that they provide the Exchange with the means to fulfill its statutory obligation to enforce compliance with Rule 15c3–1.

The proposed changes are consistent with Section 6(b)(5) in that they protect investors and the public interest by insuring that members comply with certain minimum prescribed financial standards.

The proposed amendments are also consistent with Section 6(c)(3)(A), which permits a national securities exchange to condition the membership of a broker or dealer that does not meet such standards of financial responsibility as are prescribed by the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes do not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before May 18, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule changes, or
B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 4, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 5, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-9984 Filed 4-12-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22450; (70–6639)]

The Connecticut Light and Power Co., the Hartford Electric Light Co.; and Western Massachusetts Electric Co.; Proposed Financing of Nuclear Fuel Through Fuel-Trust Arrangements

April 6, 1982.

The Connecticut Light and Power Company ("CL&P"), the Hartford Electric Light Company ("HELCO"), Selden Street, Berlin, Connecticut 06037, and Western Massachusetts Electric Company ("WMECO") (collectively the "Applicants"), 174 Brush Hill Avenue, West Sprinfield, Massachusetts 01089, each a public utility subsidiary of Northeast Utilities, a registered holding company, have filed with this Commission a post-effective amendment to the application-delaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(5) promulgated thereunder.

The Applicants have ownership interests in three nuclear electric generating units located at Millstone Point in Waterford, Connecticut. CL&P, HELCO, and WMECO have a 53%, 28%, and 19% (aggregating 100%) ownership interest, respectively, in Millstone Unit Nos. 1 and 2. Millstone Unit No. 1 has a capacity of approximately 660,000 kw and was placed in operation in late 1970. Millstone Unit No. 2 has a capacity of approximately 870,000 kw and was placed in operation in late 1975. The Applicants collectively own 65% (CL&P 34.45%, HELCO 18.20%, and WMECO 12.35%) of Millstone Unit No. 3, which is presently under construction. This unit will have a capacity of approximately 1,150,000 kw and is presently scheduled for service in 1986.

By order dated December 30, 1981 (HCAR No. 22342), this Commission authorized certain nuclear fuel financing arrangements between the Applicants and Bankers Trust Company, not in its individual capacity but solely as trustee (the "Trustee") of the Niantic Bay Fuel Trust (the "Trust"). Pursuant to a Nuclear Fuel Lease Agreement between the Applicants and the Trustee, the Applicants agreed to assign to the Trustee all of their right, title, and interest in and to all or part of certain nuclear fuel contracts and nuclear fuel pursuant to one or more assignments. The Trustee, in turn, agreed to either reimburse the Applicants for payments made to contractors under the assigned nuclear fuel contracts or to make such payments directly to the contractors. Pursuant to a Revolving Loan Agreement between the Applicants and the Trustee, the Trustee agreed to lend, pursuant to unsecured demand notes, up to $90 million to the Applicants for general working capital purposes. Pursuant to a Credit Agreement between the Trustee and The First National Bank of Boston (the "Bank"), the Trustee finances its own payments to the Applicants and fuel contractors through a variety of sources, including (i) the sale of the Trust's commercial paper notes, which notes are backed by an irrevocable master letter of credit issued by the Bank (the "CP Notes"), and (ii) revolving credit loans from the Bank. The Bank's obligation to extend credit to the Trustee by issuing an irrevocable master letter of credit or making loans is limited to $230,000,000 (the "Commitment Amount"). Pursuant to the Credit Agreement, the Trustee is required to pay the Bank a commitment fee equal to 3/20 of 1% per annum on the first $55,000,000 of the unused Commitment Amount, or any portion thereof, and ¼ of 1% per annum of the unsecured Commitment Amount in excess of $55,000,000. The Trustee is also required to pay the Bank a commercial paper support fee equal to ⅝ of 1% per annum on the daily average aggregate principal amount of CP Notes outstanding.

Pursuant to a letter agreement dated as of January 28, 1982, between the Bank and the Trustee, the Applicants and the Bank propose to amend the Credit Agreement in two respects: (1) by allowing the Bank a minimum combined yield from commitment fees and commercial paper support fees equal to ½ of 1% per annum of the Commitment Amount for the period from January 28,

1982, through November 30, 1982; and (2) by increasing the commitment fee to ¼ of 1% per annum on the entire unused Commitment amount. These amendments are proposed in order to provide the Bank and the other participating banks with additional compensation during the periods of low usage which are expected to occur during the initial phase of the financing program.

The amended application-declaration and any further 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 the views in writing by May 4, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-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 amended or as it may be further 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. 82-9981 Filed 4-12-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11530]

Conoco Inc.; Order Granting Application Pursuant to Section 310 (b)(1)(ii) of the Trust Indenture Act of 1939

April 7, 1982.

Conoco Inc., a Delaware corporation (the "Applicant"), has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Bankers Trust Company ("Bankers") under certain indentures of the Applicant which are qualified under the Act (the "Qualified Indentures"), and certain indentures of the Applicant not qualified under the Act, are 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 Bankers from acting as trustee under any of such indentures; all as more fully set forth in such application and in the Notice of Application and Opportunity for Hearing dated March 9, 1982.

It appears to the Commission that, upon resignation of Bankers as trustee and escrow agent under an Indenture dated as of November 30, 1970 (the "Del West Indenture"), among Delaware Western Properties, Inc., a Delaware corporation, Bankers, as Escrow Agent, and Bankers and R.I. Landau, as Trustees, the trusteeships of Bankers under said indentures are 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 Bankers from acting as trustee under any of such mentioned indentures.

Notice of the filing of such application having been duly given, the Applicant having waived hearing thereon, the Commission not having received a request for a hearing within the period specified in the Notice of Application and Opportunity for Hearing, and the hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

It is ordered that the application of the Applicant in the premises be, and the same is, hereby granted, conditioned upon the resignation of Bankers as trustee and escrow agent under the Del West Indenture effective within 90 days of the appointment of Bankers as trustee under the Qualified Indentures.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-9982 Filed 4-12-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11561]

J. C. Penney Company, Inc.; Application and Opportunity For Hearing

April 7, 1982.

Notice is hereby given that J. C. Penney Company, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Citibank, N.A. ("Citibank") under an indenture of the Company dated as of July 15, 1970 (the "1970 Indenture"), which was heretofore qualified under the Act, and the trusteeship by Citibank under an indenture among J. C. Penney Global Finance N.V. ("Finance"), the Company as Guarantor, and Citibank, N.A., Trustee, dated as of February 17, 1982 (the "1982 Indenture"), are 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 Citibank from acting as Trustee under the 1970 Indenture.

The Company alleges that:

1. The Company has outstanding on the date hereof $95,457,000 aggregate principal amount of its 8⅞% Sinking Fund Debentures Due 1995 (the "Debentures") issued under the 1970 Indenture executed by the Company and Citibank, as Trustee. The Debentures were registered under the Securities Act of 1933, as amended (the "Securities Act") (File No. 2-37663), and the 1970 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-6139). Citibank is currently acting as Trustee under the 1970 Indenture.

2. Pursuant to the 1982 Indenture, there were issued U.S. $350,000,000 aggregate principal amount of Zero Coupon Guaranteed Notes Due 1994 of Finance, which are guaranteed by the Company (the "Guaranteed Notes"). Inasmuch as the Guaranteed Notes are being offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the Guaranteed Notes have not been registered under the Securities Act and the 1982 Indenture was not qualified under the Trust Indenture Act.

3. Section 8.08 of the 1970 Indenture provides in part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect hereinafter specified in this Article;

(b) In the event that the Trustee shall fail to comply with the provisions of Subsection (a) of this Section, the Trustee shall, within 10 days after the expiration of such 90-day period, transmit by mail to all Debentureholders, as their names and addresses appear in the Debenture Register, notice of such failure.

(c) For the purposes of this Section, the Trustee shall be deemed to have a conflicting interest, if (1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of

Debentures issued under this Indenture, *provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which securities, or certificates of interest or participation in other securities, of the Company are outstanding, if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under TIA [Trust Indenture Act], unless the Commission shall have found and declared by order pursuant to Section 305(b) or Section 307(c) of TIA [Trust Indenture Act] that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are 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 the Trustee from acting as such under this Indenture and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under this Indenture and such other indenture or indentures 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 the Trustee from acting as such under one of such indentures.

4. Execution of the 1982 Indenture involves Citibank in a conflict of interest within the meaning of Section 8.08 of the 1970 Indenture since the 1982 Indenture has not been qualified under the Trust Indenture Act and is not the subject of any other proceeding of the Commission.

5. The 1970 and 1982 Indentures are wholly unsecured. The Guarantees of the Company under the 1982 Indenture rank equally with the Company's other unsecured and unsubordinated indebtedness including the Debentures issued under the 1970 Indenture. The only material differences between the 1970 Indenture and the 1982 Indenture, and between the rights of the holders of the Debentures and the holders of the Guaranteed notes, relate to the fact that the Company is the Guarantor under the 1982 Indenture, but is the primary obligor under the 1970 Indenture, and also relate to aggregate principal amounts, dates of issue, denominations, events of default, restrictions on incurrences of indebtedness, limitations on dividends, maturity and interest payment dates, interest rates, places of payment of interest and principal, form or lack of registration, redemption or prepayment prices or procedures, Trustee's reports, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such differences and any other difference in the provisions of the 1970 Indenture and the 1982 Indenture are unlikely to cause any conflict of interest between the respective trusteeships of Citibank under said Indentures.

6. The Company is not in default under the 1970 Indenture or the 1982 Indenture.

7. Such differences as exist between the 1970 Indenture and the 1982 Indenture are 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 Citibank from acting as Trustee under the 1970 Indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application which is a public document on file in the office of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than May 3, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notifed if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirely F. Hollis,

Assistant Secretary.

[FR Doc. 82-9983 Filed 4-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18626; File No. SR-MSE-82-1]

Midwest Stock Exchange, Inc.; Filing of Proposed Rule Change

April 8, 1982.

The Midwest Stock Exchange, Inc. ("MSE") submitted on March 30, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, to permit trading in groups of equity securities ("Stock Groups") which are listed or admitted to unlisted trading privileges on the exchange. The proposed rule change, Article XX, Rule 39 ("Trading in Stock Groups"), provides that transactions in each Stock Group shall be reported or expressed as a single price representing the price of the Stock Group itself, which may not be equal to the aggregate of then current prices of component stocks. In addition, the proposed rule change states that transactions in Stock Groups would be compared and settled as transactions in the Groups as a whole. The proposed rule change also specifies which MSE rules would apply to transactions in the Stock Group as a whole and not the individual securities comprising the Group, and which MSE rules would not apply to trading in Stock Groups.

Publication of the submission is expected to be made in the **Federal Register** during the week of April 12, 1982. In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments, concerning the submission on or before May 4, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MSE-82-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be

available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-10100 Filed 4-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12359; 812-5130]

Nordic Bank PLC; Filing of Application

April 7, 1982.

Notice is hereby given that Nordic Bank PLC ("Applicant"), c/o Barry Dastin, Esq., White & Case, 280 Park Avenue, New York, New York 10017, a foreign commercial bank, filed an application on March 9, 1982 for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was incorporated in England in 1971 and is one of the largest international consortium banks in the world, with consolidated assets of approximately $3,708,000,000 at December 31, 1981. Its four shareholders, each of which owns 25% of the share capital, are all leading commercial banks in the nordic area: Den norske Creditbank, Kansallis-Osake-Pankki, Svenska Handelsbanken and Copenhagen Handelsbank. According to Applicant, all four shareholder banks have received orders under Section 6(c) of the Act similar to the one requested in the application. Applicant's main office is in London and it has branches or subsidiaries in six countries and shareholding banks, associated banks, affiliates and representative offices in a further eleven countries.

Applicant states that it is an international wholesale bank and provides the services traditionally provided by such an institution, including the provision and syndication or Eurocurrency loans and guarantees, deposit-taking from banks and commercial customers and comprehensive foreign exchange services. Its services are provided with a particular emphasis on the nordic countries. At December 31, 1981 deposits totalled approximately $3,194,000,000. On that date loans and advances and deposits with banks accounted for approximately 70% of its total assets. For the year ended december 31, 1981, interest on loans and advances and deposits with banks accounted for approximately 95% of Applicant's consolidated gross revenues, and net interest income accounted for approximately 66% of the consolidated operating income. Applicant also states that, in addition to its deposit and lending business, it engages in such other banking services as lease financing and financial advisory services, especially to the shipping industry. Applicant also participates in the issuance, underwriting and trading of securities, but asserts that annual income from such activities did not exceed 3% of Applicant's consolidated operating income for 1981.

Applicant represents that it is licensed by and extensively regulated by the Bank of England. According to Applicant, the Bank of England exercises its supervisory responsibility over the applicant by seeking and analysing extensive information on Applicant's business and by holding regular quarterly meetings with the management of applicant. Applicant states that this supervision focuses particuar attention on capital adequacy, liquidity and foreign exchange exposure and Applicant is required to submit numerous periodic financial reports to the Bank of England with reporting dates ranging from weekly to annual. In addition, Applicant represents that its shareholder banks have been required to give the Bank of England explicit confirmation that it is their firm intention to ensure that Applicant will maintain its sound financial position. Applicant also states that its shareholder Banks are subject to the banking regulations in Denmark, Finland, Norway and Sweden.

Applicant proposes to issue and sell unsecured prime quality commercial paper (the "Notes") denominated in United States dollars, in order to provide an alternative source of supply of United States dollars. It is stated that under this proposal no Note will be in a denomination smaller than $100,000. The Notes will be issued and sold by applicant either directly or to or through one or more commercial paper dealers in the United States which will reoffer the Notes to investors in the United States. Applicant represents that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional investors and other entities and individuals who normally purchase commercial paper notes. Applicant also states that it undertakes to ensure that each offeree of the Notes will receive prior to purchase a memorandum which briefly describes applicant's business and includes its most recent publicly available annual financial statements, which shall have been audited in a manner customarily done for Applicant by United Kindom auditors. Applicant represents that such memorandum will describe any material differences between accounting principles applied in the preparation of such financial statements and "generally accepted accounting principles" employed by United States banks. Applicant states that such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's financial condition.

The application state that the Notes will be direct liabilities of the Applicant and will rank pari passu among themselves and equally with all unsecured and unsubordinated indebtedness (including deposit liabilities) of the Applicant, and prior to the claims of holders of Applicant's common stock. Applicant plans to sell the Notes without registration under the Securities Act of 1933 (the "1933 Act"), in relience upon a written opinion of its United States counsel that the Notes will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant states that it will not issue or sell the Notes until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and all future issues of securities in the United States shall have received prior to their respective issuance one of the three highest investment grade ratings from at least one of the nationally recognized statisical rating organizations and that its United States counsel shall have certified that such rating has been received, provided, however, that no such rating shall be required to be obtained if in the opinion of United States counsel for Applicant, such counsel having taken into account for the purpose thereof the doctrine of integration referred to in Rule 146 under the Securities Act of 1933 and various no-action letters made public by the Commission, an exemption from registration is available with respect to such issue pursuant to Section 4(2) of the 1933 Act. Applicant further represents that it is not subject to the

reporting requirements of the Securities Exchange Act of 1934 and will not become subject to such requirements in connection with the issuance and sale of the Notes.

Applicant states it will appoint its special United States counsel as its agent to accept any process which may be served in any action based on the Notes and instituted by the holder of any Note in any state or federal court. Applicant further states that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action, and that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid by Applicant. Applicant represents that it will also be subject to suit regarding such action in this connection in any other court in the United States which would have jurisdiction.

Applicant states that it may, from time to time, offer other debt securities for sale in the United States. Applicant represents that any such future offering of its securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial condition as those customarily used in United States offerings of such securities and undertakes to ensure that each offeree of such securities, prior to any sale of such securities to such offeree, wil be provided with such disclosure documents except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by such Act and the rules and regulations thereunder. Applicant represents that, in connection with any future offering in the United States of its securities, it will appoint an agent to accept any process which may be served in any action based on any such security and instituted in any state or federal court by the holder of any such security. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action, and that such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as such securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid. Applicant states that it will also be subject to suit regarding such action in any other court in the United States which would have jurisdiction. Applicant consents to having any order granting the relief requested under Section (6)(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Section 3(a)(3) of the Act defines investment company to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Section 6(c) provides that the Commission, by order upon application, may exempt any person from the provisions of the Act 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 states that it is applying to the Commission because of uncertainty as to whether or not foreign commercial banks would be defined as "investment companies" under the Act.

Applicant contends that approval of its application is both necessary and appropriate in the public interest. Because compliance with the Act would conflict with its commercial banking practices, Applicant claims it would effectively be precluded from selling securities in the United States if it is required to register as an investment company. Applicant asserts that its activities are extensively regulated by the Bank of England. Applicant claims that a commerial bank, such as itself, is substantially different from the typical investment company that Congress intended the Act to regulate. Finally, Applicant asserts that there is ample investor protection provided by the 1933 Act and that any public offering of securities by Applicant in the United States would have be registered under that Act or be entitled to one of the specific exemptions set forth therein.

Notice is further given that any interested person may, not later than May 3, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed comtemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-10098 Filed 4-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12360; 812-5107]

Trust for Short-term Federal Securities; Filing of an Application

April 8, 1982.

Notice is hereby given that Trust for Short-term Federal Securities ("Applicant"), Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 9, 1982, and an amendment thereto on March 12, 1982, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. 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.

According to the application, Applicant was organized under the laws of Pennsylvania as a business trust. It is a no-load, money market fund offering institutional investors two classes of shares, each of which represents interests in one of two portfolios, FedFund and T-Fund. The investment objective of each portfolio is to seek current income with liquidity and security of principal. T-Fund consists of United States Treasury bills, notes and other direct obligations of the United States Treasury. FedFund includes obligations issued or guaranteed by the United States Government, its agencies or instrumentalities, in addition to United States Treasury bills, notes and other direct Treasury obligations. The securities held in each portfolio may be subject to repurchase agreements. Applicant states that it does not seek profits through short-term trading but usually holds its portfolio securities to maturity.

Applicant states that it is designed for institutional investors as a convenient means for investing cash reserves in one of two government securities portfolios where direct purchase by the investor is economically or operationally impractical. Applicant is a companion to two other registered, open-end investment companies, Temporary Investment Fund, Inc., and Municipal Fund for Temporary Investment, which, like Applicant, are sponsored by Shearson/American Express Inc.

By valuing the securities in each of Applicant's portfolios at amortized cost and declaring dividends daily, Applicant states that the net asset value per share of each portfolio will remain constant in the absence of unusual market conditions. According to the application, Applicant currently calculates the net asset value per share of its portfolios based on the penny-rounding method of valuation pursuant to an order of the Commission dated November 28, 1977 (Investment Company Act Release No. 10027).

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 2a–4 adopted under the act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the 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 the board of directors of the registered company. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Prior to the filing of the application, the Commission expressed its view that, among other things: (i) Rule 2a–4 under the Act requires that portfolio instruments of money market funds be valued with reference to market factors, and (ii) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a money market fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

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 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 submits that the exemption it requests will be consistent with these standards.

Applicant requests an order of the Commission, pursuant to Section 6(c) of the Act, to permit the assets in each of Applicant's portfolios to be valued according to the amortized cost methods of valuation. In support of the relief requested, Applicant states that it believes its shareholders would be unfairly treated if Applicant were forced to price its portfolio instruments in a manner which would produce artificial price and yield volatility for instruments which Applicant expects to hold until maturity. Applicant believes that investors in its shares are not concerned with the theoretical differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost as described above. On the other hand, Applicant states that it believes that investors are vitally concerned that (1) the net assets value of their shares remain stable; and (2) the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices cause change in yield on a daily or weekly basis.

By maintaining portfolios of high quality money market instruments of short maturities, Applicant believes that it will be possible to provide the required stability to individuals and institutional investors. Applicant, with the advice of its investment adviser and based on the adviser's experience, has determined that maintaining an average portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing yields commensurate with those available in the markets in which Applicant's portfolios invest.

Applicant's request for exemption is based on its investment policies. Applicant agrees that the following conditions may be imposed in any order of the Commission granting the exemptive relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees 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 the investment objectives of each Applicant's portfolios to stabilize the net asset value per share of each portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's board of trustees 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 as determined by using available market quotations from each portfolio's $1.00 amortized cost price per share, and the maintenance of records of such review. [1]

[1] To fulfill this obligation, 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 approrpriate indicators of value, which may include among others (i) quotations or estimates of market value for individual portfolio instruments, or

(b) In the event that such deviation from the $1.00 amortized cost price per share of any of Applicant's portfolios exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

Where the board of trustees believes that the extent of any deviation from the $1.00 amortized cost price per share of either of Applicant's portfolios may result in material dilution or other unfair results to investors or existing shareholders, it shall take action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action 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 particular portfolio; reducing or withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity for each of its portfolios appropriate to its objective of maintaining a stable price per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year (although instruments subject to 7-day repurchase agreements may bear longer maturities), nor (b) maintain a dollar-weighted average portfolio maturity of any of its portfolios 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 condition 1 above, and Applicant will include in the minutes of the board of trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which, as determined by the board of trustees, present minimal credit risks, and which are of high quality, as determined by any major rating service, or, in the case of any instruments that are not rated, are of comparable quality, as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 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.

Prior to adopting the amortized cost method of valuation, Applicant's board of trustees will determine in good faith that in light of the characteristics described above, including the conditions to which Applicant must adhere as set forth in any order of the Commission, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities will reflect the fair value of those securities.

On the basis of the foregoing, Applicant submits that granting its exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 3, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–10099 Filed 4–12–82; 8:45 am]

BILLING CODE 8010–01–M

(ii) 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 its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

Associate Administrator for Finance and Investment, et al.; Ratification of Actions

Pursuant to the Authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, I hereby ratify all actions as described below, taken by, the Associate Administrator for Finance and Investment, the Acting Associate Administrator for Finance and Investment, the Associate Administrator for Financial Assistance, the Associate Administrator for Investment, the Acting Associate Administrator for Financial Assistance and the Acting Associate Administrator for Investment during the period April 15, 1980 to April 7, 1982.

Actions

Applications for business, development company, economic opportunity, disaster, and all other types of loans and debentures authorized to be made or guaranteed by the Agency which were approved or declined, and authorizations and modifications pertaining to such loans which were executed. Loans which were cancelled, reinstated, modified, and authorizations which were amended. Eligibility determinations of loan applications which were made. Guaranty of Certified Development Company debentures which were sold. Certification of development companies to operate pursuant to § 108.503 of the Small Business Act.

Actions taken in connection with the servicing, administration, collection and liquidation of all loans, obligations, and acquired property. Compromise settlements of indebtedness owed to the Agency for a sum less than the total due which were accepted or rejected. All necessary actions in the liquidation of EDA loans which were taken. Any necessary actions in the financial

servicing of Certificates of Competency, and contracts let under Section 8(a) of the Small Business Act which were taken.

Eligibility determinations which were made for lending institutions to participate in SBA lending and financial assistance programs including suspensions or revocations of such eligibility. Any necessary actions taken in connection with the regulation of lending institutions participating in SBA lending and financial assistance programs.

Disaster loan areas declared for Economic Injury Disaster Loans, and, any amendments to such disaster declarations. Acceptance of disaster loan applications authorized after expiration of original disaster period or extension.

Necessary actions taken to carry out provisions of Title I, II, III & IV (with the exceptions of Sec. 310 of Title III) of the Small Business Investment Act of 1958 including making, servicing, administration, collection, and sale of partially or fully disbursed loans, obligations, and property held by or assigned to SBA. Offers of settlement for cash, credit or property which were accepted or rejected.

Necessary actions taken in connection with the administration and servicing of lease rental guarantee policies. Claims arising under lease guarantee policies which were processed.

Guarantees which were entered into with sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds. All claim reimbursement requests or contract defaults bonded with SBA guarantees which were approved or declined. Agreements with participating sureties and/or insurance companies which were entered into, and any aforesaid agreements which were modified and revised when necessary. Approval or decline actions taken on applications for reinsured guarantors. Necessary actions which were taken in connection with servicing, administration, collection, and payment of claims. Size determinations made for the Surety Bond guarantee programs.

Approval or decline of applications for pollution control financing guarantees. Commitments executed or modifications made, and guarantees executed pertaining to such financings. Eligibility determinations and size determinations made on applicants for pollution control financing guarantees. Necessary actions taken in connection with the servicing, administration, collection, and payment of claims arising from pollution control financing guarantees. Participation agreements entered into with qualified sureties, and revision of such agreements when necessary. Approval of investment of funds in the pollution control guarantee fund.

All actions taken in connection with the planning, direction, administration and development of policies and procedures for all sales aspects of secondary market. Any necessary documents executed for conversion to the certificate system. Any other appropriate action taken to implement and maintain the secondary market program. All actions taken which exercises primary responsibility for secondary matters to insure sale closings, program oversight, and relations with the fiscal and Transfer Agent. Any arrangements made for the necessary review of the fiscal and transfer agent activities. Agreements and/or contracts entered into the necessary services to insure the effective operation of the secondary market program. All actions taken in connection with determination and development of policy and procedures necessary for field support of secondary market activities.

Dated: March 31, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-9894 Filed 4-12-82; 8:45 am]

BILLING CODE 8025-01-M

Deputy Associate Administrator for Disaster Assistance; Ratification of Actions

Pursuant to the authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, I hereby ratify all actions as described below, taken by the Deputy Associate Administrator for Disaster Assistance during the period of August 16, 1981 to April 7, 1982.

Actions

Approve or decline applications for business, economic opportunity, disaster and all other types of loans authorized to be made by the Agency, and execute authorizations and modification pertaining to such loans. Cancel, reinstate, modify, amend authorizations for loans. Determine eligibility of loan applicants. Take necessary actions in connection with the servicing, administration, and collection of all loans, other obligations, and acquired property, with the exception of those loans classified as in liquidation.

Declare disaster loan areas for Economic Injury Disaster Loans upon notification that the Secretary of Agriculture declared a natural disaster for that area. Amend declarations made under aforementioned authority in accordance with amendments made by the Secretary of Agriculture. Authorize the acceptance of disaster loan applications after expiration of original disaster period or extension thereof.

Dated: March 31, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-9895 Filed 4-12-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/512]

Presidential Commission on Broadcasting to Cuba; Cancelled Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 section 5(c), notice is hereby given that meeting of the Presidential Commission on Broadcasting to Cuba scheduled for April 16, 1982 (47 FR 11363, March 16, 1982) has been cancelled.

Schedule conflicts on the part of several members of the Commission has made this postponement necessary.

The next meeting of the Presidential Commission is scheduled for May 3. The Commission will meet in open session at 2:00 p.m. in Room 3524 of the Department of State. A public notice providing this information has already been issued.

Ambassador George W. Landau,

Executive Director, Presidential Commission on Broadcasting to Cuba.

[FR Doc. 82-10187 Filed 4-12-82; 8:45 am]

BILLING CODE 4710-29-M

VETERANS ADMINISTRATION

Rescission of A-76 Review Schedule for Department of Medicine and Surgery

Notice is hereby given of the Veterans Administration's rescission of its schedule for reviewing certain commercial-industrial type activities of the Department of Medicine and Surgery as required by OMB Circular A-76. The schedule for initiating reviews of these activities was previously announced on pages 38842 through 38866 of the **Federal Register** of July 29, 1981.

Public Law 97-66, Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981, was approved on October 17, 1981. Section

601(b)(2) amends 38 U.S.C. 5010(a) to proscribe the expenditure of funds from accounts normally available to DM&S, for conducting the cost comparison studies required to determine the feasibility of contracting out its "in-house", commercial-industrial type activities. The section provides that such accounts may be used only if Congress appropriates funds from them for this specific purpose.

In the Veterans Administration's Fiscal Year 1982 Appropriations Act (Public Law 97-101, approved December 23, 1981), the Congress provided no specific funding to the Veterans Administration for this purpose. The Veterans Administration plans no special or supplemental request to Congress for such specific purposes in Fiscal Year 1982. FY 82 funds from other agency accounts are unavailable to the Department of Medicine and Surgery for this purpose. Thus, through September 30, 1982 (the closing date of FY 82), the Veterans Administration is unable to pursue the required studies in the Department of Medicine and Surgery.

This rescission affects only the Department of Medicine and Surgery. Other Veterans Administration departments and staff offices must meet the requirements of OMB Circular A-76 for their respective commercial-industrial type activities in accord with schedules previously posted in the **Federal Register** of January 4, 1982 (pages 125 and 126); August 18, 1981 (page 41896); and October 27, 1981 (page 52475).

Should appropriate funding for this purpose become available to the Department of Medicine and Surgery in a subsequent fiscal year, a schedule for reviewing its commercial-industrial type activities shall be posted herein.

Dated: April 6, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-9880 Filed 4-12-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 71
Tuesday, April 13, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–347, April 8, 1982]

TIME AND DATE: 9 a.m. (closed); 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed); room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Docket 40534, Joint application of Braniff Airways, Inc. and Pan American World Airways, Inc. for approval of an agreement and for other relief. (BIA)
2. Negotiations with Brazil. (BIA)
3. Continuing Negotiations with ECAC. (BIA)
4. Canada—Preliminary Update. (BIA)
5. Report on Negotiations with Portugal. (BIA)
6. Ratification of Items Adopted by Notation.
7. CAB Information Systems and Early Sunset (Analysis of comments and staff recommendations). (Memo 1226, BALJ, BIA, BDA, OEA, OCCCA, OC, OGC, BCAA)
8. Docket 33283; *Pan American-Acquisition Of Control Of, And Merger With National* (1) *Motion of flight engineers formerly in the employ of National* for confirmation and enforcement of arbitration award: (2) *Petition of Janus Group* to set aside arbitration award; and (3) *Petition of Pan American Pilots Fighting* to set aside arbitration award. (Memo 385–F, OGC)
9. Docket 39632, *Rulemaking on Terminations, Suspensions and Reductions of Service*, PR–244; and Docket 39722, *Emergency Air Transportation Requirements.* (OGC)
10. Docket 40513, Petition of World Airways for rulemaking with regard to fare discounting. (OGC, BDA)
11. *Semiannual Agenda of Significant Rules under Development or Review.* (OGC)
12. Dockets 34030 and 39963, Prohibition of discrimination against handicapped passengers by airlines. (Memo 1210, OGC, OCCCA)
13. Docket 37970, Information required to be submitted in section 408 applications. (OGC, BDA)
14. Policy on overflights of essential air service points. (OGC, BDA, OCCCA)
15. Docket 40271, Republic Airlines' 90-day notice of intent to suspend service at Sault Ste. Marie, Michigan. (BDA, OCCCA)
16. Dockets 39843, NR 460, 39844, EAS–385, 386, and 387, Notice of Hawaiian Airlines to suspend service at Kamuela, Hawaii and Essential Air Service reviews for Kamuela, Hana and Lanai. (BDA, OCCCA)
17. Docket 39244, 90-day notice of Republic Airlines to terminate its service at Manistee/Ludington, Michigan. (Memo 346–B, BDA, OCCCA)
18. Docket EAS–791, Moab's appeal of BDA's denial of eligibility under section 419(b). (Memo 1229, BDA, OGC, OCCCA)
19. Commuter carrier fitness determination of American Central Airlines, Inc. (Memo 1223, BDA)
20. Commuter carrier fitness determination of Sun West Airlines Corporation d/b/a Sun West Airlines. (Memo 1203, BDA)
21. Commuter carrier fitness determination of Air Chico Corporation. (Memo 1227, BDA)
22. Commuter carrier fitness determination of Jack E. Seeley d/b/a Sedona Air Center. (Memo 1208, BDA)
23. Commuter carrier fitness determination of Virgin Islands Seaplane Shuttle, Inc. (Memo 1206, BDA)
24. Commuter carrier fitness determination of Bankair, Inc. d/b/a Bankair Commuter Airline. (BDA)
25. Commuter carrier fitness determination of Air Priority Airways, Inc. (Memo 1205, BDA)
26. Dockets EAS–765 and EAS–792, Request for instructions on the appeal of Berlin, New Hampshire and Newport, Vermont, concerning eligibility for inclusion in the small communities program under section 419(b) of the Act. (BDA, OGC, OCCCA)
27. Dockets 39203 and 39578, Application of Peninsula Airways, Inc. for compensation for losses for hold-in Service at Atka, Alaska. (BDA, OCCCA, OC)
28. Dockets 35634, Agreement CAB 28697 and 38623, Agreement CAB 28698, IATA agreements proposing various cargo rate and passenger baggage revisions. (Memo 1202, BIA)
29. Dockets 38623, Agreement CAB 28714 and 35634, Agreement CAB 28715, IATA agreements proposing various minor fare and rate revisions. (Memo 1224, BIA)
30. Docket 38623, Agreement CAB 28687, R–1 through R–40, Agreement CAB 28688, R–1 through R–15, IATA agreements on areawide Latin American resolution and U.S.-South America passenger fares. (BIA)
31. Docket 40400, Application of Skypak International PTY. Ltd., a foreign freight forwarder, for an exemption to engage in interstate and overseas indirect air transportation of property. (Memo 1214, BIA, OGC)
32. Docket 40114, Application of Transportes Aereos Nacionales, S.A. (TAN) for renewal of its foreign air carrier permit to serve between Honduras and Miami via Belize City. (Memo 1228, BIA, OGC, BALJ)
33. Docket 32665, Application of Frontier Airlines, Inc. to delete the authority of Continental Air Lines, Inc. over certain U.S.-Western Mexico routes and for an exemption to integrate two segments of its U.S.-Mexico authority. (Memo 1222, BIA)
34. Docket 39898, Application of Avia International Airlines, Inc. for transfer and reissuance of certificates, and if necessary, approval of acquisitions; and Docket 40019, Application of Challenge Air Transport, Inc. for amendment of its certificate of public convenience and necessity. (Memo 1219, BIA, BDA, BALJ, OGC)
35. Docket 39744, Rulemaking to allow foreign indirect air carriers to organize charter/tours and to consolidate freight in interstate and overseas markets. (Memo 618–A, BIA, OGC)

STATUS: 1–5 Closed; 6–35 open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–529–82 Filed 4–9–82; 3:22 pm]

BILLING CODE 6320–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, April 14, 1982.

LOCATION: Third floor hearing room, 1111 18th Street. NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Chronic Hazard Advisory Panel on Asbestos*
   The Commission will consider a draft **Federal Register** notice inviting the public to suggest candidates for membership on the Chronic Hazard Advisory Panel on asbestos.
2. *Poison Prevention Packaging Act Protocol Revisions*
   The staff will brief the Commission on possible revisions to the Poison Prevention Packaging Act (PPPA) test procedures currently used to determine the effectiveness of child-resistant packaging.
3. *Chain Saws: AMPR*
   The Commission will consider a draft Advance Notice of Proposed Rulemaking concerning chain saws.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

4. *Compulsory Process Matter.*

The Commission will consider action on a compulsory process matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342 E, 5401 Westbard Avenue, Bethesda, MD.; Telephone (301) 492–6800.

[S–527–82 Filed 4–9–82; 12:46 pm]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, April 15, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Power Mower Hang Tags*

The Commission will consider a letter from the Outdoor Power Equipment Institute requesting Commission approval of the use of the CPSC logo and a proposed statement on hang tags for power lawn mowers.

2. *Aluminum Wire Options*

The staff will brief the Commission on the status of the "old technology" aluminum wire project and will present options related to the project.

3. *Upholstered Furniture Action Council—Briefing*

The staff will brief the Commission on the status of the Upholstered Furniture Action Council's voluntary program.

4. *Upholstered Furniture Petitions: FP 80–2, FP 77–2*

The Commission will consider petition FP 80–2 from the City of Los Angeles Fire Department and petition FP 77–2 from the California Bureau of Home Furnishings. FP 80–2 concerns an amendment to the mattress standard and the issuance of a flammability standard for upholstered furniture. FP 77–2 requests the issuance of a flammability standard for upholstered furniture incorporating all requirements for upholstered furniture in effect in the state of California.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342 E, 5401 Westbard Avenue, Bethesda, Md.; Telephone (301) 492–6800.

[S–528–82 Filed 4–9–82; 12:46 pm]

BILLING CODE 6355–01–M

4

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Wednesday, April 14, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, April 14, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Report and Order to add the Gulf Intracoastal Waterway to the service area of Inland Waterways Communications Systems. *Summary:* The FCC will consider whether to amend Parts 2, 81 and 83 to add the Gulf Intracoastal Waterway to the authorized service area of Inland Waterways Communications Systems. These systems are authorized to provide automated, integrated marine communications along the Mississippi River and connecting waterways using frequencies in the 216–220 MHz band.

Private Radio—1—*Title:* Amendment of Part 97, Amateur Radio Service Rules. *Summary:* The Commission will consider whether to extend the deadline from 30 to 60 days for return of Novice license exams.

Private Radio—2—*Title:* Order to amend Part 95 of the Commission's Rules for the Personal Radio Services to eliminate the requirements that licensees maintain a current copy of the Rules. *Summary:* The Commission will consider whether or not to adopt an Order to eliminate rules requiring licensees to maintain a current copy of the Rules in Personal Radio Services, Part 95, Subparts A, C and D. The Personal Radio Services include the General Mobile Radio Service (GMRS), the Radio Control Radio Service (R/CRS) and the Citizens Band Radio Service (CBRS).

Private Radio—3—*Title:* No-code amateur radio operator license class. Summary: The Commission will consider various alternatives in connection with whether or not to propose a no-code amateur radio operator license class.

Private Radio—4—*Title:* Rulemaking petition (RM–3668) to amend Rule Section 90.95(d)(4) to delete eligibility to operate stations "on behalf of" associations of owners of private automobiles. *Summary:* The FCC will consider whether to adopt or deny a rulemaking petition (RM–3668). The Petition says that the language of the Rule which establishes eligibility for persons to operate in the Automobile Emergency Radio service "on behalf of" associations of owners of private automobiles is misleading and confusing, and requests that the phrase be deleted and that new language be added to preclude franchises of auto clubs from gaining access to frequencies assigned to auto clubs.

Common Carrier—1—*Title:* WATS investigation. *Summary:* The Commission will consider whether to order further investigation of AT&T's WATS service. This proceeding began in December 1980 when the Commission suspended AT&T's September 1980 WATS tariff proposal and ordered that a major problem of this filing, its lack of a peak/off-peak rate structure, be investigated. The Commission identified other problem areas of the tariff filing, but decided to defer their consideration until the time-of-day pricing issue was resolved in the first stage of the investigation. Based on the record developed in the investigation, the Commission prescribed generally a peak/off-peak rate structure element for WATS. AT&T incorporated such a rate element into its September proposal and a new WATS tariff became effective on June 1, 1981. The Commission now will turn its attention to those aspects of the tariff it previously identified as raising possible questions of lawfulness.

Cable Television—1—*Title:* "Application for Review" (CSR–1860, 1873) filed December 4, 1981, by King Broadcasting Company, licensee of Station KGW–TV (NBC, Channel 8), Portland, Oregon. *Summary:* King Broadcasting Company, licensee of Station KGW–TV (NBC, Channel 8), Portland, Oregon, seeks Commission review of the action taken by the Chief of the Cable Television Bureau in *KOIN–TV, Inc.* (Portland, Oregon), Mimeo No. 299, 50 RR 2d 715 (1981).

Cable Television—2—*Title:* "Petition for Special Relief" (CSR–1215) filed by Four States Television, Inc., licensee of Station KIVA–TV (NBC, Channel 12) Farmington, New Mexico. *Summary:* The petitioner has requested a waiver of Section 76/92 of the Commission's Rules to maintain same day network nonduplication protection.

Cable Television—3—*Title:* "Petition for Reconsideration" (CSR–1963) filed December 21, 1981, by Cedar Rapids Television Company, Licensee of Station KCRG–TV (ABC, Channel 9), Cedar Rapids, Iowa. Summary: Cedar Rapids Television Company, licensee of Station KCRG–TV (ABC, Channel 9), Cedar Rapids, Iowa, seeks reconsideration of the Commission's action in *KDUB–TV, Inc.* (Dubuque, Iowa), FCC 81–530,——FCC 2d (1981).

Renewal—1—*Title:* License Renewal Applications of Certain Broadcast Stations Serving the Chicago Metropolitan Area. *Summary:* The Commission considers a petition to deny an informal objection by the Latino Committee on the Media, which challenges the renewal of licenses for 27 stations located within the Chicago metropolitan area, based on allegedly deficient employment practices regarding Hispanics.

Renewal—2—*Title:* License renewal applications of Montgomery County Broadcasting Company, Inc., for Station WINX(AM), Rockville, Maryland, and The American University for Station WAMU(FM), Washington, D.C. *Summary:* The Commission considers a petition to deny the above license renewal applications filed by the National Black Media Coalition based on allegedly deficient employment practices.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: April 7, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-521-82 Filed 4-9-82; 10:36 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting, Wednesday, April 14, 1982

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Wednesday, April 14, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m. Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—Recommended Personnel Actions

Hearing—1—Draft Designation Order in L.D.S. Enterprises, Inc., Los Altos, California, proceeding involving a transfer of control of an FM station (BC Docket No. 81-275)

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Affairs Office, Telephone number (202) 254-7674.

Issued: April 7, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-522-82 Filed 4-9-82; 10:36 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION

Additional Item To be Considered at, Open Meeting, Wednesday, April 14, 1982

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 a.m., Wednesday, April 14, 1982 and 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Complaints and Compliance—1—*Title:* Petition for Reconsideration, filed on December 7, 1979, of the Commission's November 9, 1979 Report and Order Concluding its Fairness Doctrine Inquiry. *Summary:* Mr. Galler challenges the Commission's reasons for rejecting his ten-issue proposal for Fairness Doctrine enforcement. Additionally, he urges its adoption in light of the Commission's recent adoption of an issue approach for radio licensees with respect to ascertainment.

Issued: April 7, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-523-82 Filed 4-9-82; 10:36 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION

Additional Items To be Considered at, Open Meeting, Wednesday, April 14, 1982

The Federal Communications Commission will consider additional items on the subjects listed below at the Open Meeting scheduled for 9:30 a.m., Wednesday, April 14, 1982 at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—2—*Title:* In the Matter of Exchange Network Facilities for Interstate Access (ENFIA), CC Docket No. 78-371. *Summary:* In accordance with the terms of the original ENFIA agreement, the Commission will consider whether the extension for a maximum period of two years of the interim settlement agreement covering the provision of ENFIA is in the public interest and if so, what the appropriate level of payment for the OCC's use of jointly used subscriber plant should be.

Common Carrier—3—*Title:* American Telephone and Telegraph Company and certain Bell System Operating Companies seek Title II and Title III authority to construct and operate terrestrial and satellite facilities for the provision of a video teleconferencing service (Picturephone (R) Meeting Service). *Summary:* The Commission will consider whether to grant the Section 214 application and the requested radio station applications.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-524-82 Filed 4-9-82; 10:36 am]

BILLING CODE 6717-01-M

8

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, April 15, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Modification of Condition—First Federal Savings and Loan Association of Grand Forks and Minot, Grand Forks, North Dakota

Delegation of Authority—Regarding Request for an Extension of Time

Extension of Time for a Charter Conversion—First Financial Savings and Loan Association, New Albany, Mississippi

Merger and Retention of Facilities—Laguna Federal Savings and Loan Association, Laguna Beach, California *Into* Great American Federal Savings and Loan Association, San Diego, California

Recommendation for Designation of—William E. Chalker and Park T. Zimmerman as Supervisory Agents for Holding Company Matters—Federal Home Loan Bank of Atlanta

Branch Office Application—City Federal Savings and Loan Association, Elizabeth, New Jersey

Trust Powers Application—Grand Rapids Mutual Federal Savings and Loan Association, Grand Rapids, Michigan

Increase in Accounts of an Insurable Type (Merger)—Frontier Savings Association, Green Bay, Wisconsin *Into* North Shore Savings and Loan Association, Milwaukee, Wisconsin

Proposed Merger—First Federal Savings and Loan Association of Wichita, Wichita, Kansas *Into* Mid Kansas Federal Savings and Loan Association of Wichita, Wichita, Kansas

Increase in Accounts of an Insurable Type (Merger)—Falls Savings and Loan Association, Sheboygan Falls, Wisconsin *Into* United Savings and Loan Association, Sheboygan, Wisconsin

Conforming Technical Amendments Related to Securities (34 Act)

Correspondent Activities of Federal Associations

Employment Contracts and Compensation

Amendments Relating to the Organization, Merger, and Acquisition of Interim Savings and Loan Association

Expanded Merger Delegations

Processing of Merger Applications

[No. 22, April 9, 1982]

[S-525-82 Filed 4-9-82; 10:36 am]

BILLING CODE 6720-01-M

9

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, April 19, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 9, 1982.

James McAfee,

Associate Secretary of the Board.

[S-531-82 Filed 4-9-82; 3:40 pm]

BILLING CODE 6210-01-M

10

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-11]

TIME AND DATE: 9 a.m., Tuesday, April 20, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Rear-end Collision of New York City Transit Authority Subway Trains, 142NL and 132NL, Brooklyn, New York, July 3, 1981.

2. *Pipeline Accident Report:* The Chaparral Pipeline Explosion and Fire, Ackerly, Texas, September 27, 1981.

3. *Recommendations* to Nassau County Executive and Suffolk County Executive regarding Mineola, New York, grade-crossing accident.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

April 9, 1982.

[S-526-82 Filed 4-9-82; 12:42 pm]

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11

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, April 15, 1982 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Thursday, April 15:*

10:00 a.m.:

Briefing on Requirements for Emergency Response Capability

1:30 p.m.:

Discussion of Proposed Legislation: Nuclear Standardization Act of 1982 (as announced)

3:30 p.m.:

Affirmation/Discussion Session (as announced)

Items to be affirmed and/or discussed:

a. Review of ALAB-653 Restricted—In the Matter of Pacific Gas and Electric Co.

b. Review of ALAB-664 (In the Matter of Tennessee Valley Authority)

ADDITIONAL INFORMATION: Discussion of Capability of Reactors to Go to Cold/Hot Shutdown, previously scheduled for Thursday, April 15 at 10:00 a.m., has been 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.

Dated: April 8, 1982.

Walter Magee,

Office of the Secretary.

[S-530-82 Filed 4-9-82; 3:22 pm]

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Federal Register

Tuesday
April 13, 1982

Part II

Department of Agriculture

Agricultural Stabilization and Conservation Service

Poundage Quota Regulations for the 1982 Crop of Peanuts; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Poundage Quota Regulations for the 1982 Crop of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This final rule sets forth the regulations for establishing State and farm poundage quotas, farm yields, transfers of quota, determination of undermarketings, and issuance of farm poundage quota notices to implement the provisions of the Agriculture and Food Act of 1981 for the 1982 crop of peanuts. The rules for identification of marketings, assessment of marketing penalties, and processing of marketing violations will be issued in a later publication in the Federal Register. The promulgation of this rule is necessary in order that State and farm poundage quotas may be established for the 1982 crop of peanuts.

EFFECTIVE DATE: April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Bruce D. Starnes (ASCS) 202–382–0150. Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. The impact analysis describing the options considered in developing the final rule is available from Bruce Starnes upon request.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures for implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy or $100 million or more; (2) a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Department of Agriculture is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

A notice of proposed rulemaking with respect to poundage quota regulations for the 1982 crop of peanuts was published in the Federal Register on March 8, 1982 (47 FR 9972). The comment period was limited to 15 days because the planting season for peanuts began in late March and farmers need to know the details of the peanut program for the 1982 crop of peanuts as soon as possible.

Statutory Requirements

The Agriculture and Food Act of 1981 (the "Act"), which was enacted on December 22, 1981, amended the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to make significant changes in the administration of the peanut production and price support program. The Act suspends acreage allotments for peanuts, thus permitting anyone to produce and market peanuts, under certain conditions, without penalty. The Act provides that the national poundage quota for peanuts will be reduced from 1,440,000 tons in 1981 to 1,200,000 tons for the 1982 crop. The poundage quota is the amount of peanuts which is permitted to be marketed from a farm directly for domestic edible use. Any peanuts which are produced on a farm that does not have a farm poundage quota or which are produced on a farm in excess of the farm poundage quota are classified as additional peanuts and must be contracted for export or crushing by April 15, or placed in the price support loan pool for additional peanuts at harvest. Quota peanuts are eligible for price support at a rate of $550 per ton. The support level for additional peanuts is $200 per ton.

The Act requires that a national poundage quota shall be established for the 1982 crop of peanuts in the amount of 1,200,000 tons. In addition, the Act provides that a farm poundage quota shall be established for the 1982 crop of peanuts for each individual farm based on the farm poundage quota established for such farm for the 1981 crop and adjusted so that the total of all farm poundage quotas will be 1,200,000 tons. The Act specifies that the reduction in poundage quota allocated to States:

"* * * shall insofar as practicable and on such fair and equitable basis as the Secretary may by regulation prescribe, be accomplished by reducing the farm poundage quota for each farm in the State to the extent that the farm poundage quota has not been produced on such farm. For purposes of the foregoing sentence, the farm poundage quota shall be considered as not having been produced on a farm to the extent that (i) during any crop year immediately preceding the crop year for which the adjustment is being made, such quota was not actually produced on the farm because there was inadequate tillable cropland available on the farm to produce such quota; or (ii) during any two of the three crop years immediately preceding the crop year for which the adjustment is made: (I) Such quota was not actually produced for any other reason (other than natural disasters or such other reasons as the Secretary may prescribe), or (II) such quota was produced but by another operator on a farm to which the poundage quota (or the acreage allotment upon which such poundage quota was based) was transferred by lease. To achieve the reduction in the State poundage quota in any marketing year, the reductions in farm poundage quotas shall be made first under clause (i) of the preceding sentence and, if necessary, under clause (ii)(I) and then clause (ii)(II) thereof."

This final rule sets forth the procedures for the establishment of farm poundage quotas and other terms and conditions of the program affecting the production of peanuts, such as transfers of quotas and the determination of yields. These regulations are based on previous regulations that were applicable to the 1978–81 crops, with modifications designed to reflect changes made by the 1981 Act. The primary impact of these regulations is to establish the manner in which the individual farm poundage quotas will be determined.

General Summary of Comments

One person requested that the comment period be extended beyond the 15 day period provided for in the proposed rule. As explained above, the comment period was shortened to 15 days because of the onset of the planting season and the need to inform producers of their farm poundage quota as quickly as possible.

Recognizing that a 15-day comment period is somewhat shorter than the period which is normally prescribed for a notice of proposed rulemaking, the Department conducted an extensive informational campaign consisting of national and local press releases, local radio and television spot announcements, and letters to farmers explaining the quota reduction and other major proposals of the program. Copies of the proposed rule were available in local county ASCS offices for

distribution to producers by March 15, 1982. Also, copies of the proposed rule were either delivered to or mailed to persons requesting a copy from the National, State, or county ASCS office. In view of the efforts made by the Department to advise peanut producers of the contents of the proposed rule, the period for comments appears to have been adequate. In addition, the Department continued to consider and summarize comments received through 12:00 p.m., March 26, 1982.

A total of 403 comments were received from various individuals and entities in 12 States. A total of 347 comments were received from farmers, 21 from farm organizations, 5 from U.S. Senators, 15 from Members of the House of Representatives, 1 from a Governor, 2 from State Commissioners of Agriculture, 2 from manufacturers, 4 from Bankers, and 6 from other entities.

The vast majority of the comments related to the method used in determining farm poundage quotas. Also, a significant number of comments related to the use of historical data and information for the three preceding years in order to determine the priority of farm poundage quota reductions and the amount of such reductions. As is detailed below, a substantial majority of the comments supported the proposals set forth in the proposed rule.

Comments on Specific Issues

I. Reduction in Individual Farm Poundage Quotas

A. Provisions of the Proposed Rule

Basically, the Act sets forth farm poundage quota reduction categories for the purpose of establishing priorities in determining individual farm poundage quota reductions. The first category is for farms which did not actually produce peanuts on the farm because there was inadequate tillable cropland available on the farm to produce the quantity of quota peanuts in the preceding crop year. The second category consists of those farms where peanuts were not actually produced in two of the three preceding years, except in those situations where peanuts were not produced because of a natural disaster or such other reason as prescribed by the Secretary. The third category consists of those farms for which the quantity of quota peanuts was produced but by another operator on a farm to which the quota had been transferred by lease two of the three preceding years. The fourth category consists of all farms which were not reduced to a zero poundage quota under the first three categories or were not affected by reductions in the first three categories.

The Act requires that the Secretary shall, insofar as practicable, make farm poundage quota reductions in the order of priority set forth above and in accordance with such regulations as the Secretary determines to be fair and equitable.

It became apparent during the development of the proposed rule, however, that there were a large number of farms falling into the third category. It also became apparent that the application of the poundage quota reduction to farms in the third category might, in some instances, cause significant individual hardships and the disruption of normal production practices in a number of peanut growing areas. In particular, the Department has had inadequate time to gather sufficient information upon which to evaluate the impact of reductions of farm poundage quotas in the third category because of the late date on which the Act became law. Moreover, producers have had to prepare for planting the 1982 crop of peanuts without knowing the specific manner in which the Department intended to implement the farm poundage quota reductions mandated by the Act. In view of this situation, the Secretary proposed that in order to implement the Act in a fair and equitable manner, no individual farm poundage quota reductions should be made in the third category for the 1982 crop. Instead, a uniform State factor would be applied to all farms in the State if the farm poundage quota reductions in the first category and the second category are insufficient to meet the required overall reduction in the State poundage quota.

The proposed rule applied to the 1982 crop of peanuts only. It was anticipated in the proposed rule that proposed regulations would subsequently be issued for the 1983 through 1985 crops of peanuts which would set forth procedures for reducing farm poundage quotas for farms in the third category. It is believed that this would afford the Department adequate time to analyze thoroughly the impact of reductions in farm poundage quotas for farms in the third category.

Therefore, for purposes of the 1982 crop only, the proposed rule defined the categories of farms in which poundage quota reductions would be made as follows:

1. *Category 1. Inadequate Tillable Cropland.* Adequate tillable cropland is land determined by the county committee for the preceding crop year to be: (1) Suitable for the production of peanuts; and (2) land on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable for the production of peanuts includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or other noncrop uses as determined by the county committee.

2. *Category 2. Non-Production of the quota during two of the three preceding years.* In this category, the farm poundage quota would be reduced for the current year to the extent that the county committee determines that peanuts were not actually produced during two of the three years of the base period, except when the county committee determines that the quota quantity was not produced because of a natural disaster or other reasons beyond the control of the producer. Such reasons include:

(1) The farm or poundage quota was purchased after the latest normal 1980 planting date but was produced on the farm in 1981. This condition would apply only to establishing the farm poundage quota for such farm for the 1982 crop.

(2) The farm allotment (poundage quota) was in the Eminent Domain pool.

(3) The farm poundage quota was apportioned to the farm from the new farm reserve and produced in 1981. The considered produced credit for 1980 would not exceed the produced and considered produced poundage quota for such farm for 1981 and would apply only to establishing the farm poundage quota for the 1982 crop.

3. *Category 3. Farms not reduced to zero in categories 1 or 2.* It was proposed that a uniform State factor be determined and applied against the preliminary farm poundage quotas on all farms not reduced to zero in the first two reduction categories. Because each State's reduction in the poundage quota is required to be made independently from the reductions in poundage quotas in other States, the application and size of the factor may vary with respect to categories between States. Included in this group would be farms that received a partial reduction in categories 1 or 2 and still retain farm poundage quota.

B. Comments

1. *Category 1. Inadequate tillable cropland.* A total of 141 comments were received in regard to the proposal for reductions in this category. The majority, 79 percent, recommended eliminating the quota on farms in this category.

2. *Category 2. Nonproduction of the quota during two of the three preceding years.* A total of 144 comments were received in regard to the proposal for reductions in this category. The majority, 77 percent, recommended reducing or eliminating the quota on farms in this category.

3. *Category 3. Farm Quotas not reduced to zero in Categories 1 or 2.* A total of 285 comments were received in regard to the proposal for making no distinction for quota reduction purposes for 1982 between: (1) Farms where the quantity of quota peanuts was produced on the farm, and (2) farms where the quota quantity was transferred by lease and produced on the receiving farm and the operator was a different person from the operator on the transferring farm. A majority, 93 percent, favored the provisions of the proposed rule.

C. Discussion of comments

1. *Category 1. Inadequate tillable cropland.* Some of the comments that opposed reductions for this category were from persons that had planted trees on all their cropland under a conservation program which had been administered by the Department. The statute which implemented the conservation program permitted the Secretary to promulgate regulations providing for protection of allotment and marketing quotas for the length of time that the cropland was subject to the conservation contract entered into between the Secretary and the landowner. In addition, this allotment and marketing quota protection was extended by regulation to a number of years equal contract period if the conservation practice was maintained for such period. Some of this protection could have extended through calendar year 1985. However, it is clear from the applicable regulations (see 7 CFR 719.10 (1981)) that the preservation of cropland for the purpose of protecting allotments and marketing quotas when conservation practices have been performed on such land only extends to the establishment of future farm acreage allotments and marketing quotas. The Act suspended allotments and marketing quotas for the 1982 through 1985 crops of peanuts. Moreover, it would appear to be the intent of the Act that farms which were not actually producing peanuts during the base period should be the first farms to absorb the reduction in the national poundage quota, regardless of the reason such farms were no longer peanut producing farms. Accordingly, the proposals made by these comments have not been adopted in the final rule. Also, the final rule has been amended to define more precisely what constitutes inadequate tillable cropland.

Other comments recommended that reductions for inadequate tillable cropland be made on a tract as opposed to a farm basis. These persons pointed out that over the years large corporations had purchased a number of farms on which all of the cropland on some of the farms for which allotments were originally established were now in trees. These farms had been combined by the owner as a single farm (farm reconstitution) for ASCS administrative purposes. Thus, although the combined farm has adequate tillable cropland on which the quantity of quota peanuts has been produced for each of the three previous years, some of the individual tracts on the farm have inadequate tillable cropland. These comments were considered. However, it has been determined that no change should be made in the proposed rule. The combination of former farms (tracts) was necessary to comply with other provisions of the Agricultural Adjustment Act of 1938, as amended, which were not amended by the 1981 Act. Moreover, it would be administratively difficult, if not impossible, to trace back indefinitely the reconsititution histories of every peanut farm in the country in order to convert the process of determining quota reductions from a farm-by-farm basis to a tract-by-tract basis.

2. *Category 2. Nonproduction of the quota during two of the three preceding years.* Comments opposing this proposal also opposed most of the other provisions of the proposed rule which related to the reduction of quotas. These comments favored a uniform reduction factor for all farm quotas, favored no reductions in farm quotas, or suggested that the regulations which were issued for the 1978 through 1981 crops of peanuts be adopted for the 1982 crop of peanuts. These suggestions were not adopted, since they are contrary to the requirements of the Act.

3. *Category 3. Farm quotas not reduced to zero in categories 1 or 2.* Most of the comments opposing this aspect of the proposed rule recommended that reductions for farms from which the quota was leased and produced by a different operator be made before reductions for farms on which the quota quantity was actually produced on the farm. Others either suggested no reductions for farms that leased their quota or that the reduction only be made for leasing where the person producing the quota on the receiving farm was a different person than the person on the transferring farm. Other comments recommended a uniform State factor or no reduction for any farm for 1982.

D. Analysis and Conclusions

As stated above, it became apparent during the development of the proposed rule that there are a large number of farms which had leased away farm poundage quota during the three base period years. It also became apparent that the application of the poundage quota reduction to such farms might, in some instances, cause significant individual hardships and the disruption of normal production practices in a number of peanut growing areas. In particular, the Department has had inadequate time to gather sufficient information upon which to evaluate the impact of reductions of farm poundage quotas in the third category because of the late date on which the Act became law. Moreover, producers have had to prepare for planting the 1982 crop of peanuts without knowing the specific manner in which the Department intended to implement the poundage quota reductions mandated by the Act. After further consideration, the Department continues to believe that these points are valid concerns.

The Act mandates a national reduction in the total of farm poundage quotas. The Act also provides that the reduction first be made against those farms on which the quota quantity was not produced and in accordance with such regulations as the Secretary determines to be fair and equitable. The primary issue is the extent to which farm poundage quota reductions can be made in accordance with the order of priority which is set forth in the Act and yet provide fairness and equity to all producers.

After careful consideration of the comments received and all other relevant information presently available to the Secretary, it has been determined that the major aspects of the proposed rule should be adopted without change. In addition to the clarification of the term "inadequate tillable cropland," one minor technical change has been made in order to clarify the manner in which poundage quota reductions will be calculated for farms that were differently consituted for one or more of the three base period years.

This rule will apply to the 1982 crop of peanuts only. It is anticipated that proposed regulations will subsequently be issued for the 1983 through 1985 crops of peanuts which will set forth procedures for reducing farm poundage quotas for all farms, including those in the third category. This procedure will

afford the Department adequate time to receive public comments and to analyze thoroughly the impact of reducing farm poundage quotas for farms in the third category.

II. Calculation of the Farm Poundage Quota Reduction in Categories

A. Provisions of the Proposed Rule

It was proposed that the calculation of farm poundage quota reductions would be accomplished by individual categories in order of priority. In category 1, the reduction would equal the amount of nonproduction of the farm poundage quota that is attributable to inadequate tillable cropland during the previous crop year. In category 2, the reduction would be based upon the average of the two highest percentages of nonproduction of the farm poundage quota during the three base period years. The amount of the reduction would equal: (1) The product of the average percentage *times* the preliminary farm poundage quota, *minus* (2) the amount of any reduction made under category 1, but may not be less than zero. The amount of the farm poundage quota reduction under category 1 is subtracted in order to prevent a duplication of reductions between the two categories. Otherwise, the cumulative effect of reductions in categories 1 and 2 could cause the farm poundage quota to be reduced below the amount of the actual production of quota peanuts on the farm during the base period years.

The proposed rule set forth an example of how the calculations described above would be made.

B. Comments and Discussion of Comments

No specific comments were received on the method for calculating the reduction of farm poundage quotas, although the majority of comments received supported the overall method for reducing farm poundage quotas and commended the proposed rule for its fair and equitable approach to accomplishing the mandated reduction.

C. Conclusion

In view of the overall comments received, which generally indicated that the proposed rule was fair and equitable, it is hereby determined that this provision shoud be adopted as proposed.

III. Reserve for Correction of Errors

A. Provisions of the Proposed Rule

The Act requires that the Secretary shall reduce the farm poundage quotas on farms in each State on such fair and equitable basis as is determined to be practicable. In order to accomplish this objective, the State ASC Committee was required under the proposed rule to establish a State reserve for the correction of errors. The reserve would not exceed 2 percent of the State poundage quota and would be allocated to counties upon request. The reserve would be used to the extent available to correct errors including, but not limited to, missed farms and errors in establishing preliminary farm poundage quotas. Requests for reconsideration and appeal may be made under the provisions of 7 CFR Part 780.

B. Comment

No specific comments were received with respect to this provision.

C. Conclusion

In view of the general support of the comments for the provisions of the proposed rule, it is hereby determined that this provision should be adopted as proposed.

IV. Other Significant Considerations

A. Provisions of the Proposed Rule

The proposed rule modified or affected the terms and conditions for transfers of quota, carryover of undermarketings, farm yields, and quota in the Eminent Domain pool.

(1) *Farm poundage quota transfers.* The Act authorizes transfers by lease, sale, owner or operator, across county lines within a State in those States which had a State poundage quota of 10,000 tons or less for the 1981 crop. Those States are: Arizona, Arkansas, California, Louisiana, Missouri, Mississippi, New Mexico, and Tennessee. For the other peanut producing States, transfers by lease or sale are authorized but are limited to within the same county. However, transfers by owners or operators are authorized to other farms owned or controlled by such owner or operator in the same county or in a county contiguous to the transferring county in the same State if the receiving farm had a farm poundage quota established for the 1981 crop.

(b) *Carryover of undermarketings.* The proposed rule provided for undermarketings to be cumulative beginning with unused undermarketings from the 1980 crop. Each farm's unused undermarketings would be pooled for each farm and carried forward until used or until the authority to carry out this program expires. The total of all undermarketings which are pooled for farms for all States would continue to be subject to the same 10 percent maximum carryover for any given crop year as was applicable to previous crop years. Consistent with previous practice, transfers of actual and effective undermarketings would not be permitted.

(c) *Farm yields.* In accordance with the Act, the proposed rule continued the same base period (i.e. 1973 through 1977) for determinng farm yields as was applicable under previous legislation. Farm yields would not, therefore, change significantly.

(d) *Quota in the Eminent Domain pool.* Producers who had farm poundage quota displaced and pooled through the right of eminent domain prior to December 22, 1981 would have a prelimianry farm poundage quota established for the 1982 crop. Such quota must then be permanently transferred to an eligible farm prior to the establishment of the 1983 preliminary farm poundage quota or be subject to reduction due to inadequate tillable cropland.

B. Comments and Conclusion

No specific comments were received on these issues. Therefore, these provisions are adopted as proposed, with two minor technical changes: (1) To clarify the manner in which undermarketings will be calculated, and (2) to set forth in the regulations the statutory prohibition on transfers of quota to farms with inadequate tillable cropland to produce the quota quantity.

Overall Conclusion

After having given careful consideration and review of all comments received by March 26, 1982, the proposed rule is hereby adopted as proposed except for minor clarifications of § 729.124(a)(1), § 729.124(a)(2), and § 729.125(a), the addition of § 729.146(f), and minor changes to correct typographical errors.

List of Subjects in 7 CFR Part 729

Peanuts, Acreage allotments, Marketing quotas, Disaster assistance, Penalties.

Final Rule

Accordingly, 7 CFR Part 729 is amended by adding a new subpart as follows:

PART 729—PEANUTS

Subpart—Poundage Quota Regulations for the 1982 Crop of Peanuts

General

Sec.
729.111 Basis and purpose.

Sec.

729.112 Extent of calculations and rule of fractions.
729.113 Definitions.
729.114 Types of peanuts.
729.115 Supervisory authority of State committee.
729.116–729.119 [Reserved].

State Poundage Quota, Farm Poundage Quota, Notice to Farm Operator and Appeals

729.120 Instructions and forms.
729.121 Determination of State poundage quota.
729.122 Reserves for corrections, and quota reduction exemptions.
729.123 Determination of preliminary farm poundage quota.
729.124 Determination of farm poundage quota.
729.125 Determination of undermarketings.
729.126 Determination of effective farm poundage quota.
729.127 Determination of farm yield.
729.128 Determination of farm yield for reconstituted farm.
729.129 Approval of farm poundage quota and notice to farm operator.
729.130 Erroneous notice of effective farm poundage quota.
729.131 Request for reconsideration or appeal.
729.132 Farm with one acre or less of peanuts.
729.133–729.139 [Reserved].

Transfer of Farm Poundage Quota

729.140 Transfer by sale or lease.
729.141 Transfer by owner or operator.
729.142 Transfer within a State.
729.143 Witness of signatures.
729.144 Filing transfer agreement and time for filing.
729.145 Maximum period of transfer.
729.146 Transfer not to be approved.
729.147 Transfer of farm poundage quota in eminent domain pool.
729.148 Consent of lienholder.
729.149 Transfer to and from farm (subleasing).
729.150 Effect of permanent transfer on determination of farm poundage quota.
729.151 County committee action.
729.152 Withdrawal or minor revision.
729.153 Recomputation of previously approved multiple year transfer.
729.154 Amendment of multiple year transfer filed on or before December 22, 1981.

Subpart—Poundage Quota Regulations for 1982 Crop of Peanuts

Authority: Secs. 301, 357, 358, 358a, 359, 372, 373, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 65, as amended, 66, as amended, 91 Stat. 944, as amended, 95 Stat. 1248, (7 U.S.C. 1301, 1357, 1358, 1358a, 1359, 1372, 1373, 1375 as amended); sec. 108A, 95 Stat. 1254 (7 U.S.C. 1445c–1).

General

§ 729.111 Basis and purpose.

(a) The regulations contained in this subpart are issued in accordance with the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, and are applicable to the 1982 crop of peanuts. They govern the establishment of farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, the collection and refund of penalties, the keeping of records, and the making of reports incident thereto.

(b) The acreage allotment, marketing quota, and poundage quota regulations for peanuts for the 1978 and subsequent crops (43 FR 28987 and 44 FR 25404, 28294, as amended) are hereby superseded but remain effective with respect to the 1978 through the 1981 crops of peanuts.

§ 729.112 Extent of calculations and rule of fractions.

Computations shall be rounded according to Part 793 of this chapter. The terms set forth below shall be expressed as follows:

(a) Acreage in acres and tenths of acres.

(b) Penalty or damages in dollars and cents.

(c) The quantity of peanuts produced, considered produced and marketed; a preliminary farm poundage quota; a farm poundage quota; an effective farm poundage quota; a farm yield; and an actual yield per acre, in whole pounds.

(d) Factors as a four place decimal except where a different place decimal factor is established by the Deputy Administrator.

§ 729.113 Definitions.

The definitions in and provisions of Parts 718, 719, and 720 of this chapter are hereby incorporated by reference in these regulations unless the context or subject matter or the provisions of these regulations require otherwise. References to other parts of this chapter or title include any amendments to the referenced parts. Unless the context or subject matter require otherwise, the following words and phrases, as used in this subpart and in all related instructions and forms shall mean:

(a) *Additional peanuts.* Any peanuts which are marketed from a farm other than peanuts marketed or considered marketed as quota peanuts.

(b) *Areas.* (1) The southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Base period.* The 3 calendar years immediately preceding the year for which a farm poundage quota is being established.

(d) *Buyer.* A person who:

(1) Buys or otherwise acquires peanuts in any form;

(2) Markets, as a commission merchant, broker, or cooperative, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(3) Receives peanuts as collateral for or in settlement of a price support loan.

(e) *Considered produced.* The number of pounds of peanuts to be considered produced for the current year or for a base period year for use in computing a future farm poundage quota. Considered produced pounds for a farm will be the sum of the pounds (limited to the farm poundage quota less the pounds of peanuts marketed) which:

(1) Were not produced because of a natural disaster as determined by the county committee in accordance with instructions issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as the "Deputy Administrator").

(2) Were in an eminent domain pool.

(3) Are equal to the farm poundage quota on a farm where the farm was either purchased or a transfer by sale was approved, after the latest normal planting date for peanuts for the county for the 1980 crop year, and only to the extent that such farm poundage quota was produced or considered produced on the farm to which allocated during the 1981 crop year.

(4) Are equal to the total pounds produced or considered produced on a farm to which was allocated for the 1981 crop year a new farm allotment and quota in accordance with § 729.17 of this chapter.

(f) *Cropland.* Land on a farm which is determined by the county committee to be suitable for the production of peanuts and on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or other noncrop uses as determined by the county committee.

(g) *Crushing.* The processing of peanuts (1) to extract oil for food uses and meal for feed uses, or (2) into flakes for domestic food uses other than peanut butter, candy, confections or other traditional domestic edible uses.

(h) *Director.* The Director, or Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Domestic edible use.* Peanuts which are: (1) Used for milling to produce domestic food peanuts, other than peanuts used for crushing; (2) used for seed; or (3) dug peanuts used or consumed on the farm.

(j) *Effective farm poundage quota.* The quota determined in accordance with § 729.126.

(k) *Excess peanuts.* The quantity of peanuts marketed or considered marketed for domestic edible use in the current marketing year in excess of the effective farm poundage quota.

(l) *Farm poundage quota.* The quota determined in accordance with § 729.124.

(m) *Farm yield.* The farm yield determined in accordance with § 729.127.

(n) *Farmers stock peanuts.* Dug peanuts produced in the United States which have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the condition in which picked or threshed peanuts are customarily marketed by producers.

(o) *False identification.* False identification shall include the following:

(1) Identifying or permitting the identification of peanuts at time of marketing as having been produced on a farm other than the farm of actual production; or

(2) Marketing or permitting the marketing of peanuts from a farm without identifying the peanuts with a peanut marketing card issued for the farm; or

(3) Permitting the use of the peanut marketing card for the farm to record a marketing of peanuts when, in fact, no peanuts were marketed from the farm.

(p) *Final acreage.* The acreage on the farm from which peanuts are produced as determined and adjusted in accordance with Part 718 of this chapter.

(q) *Green peanuts.* Peanuts which, before drying or removal of moisture from the peanuts either by natural or artificial means, are marketed by the producer for consumption exclusively as boiled peanuts.

(r) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the U.S. Department of Agriculture.

(s) *Marketed.* To dispose of peanuts (including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form) by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "market," "marketing," and "for market" shall have corresponding meanings to the term "marketed" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts, for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to the producer by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to an oral or written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery. Delivery shall be deemed to have occurred when unloaded at the delivery point. Any peanuts retained on the farm for seed or other use shall be considered marketings of quota peanuts or marketings for domestic edible use.

(t) *Marketing year.* For each crop of peanuts, the period beginning August 1 of the current year and ending July 31 of the following year.

(u) *National poundage quota.* 1,200,000 tons for 1982.

(v) *Planted acreage.* The final acreage of peanuts on a farm determined in accordance with the provisions of Part 718 of this chapter.

(w) *Peanuts.* All peanuts produced, excluding any peanuts which were not dug or were not picked or threshed before or after marketing from the farm and excluding any peanuts marketed by the producer before drying or removal of moisture from such peanuts by natural or artificial means for consumption exclusively as boiled peanuts (referred to as "green peanuts"). If a lot of farmers stock peanuts has been inspected by the Federal-State Inspection Service at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in the southeastern and southwestern areas and 8 percent in the Virginia-Carolina area). If the lot of peanuts is not inspected by the Federal-State Inspection Service, the quantity in the lot shall be the gross weight thereof. If shelled peanuts are marketed by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of the shelled peanuts by 1.5.

(x) *Preliminary farm poundage quota.* The quota determined in accordance with § 729.123.

(y) *Produced.* The total pounds of peanuts dug.

(z) *Quota peanuts.* Peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. This includes all peanuts which are dug on a farm except the following: (1) Green peanuts; (2) peanuts which are placed under loan at the additional support rate and not redeemed by the producer; or (3) peanuts which are marketed under a contract between a handler and a producer for export and/or crushing.

(aa) *Seed sheller.* A person who in the course of his usual business operations shells peanuts for producers for use as seed for the subsequent year's crop.

(bb) *Segregation 1 peanuts.* A lot of farmers stock peanuts which (1) have at least 99 percent peanuts of one type, (2) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (3) are free from visible Aspergillus flavus mold.

(cc) *Undermarketings.* The number of pounds determined in accordance with § 729.125.

(dd) *Yield per acre or actual yield.* The actual yield per acre for the farm obtained by dividing the total production of peanuts for the farm by the final acreage of peanuts.

§ 729.114 Types of peanuts.

The generally known types of peanuts have identifying characteristics as follows:

(a) *Runner type peanuts.* These peanuts are commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner. They are produced principally in the southeastern peanut producing area of the United States and are identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel having shells fairly thick and strong, with shallow veining and corrugation; seeds crowded in pod with adjacent ends sharply shouldered.

(b) *Spanish type peanuts.* These peanuts are commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish. They are produced principally in the southeastern and southwestern peanut-producing areas of the United States and are identified by

the following general characteristics: Typically two-seeded pods which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep, and seed globular to oval and practically smooth.

(c) *Valencia type peanuts.* These peanuts are commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia. They are produced principally in Tennessee and New Mexico and are identified by the following general characteristics: Typically three or four-seeded, and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation, and seeds globular to oval.

(d) *Virginia type peanuts.* These peanuts are commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia. They are produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and are identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type, pods are roughly cylindrical, with veining and corrugation deep, and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth.

§ 729.115 Supervisory authority of State committee.

The State committee shall take any action required to be taken by the county committee which the county committee fails to take. The State committee shall correct or require the county committee to correct any action taken by the county committee which is not in accordance with this subpart. The State committee shall also require the county committee to withhold taking any action which is not in accordance wit this subpart.

§§ 729.116–729.119 [Reserved]

State Poundage Quota, Farm Poundage Quota, Notice to Farm Operator and Appeals

§ 729.120 Instructions and forms.

The Director shall cause to be prepared and issued such forms and instructions as are necessary for carrying out the regulations in this subpart. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

§ 729.121 Determination of State poundage quota.

The State poundage quota shall be in the State's share of the current year's national poundage quata calculated to equal the percentage of the 1981 national poundage quota allocated to farms in the State.

§ 729.122 Reserve for corrections.

For the purpose of correcting errors, the State committee shall establish a reserve of not to exceed 2 percent of the State poundage quota. If the amount of poundage quota necessary to correct errors is in excess of the reserve established by the State committee, such errors may nevertheless be corrected with the approval of the Deputy Administrator. However, the Deputy Administrator may require the State committee to recalculate the farm poundage quotas for all farms in the State, if the Deputy Administrator determines that the amount of poundage quota necessary to correct errors is substantially in excess of the reserve. In such case, the State committee shall reissue corrected farm poundage quotas for all farms in the State and such corrected farm poundage quota shall be considered the farm poundage quota for the farm for all purposes.

§ 729.123 Determination of preliminary farm poundage quota.

The preliminary farm poundage quota shall be the farm poundage quota established for the farm for the preceding year.

§ 729.124 Determination of farm poundage quota.

The farm poundage quota shall be the preliminary farm poundage quota adjusted downward for poundage quota reductions as required by this section, plus permanent adjustments from reserves and permanent transfers.

(a) *Poundage quota reductions.* The preliminary farm poundage quota for each farm shall be reduced by the county committee in the following order of priority to the extent necessary, in whole or in part, to accomplish the reduction in the total of the preliminary farm poundage quotas for the State to the State poundage quota less the amount withheld for the reserve for the current marketing year.

(1) *Inadequate tillable cropland.* The preliminary farm poundage quota shall be reduced for a farm to the extent the county committee determines that the farm did not have adequate tillable cropland to produce the farm poundage quota during the preceding crop year. A farm for which the acreage allotment and farm poundage quota was in the eminent domain pool on December 22, 1981 shall be considered as having adequate tillable cropland. Farms on which there is inadequate tillable cropland as the result of performance of a conservation practice shall not be exempt from poundage quota reductions under this paragraph.

(2) *Quota not produced.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that the farm poundage quota for such farm was not produced or considered produced during any two of the base period years. If the constitution of the farm differs from the constitution of the farm for any one or more of the base period years, an individual determination shall be made for each separately identifiable farm tract as it was constituted for that year of the base period.

(3) *Calculation of farm poundage quota reductions under paragraphs (a) (1) and (2).* (i) The amount of the farm poundage quota reduction made under paragraph (a)(1) of this section shall equal the amount of the farm poundage quota that was not produced on the farm during the previous crop year because of inadequate tillable cropland.

(ii) The amount of the farm poundage quota reduction made under paragraph (a)(2) of this section shall equal: (A) The preliminary farm poundage quota times the average of the two highest percentages of the farm poundage quota that was not produced or considered produced during two of the three base period years minus (B) the amount of any reduction under paragraph (a)(3)(i) of this section, but not less than zero.

(4) *Application of State factor.* (i) If the cumulative totals of individual farm poundage quota reductions computed in accordance with paragraphs (a) (1) or (2) of this section are more than the required reduction (including amounts withheld for the reserve) in the State poundage quota for the current year, a uniform State factor shall be determined by the State committee and multiplied times the reductions of farm poundage quotas computed for the farms in the category for which the farm poundage quota reduction exceeds the total of the required reduction for the State, so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for the reserve.

(ii) If the cumulative total of individual farm poundage quota reductions in paragraphs (a) (1) and (2) of this section is less than the required reduction (including amounts withheld for the reserve) in State poundage quota

for the current year, a uniform State factor shall be determined by the State committee and multiplied times the preliminary farm poundage quotas on the remaining farms in the State (including those not reduced to zero in paragraphs (a) (1) and (2) of this section), so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for the reserve.

(b) *Permanent adjustments.* The preliminary farm poundage quota, after adjustments under paragraph (a) of this section, if any, shall be adjusted by the county committee to reflect permanent transfers or adjustments from reserves as set forth in this subpart.

(c) *Eminent domain pool quota.* The farm poundage quota in the eminent domain pool on December 22, 1981 shall not be adjusted by the county committee pursuant to paragraph (a) (1) and (2) of this section. Notwithstanding the provisions of § 719.11 of this chapter, peanut farm poundage quotas in the eminent domain pool on December 22, 1981 shall only be transferred from the eminent domain pool in accordance with § 729.147. Peanut farm poundage quotas on farms acquired by an agency having the right of eminent domain after December 22, 1981 shall not be eligible to be pooled under the provisions of § 719.11. In order to preserve farm poundage quotas in the eminent domain pool on December 22, 1981, such quota must be transferred pursuant to the provisions of § 729.147 during calendar year 1982.

§ 729.125 Determination of undermarketings.

(a) *Actual undermarketings.* Actual undermarketings are the number of pounds by which the total marketings of quota peanuts from the farm during previous marketing years (excluding any marketing year before the marketing year for the 1980 crop) were less than the total amount of the applicable effective farm poundage quotas (disregarding adjustments for undermarketings from prior marketing years) for such marketing years. For purposes of the foregoing sentence, total marketings of quota peanuts for any marketing year shall be the larger of (1) the total production of segregation 1 peanuts on the farm for such year, or (2) the total amount of quota peanuts which were marketed or considered marketed from the farm. However, the total marketings of quota peanuts for any marketing year shall not exceed the effective farm poundage quota for that farm for such year.

(b) *Effective undermarketings.* (1) If 10 percent of the national poundage quota for the marketing year to which the actual undermarketings are to be applied is equal to or greater than the actual undermarketings on all farms, the effective undermarketings for the farm shall be the same as the actual undermarketings.

(2) If the conditions in paragraph (b)(1) of this section are not applicable, the actual undermarketings will be apportioned to each farm in such manner that the effective undermarketings (i) will not be less than the smaller of the actual undermarketings or 10 percent of the farm poundage quota; (ii) will not be more than the actual undermarketings; and (iii) will be apportioned so as to cause, insofar as practicable, the total of the effective undermarketings on all farms to equal 10 percent of the national poundage quota for the marketing year to which the effective undermarketings are to be applied.

§ 729.126 Determination of effective farm poundage quota.

The effective farm poundage quota shall be the farm poundage quota adjusted for temporary transfers and effective undermarketings.

§ 729.127 Determination of farm yield.

The farm yield established for a farm for which a farm poundage quota is established for the current year shall be the farm yield established for the farm for the immediately preceding year. If a farm yield is not established for a farm on which a farm poundage quota is established, the county committee shall establish a farm yield in accordance with instructions issued by the Deputy Administrator.

§ 729.128 Determination of farm yield for reconstituted farm.

For reconstitutions which are effective after farm yields have been established the farm yield shall be determined as follows:

(a) *Combination*—(1) *Quota farm.* The farm yield for a combined farm shall be the weighted average of the farm yields for the tracts being combined.

(2) *Quota and nonquota farm.* A combined farm shall be assigned the farm yield of the tract with an established quota if placed in combination with a nonquota tract even though a farm yield previously had been established for such nonquota tract.

(3) *Nonquota farms.* The farm yield for combined nonquota tracts shall be established by the county committee in accordance with § 729.127 even though a farm yield had been previously established for such tracts.

(b) *Divisions*—(1) *No identifiable tracts having tract yield established.* The farm yield shall be the same for each tract as the farm yield for the parent farm.

(2) *Identifiable tracts with tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is divided from the parent farm.

(3) *Division of an identifiable tract having a tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is being divided.

§ 729.129 Approval of farm poundage quota and notice to farm operator.

(a) *Approval.* Each farm yield, preliminary farm poundage quota, farm poundage quota, and effective farm poundage quota shall be determined under the supervision of, and approved by, the county committee of the county in which the farm is administratively located, subject to the concurrence of the State committee or a representative of the State committee. The initial notice of farm poundage quota shall not be mailed to a farm operator until the farm poundage quota has been approved. A revised notice may be mailed without prior approval in any case resulting from: (1) Farm reconstitution that does not require allocation of additional poundage quota; or (2) a transfer by lease, sale, owner or operator of poundage quota.

(b) *Notice to farm operator.* (1) As soon as possible after the farm poundage quota or the effective farm poundage quota is approved, an official notice of such quota shall be mailed to the farm operator.

(2) If a farm poundage quota is reduced to zero for the current year, the county committee shall mail to the farm operator a notice of such determination.

(3) A revised notice of farm poundage quota or the effective farm poundage quota shall be mailed to the farm operator as soon as possible after the county committee determines that an incorrect notice has been mailed or the county committee takes an action which requires a revision of the previously determined quota.

(4) The notice to the operator shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper has an interest in the farm for which the quota is established.

§ 729.130 Erroneous notice of effective farm poundage quota.

If the official notice of effective farm poundage quota issued for a farm erroneously stated a quota larger than the correct effective farm poundage quota, the quota shown on the erroneous notice shall be used as the effective farm poundage quota and shall serve as the basis for marketing penalty computations for the farm for the current marketing year only, if the county committee determines and the State Executive Director concurs that: (1) The error was not so substantial as to place the operator on notice thereof, and (2) the operator was not notified of the correct effective farm poundage quota prior to marketing peanuts as quota peanuts in excess of the correct effective farm poundage quota. Notwithstanding the foregoing, undermarketings for farms for which the erroneous notice of the effective farm poundage quota is applied shall be determined on the basis of the correct effective farm poundage quota for the farm.

§ 729.131 Request for reconsideration or appeal.

Any producer who is dissatisfied with the initial determination of the farm poundage quota or the effective farm poundage quota which is established for such farm may file a request for reconsideration with the county committee in accordance with Part 780 of this chapter. Such request must be filed no later than 15 days after the producer receives the notice of the farm poundage quota or effective farm poundage quota. If after reconsideration the producer remains dissatisfied with the determination, the producer may appeal such determination to the State committee in accordance with Part 780 of this chapter. Determinations rendered by the State committee with respect to the determination of individual farm poundage quotas and effective farm poundage quotas shall be final and there shall be no further administrative appeal.

§ 729.132 Farms with one acre or less of peanuts.

Peanuts produced on a farm on which the acreage of peanuts is one acre or less are eligible to be marketed for domestic edible use provided that all producers that share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

§§ 729.133–729.139 [Reserved.]

Transfers of Farm Poundage Quota

§ 729.140 Transfer by sale or lease.

The owner and operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer for sale or lease of all or any part of the farm poundage quota to any other owner or operator of a farm in the same county. The receiving farm need not have a farm poundage quota. If the owner(s) and operator of the farm from which the transfer by sale or lease is to be made are different persons, each shall execute the record of transfer. However, only the owner(s) or operator of the receiving farm is required to execute the record of transfer.

§ 729.141 Transfer by owner or operator.

The owner or operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer to transfer the farm poundage quota from such farm to another farm owned or controlled by the applicant: (a) In the same county; or (b) in a county that is contiguous to the transferring county in the same State if the receiving farm had a farm poundage quota established for the 1981 crop.

§ 729.142 Transfer within State.

Notwithstanding the provisions of §§ 729.140 and 729.141, a transfer of a farm poundage quota by sale, lease, owner or operator, may be made to any other farm in the same State, pursuant to instructions issued by the Deputy Administrator, in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, New Mexico and Tennessee.

§ 729.143 Witness of signatures.

A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distance areas, or are in similar hardship situations, or who may be unduly inconvenienced, may be waived provided the county office mails Form ASCS–375 or such other form approved by the Deputy Administrator to such person for the required signature. In the case of a transfer by sale, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

§ 729.144 Filing transfer agreement and time for filing.

No transfer of any quota under this section shall become effective until a record of transfer, determined by the county committee to be in compliance with the provisions of this subpart, has been executed on Form ASCS–375 or such other form approved by the Deputy Administrator and filed within the time periods set forth in this section with the county committee in the county where the farms are administratively located.

(a) *Transfer filed by July 31.* A record of transfer filed after July 31 may be considered filed by July 31 if the county committee, with approval of the State committee, finds that (1) the transfer was agreed upon no later than July 31, and (2) the record of transfer was not filed by July 31 because of conditions beyond the control of the parties to the transfer.

(b) *Transfer filed after July 31.* A transfer filed after July 31 shall not become effective unless filed no later than December 31 of the current year. A record of transfer filed after December 31 but prior to January 31 may be considered timely filed by December 31 if the county committee with approval of the State committee finds that (1) the transfer was agreed upon no later than December 31, and (2) the record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

§ 729.145 Maximum period of transfer.

(a) *Owner transfer.* (1) An owner transfer may be approved to a farm owned by such person permanently or temporarily but not beyond the 1985 marketing year. (2) An owner transfer to a farm controlled by such person may be approved for only one year.

(b) *All other transfers.* Transfers by lease and by operator may only be approved for one year. Multiyear leases and permanent operator transfers shall not be permitted.

§ 729.146 Transfer not to be approved.

The county committee shall not approve:

(a) A transfer of poundage quota by sale if poundage quota was transferred to the farm by sale within the 3 preceding crop years.

(b) Temporary transfers by an operator for more than one year.

(c) Permanent transfers by an operator.

(d) Transfers filed after July 31 for more than 1 marketing year.

(e) Transfers of actual or effective undermarketings.

(f) Transfers of poundage quota to farms with inadequate tillable cropland to produce the poundage quota.

§ 729.147 Permanent transfer of quota in eminent domain pool.

A farm poundage quota established prior to December 22, 1981, as a pooled poundage quota or allotment under Part 719 of this chapter may be permanently transferred only during calendar year 1982 by the owner to a farm such person owns. Temporary transfers of pooled quota shall not be approved.

§ 729.148 Consent of lienholder.

A transfer of poundage quota from a farm which the county committee has been informed is subject to a mortgage or other lien shall not be approved unless the transfer is agreed to in writing by the lienholder.

§ 729.149 Transfer to and from a farm (subleasing).

(a) *Transfer filed before July 31.* Generally the county committee shall not approve a transfer which is filed (or considered filed) on or before July 31 if the approval would result in a transfer both to and from the farm during the period ending July 31 of the same crop year. However, a transfer may be approved if a poundage quota is transferred temporarily from a farm for 1 or more years (and the transfer remains in effect) and the farm is subsequently combined with another farm that is otherwise eligible to receive poundage quota by transfer.

(b) *Transfer filed after July 31.* A temporary transfer of poundage quota either to or from the same farm (but not both) may be approved by the county committee if filed after July 31 even though a transfer which was filed on or before July 31 is in effect for the farm provided the producers so certify and the county committee determines that the (1) acreage of peanuts planted on the farm was equal to at least 80 percent of the acreage determined by dividing the effective farm poundage quota by the current farm yield for the farm, and (2) the production of peanuts was limited to less than the effective farm poundage quota because of conditions beyond control of the producer.

§ 729.150 Effect of permanent transfer on determination of farm poundage quota.

The quota, pounds produced, pounds considered produced, pounds transferred and produced on a receiving farm for both the transferring farm and the receiving farm shall be adjusted for the current year and for the 2 preceding years to reflect the applicable increase or decrease in the farm poundage quota and other historic data or farm practices affecting the determination of farm poundage quotas.

§ 729.151 County committee action.

(a) *Approval of transfer.* The county committee shall approve the transfer of poundage quota only if it determines that a timely filed record has been received and that the transfer complies with the requirements of this subpart. A transfer shall not be effective until approved by the county committee. The county committee may delegate authority to the county executive director and to other county office employees to approve transfers of poundge quotas.

(b) *Notice of revised quotas.* A revised notice of farm poundage quota must be issued for each farm affected by the transfer of farm poundage quota.

(c) *Cancellation of transfer.* (1) A transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled effective as of the date of approval. However, the cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement or the transfer approval was made in error by the county committee, and

(ii) The parties to the transfer agreement were not notified of the cancellation prior to the marketings of quota peanuts in excess of the revised effective farm poundage quota.

(2) Where cancellation of a transfer is required, the county committee shall issue revised notices of poundage quota showing the reasons for cancellation.

§ 729.152 Withdrawal or minor revision.

Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of a transfer upon written request by all parties to the transfer. However, a temporary transfer may be withdrawn or revised before peanuts are harvested during any year of the agreement, and a permanent transfer may be withdrawn or revised before peanuts are harvested only during the first year of the agreenent.

§ 729.153 Recomputation of previously approved multiple year transfer.

For a multiple year temporary transfer approved after 1982, the county committee shall annually recompute the transfer by limiting the poundage quota transferred to the smaller of: (a) The poundage quota initially transferred, or (b) the farm poundage quota for the transferring farm.

§ 729.154 Amendment of multiple year transfer agreements approved on or before December 22, 1981.

Notwithstanding any other provision in this section, a multiple year temporary transfer approved on or before December 22, 1981, shall not be effective after the 1981 crop year unless an amended record of transfer is filed. The county committee shall notify the operator of both the transferring farm and the receiving farm of the requirement for filing an amended record of transfer in order for the previously filed transfer agreement to remain in effect. The amended record of transfer must be filed at the county ASCS office within 30 days from the date of notification by the county committee that an amended transfer agreement is required. The amended agreement shall be on the basis of the farm poundage quota established for the farm for 1982 and shall be agreed upon and signed by each person whose signature is required and in accordance with the provisions of this subpart.

Signed at Washington, D.C., on April 7, 1982.

John R. Block,

Secretary.

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Tuesday
April 13, 1982

Part III

Department of Agriculture

Food and Nutrition Service

National School Lunch Program, Food Distribution Program, and Cash in Lieu of Commodities

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 240 and 250

National School Lunch Program, Food Distribution Program, and Cash in Lieu of Commodities

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rules.

SUMMARY: These interim rules amend the regulations for the National School Lunch Program, Food Distribution Program, and Cash in Lieu of Commodities to: (1) Make commodity-only schools eligible for an increased level of assistance in donated foods and for cash payments to be used for processing and handling of donated foods; and (2) make other technical and conforming changes with respect to food donations and cash in lieu thereof to schools and institutions participating in programs under the National School Lunch Act. These amendments are required to implement provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

DATES: These rules are effective as of November 11, 1981.

Date for comments: To be assured of consideration, comments must be received on or before May 13, 1982.

ADDRESS: Comments should be sent to: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food and Nutrition Service, Food Distribution Division, U.S. Department of Agriculture, Alexandria, VA 22302, (703) 756–3660.

Comments in response to these rules may be inspected at 3101 Park Center Drive, Room 506, Alexandria, VA, during normal business hours (8:30 a.m. to 5:00 p.m., Mondays through Fridays).

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, FNS, UDSA, at the above address.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this interim rule have been approved by the Office of Management and Budget (OMB) through October 31, 1983. OMB No. 0584–0046.

Classification

This rule has been reviewed under Executive Order 12291 and has been classified as "nonmajor" because it does not meet any of the three criteria of the definition of "major rule" in the Executive Order. It will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete.

This action has also been reviewed with regard to the requirements of Pub. L. 96–354. Samuel J. Cornelius, Adminstrator of the Food and Nutrition Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities. This action will increase the eligibility of certain schools for Federal benefits.

Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has determined pursuant to 5 U.S.C. 553 (b) and (c) that good cause exists for making these rules effective earlier than 30 days after publication. Pub. L. 97–35 mandates that the provisions of section 802 be effective July 1, 1981, that the provisions of section 808 be effective October 1, 1981, and that the provisions of section 813 be effective November 11, 1981. However, public comments are solicited on the provisions of these regulations with regard to commodity schools, and appropriate changes will be made. Mr. Cornelius has also determined that an emergency situation exists, because of the early effective dates, for making these regulations effective without the benefit of public comment.

Donated Food Assistance for Schools and Institutions Participating in National School Lunch Program and Child Care Food Program

Section 6(e) of the National School Lunch Act (Act) requires the Secretary to establish a level of commodity assistance given to States for each lunch served in the National School Lunch Program. Section 802 of Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981, enacted August 13, 1981, amended section 6(e) of the Act to establish the national average value of donated foods for lunches served in the National School Lunch Program at 11.0 cents and to provide for an adjustment of this amount on July 1, 1982 and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h) of the Act provides that the same value of assistance in donated foods, or cash in lieu thereof, established under section 6(e) for school lunches shall also be established for lunches and suppers served in the Child Care Food Program.

Commodity-Only Schools

Pub. L. 97–35 also made major changes in the basis on which commodity-only schools receive donated foods. In the past, distribution to these schools was made under the provisions of section 9(c) of the Act, which authorizes the Department to donate foods under section 32 of Pub. L. 74–320, section 416 of the Agricultural Act of 1949, and section 709 of the Food and Agriculture Act of 1965 to "other schools" operating nonprofit lunch programs—i.e., schools other than those participating in the National School Lunch Program. Commodity-only schools received no prescribed minimum level per meal in donated foods and were not eligible to receive foods donated under section 6(a) of the Act; section 6(a) foods are purchased by the Department on the open market specifically to meet preferences of schools participating in the National School Lunch Program. In addition, commodity-only schools were ineligible for any cash assistance under the Act. While the schools were required to meet some nutritional requirements, those requirements were less stringent than the requirements in the National School Lunch Program.

Section 813 of Pub. L. 97–35, which is effective November 11, 1981, added a new section 14(f) to provide for specific eligibility of commodity-only schools. "Commodity-only schools" are defined in section 12(d) of the Act, as amended by Pub. L. 97–35, as "schools that do not participate in the school lunch program under this act, but which receive commodities * * * for use * * * in nonprofit lunch programs". Section 14(f), as amended, makes such schools eligible to receive donated foods equal in value to the sum of the national average rates of commodity and general cash assistance prescribed under sections 6(e) and 4 of the Act for each lunch served; up to 5 cents of this amount may be received in cash payments to be used for processing and handling expenses related to the use of the donated foods. As a result of the legislation, the following two important distinctions need to be made between these schools and schools which participate in the National School Lunch Program: (1) Commodity-only schools are ineligible for commodity shortfall payments under section 6(b) of the Act. Such payments are made to participating schools when the Department cannot deliver the full value of the mandated level of assistance under section 6(e) of the Act in actual commodity donations by the end of each school year. Section 14(f) of

the Act requires that the value of donated foods given to commodity-only schools be determined in part by the level of commodity assistance established under section 6(e). Section 14(f) makes no reference to section 6(b) and section 6(b) refers to schools participating in the "school lunch program". Therefore, because commodity-only schools do not participate in the National School Lunch Program, commodity-only schools are not eligible for commodity shortfall payments under section 6(b). (2) Although section 4 of the Act as amended by section 801(a) of Pub. L. 97–35 authorizes general cash assistance payments to NSLP schools—providing a two cents higher payment on the basis of a large number of meals served free or at reduced prices by such schools in the second preceding fiscal year—commodity-only schools will not receive the two cents higher payment. Section 4 mandates the two cents increase for meals served in school food authorities where, in the second preceding school year, 60 percent or more of the lunches served in the school lunch program were served to needy children. Again, because commodity-only schools do not participate in the National School Lunch Program, and consequently did not serve the free and reduced-price lunches referenced in section 4, the two cents increased payment does not apply to commodity-only schools.

Section 813 also makes commodity-only schools eligible to receive special assistance payments under section 11 of the Act for lunches served to children free or at reduced prices. As announced on October 20, 1981 (46 FR 41419–41422), effective September 1, 1981, the level of assistance of section 11 payments for School Year 1981 will be .9875 cents for lunches served free and .5875 cents for those served at reduced prices. Furthermore, the legislation requires that such schools meet nutritional requirements under section 9(a) of the Act; these requirements formerly applied to NSLP schools only. Finally, Public Law 97–35 makes commodity-only schools ineligible for the Special Milk Program for Children (Part 215).

As a result of the provisions of section 14(f) of the Act, therefore, for the period November 11, 1981 through June 30, 1982, the Department will provide to States either donated foods, or donated foods and up to 5 cents in cash payments at a national average value of 21.50 cents for each lunch served by commodity schools. This amount is based on the new section 6(e) rate (11 cents) plus the section 4 rate (10.50 cents). The amount will be adjusted as of July 1, 1982, in accordance with the provisions of sections 6(e) and 11(a) of the Act.

Because the law has changed the nature of "commodity-only" schools in such a major way and in order to more clearly differentiate the new type of "commodity-only" school from that which formerly existed, the Department is naming these schools "commodity schools" in the regulations.

National School Lunch Program Regulations

The amendments to Part 210 published here mainly concern provisions applicable to commodity schools, making such schools eligible for special cash assistance, requiring them to comply with the nutritional requirements of the National School Lunch Program, and making other changes with regard to commodity distribution that are consistent with the National School Lunch Act. Amendments to Part 210 to implement other requirements of Pub. L. 97–35 are being published separately.

All the requirements of Part 210 will now apply to "commodity schools", which are defined in § 210.2. Such schools are now required to serve free and reduced-price meals in accordance with the requirements of section 9 of the Act and can receive reimbursement under section 11 of the Act. All of the Part 210 requirements pertaining to receipt of those monies at the school, school food authority, and State level apply. Commodity-only schools, and their school food authorities and State agencies are currently subject to many Part 210 requirements concerning the receipt of commodities. Because commodity schools are receiving benefits under the Act commensurate with schools participating in the National School Lunch Program, all the requirements of Part 210 are applicable to commodity schools. Therefore, "Program" has been redefined in § 210.2 to include these schools. Provisions for such schools to receive section 11 payments have been added in a revised § 210.4(c). As discussed in the preceding section of this preamble, the provisions of section 801(a) of Pub. L. 97–35 concerning a two-cents per meal increase in general assistance payments for lunches served free or at reduced prices are applicable only to schools participating in the NSLP. Therefore, § 210.4(a) has been amended to indicate that general assistance payments are not available to State agencies for commodity schools.

Provisions in § 210.14 concerning schools' donated-food needs have also been substantially amended. Since commodity schools are now eligible for the full range of foods available to NSLP schools, there is no longer a need for a separate paragraph dealing with meal information specifically tied to the Department's food purchases under section 6(a) of the Act. Therefore, former paragraphs (d) and (d–1) have been consolidated. As revised, the new § 210.4(d) requires that the State agency must include with the meal information to be provided each September 1 an estimate of the number of meals to be served by NSLP schools and commodity schools, respectively, as well as the amount of any cash elected by the latter schools in accordance with section 813. Further, this information will now also be provided to FNS. Meal estimates were formerly provided only to the distributing agency, but the added requirement that they be provided also to FNS will be conducive to greater accuracy in computing donated-food entitlements.

Food Distribution Program Regulations

The amendments to Part 250 (1) specify the national average value of donated foods or, where applicable, cash in lieu thereof, where the Secretary is required to provide to States for distribution to schools and institutions participating in food service programs under the Act; (2) add provisions for the national average value of such assistance for commodity schools; (3) revise definitions to conform with other program regulations under the Act; and (4) update the quoted provisions of the Act as amended by Pub. L. 97–35.

Thus, § 250.4(b), which stipulates the quantity of donated foods per meal which States receive for schools and other eligible outlets, has been amended in accordance with sections 802 and 813 of Pub. L. 97–35. Section 250.4(b)(2)(ii) indicates that the commodity entitlement for commodity schools will be reduced to the extent that FNS provides up to 5 cents per lunch in cash payments. The quoted provisions of sections 6(e) and 14 have also been updated in § 250.1, in accordance with the legislation. Further, § 250.8(a) has been amended to indicate that commodity schools are now eligible to receive donated foods purchased under section 6 of the Act.

In addition, these amendments make a number of conforming changes as a result of Pub. L. 97–35. The terms "child care center", "family and group day care home" and "sponsoring organization", which formerly referred to entities in the Child Care Food Program, have been eliminated because a revised definition of "nonresidential child care institution", which has been added,

includes these terms. The term "commodity-only school" has been replaced by "commodity school", which has been redefined. The terms "school" and "service institution" have been redefined, and definitions of "special needs children" and "tuition" have been added. The latter two definitions and the revised definition of "school" are required to implement section 808 of Pub. L. 97–35, which makes private schools whose yearly tuition exceeds $1,500 ineligible for programs under the Act and the Child Nutrition Act of 1966.

Cash in Lieu of Commodities Regulations

The regulations under Part 240 set forth provisions under which State agencies receive cash payments in lieu of donated foods they would otherwise receive for food service programs authorized under the Act. These regulations had not been amended since 1978. Therefore, in addition to adding provisions for cash payments for commodity schools in lieu of up to 5 cents of donated-food entitlements, as required by section 813 of Pub. L. 97–35, the Department is revising and updating certain provisions in accordance with program changes, most of which are required by legislation enacted since 1978. All of these changes serve to conform Part 240 to changes already made in the regulations governing the child nutrition programs.

These regulations were first issued on October 22, 1976 (41 FR 46601) to implement the provisions of: (1) section 2 of Pub. L. 93–13, which required the Department to provide cash payments to States in lieu of donated foods when it determined that it would be unable to deliver at least 90 percent of the annually programmed level of donated-food assistance for schools participating in the National School Lunch Program (7 CFR Part 210); (2) section 11 of Pub. L. 94–105, which required that not less than 75 percent of the level of assistance mandated by section 6(e) of the Act be in the form of actual food donations; (3) section 12 of Pub. L. 94–105, which permitted Kansas, which had phased out its commodity distribution facilities prior to June 30, 1974, to elect to receive cash payments in lieu of donated foods for programs authorized under the Act and the Child Nutrition Act of 1966; and (4) section 16 of Pub. L. 94–105, which gave States the option of receiving cash in lieu of donated foods for the Child Care Food Program (7 CFR Part 225). Section 5 of Pub. L. 95–166 later amended section 2 of Pub. L. 93–13 to require that cash payments to States equal the value of any undelivered commodities for the National School Lunch Program if it was determined that the amount of commodities to be delivered would fall below 100 percent of the annually programmed level of assistance under section 6(e) of the Act. These provisions, which are required by sections 6(b), 6(e), 16, and 17(h) of the Act, are included in § 240.1, General Purpose and Scope. A new paragraph (d) has been added to incorporate the antifraud provisions of section 12(g) of the Act, which were added by Pub. L. 95–627. A new paragraph (e) has been added for commodity schools in accordance with section 14(f) of the Act as amended by Pub. L. 97–35. Other provisions for commodity schools are discussed under the final subject heading of this preamble, as are revised definitions pertaining to such schools.

These amendments include conforming changes in definitions, which are indicated above in the discussion of the Food Distribution Program regulations. In addition, the term "program school" has been added so that requirements which relate only to schools which participate in the National School Lunch Program may be distinguished from those relating only to commodity schools. Further, the term "commodities" has been replaced by "donated foods" where appropriate. For this reason the title of Part 240 is changed to read "Cash in Lieu of Donated Foods".

Apart from changes relating to commodity schools, the only substantive change made by these amendments is the addition of a provision in § 240.9(c) that funds provided under Part 240 shall be subject to the Department's Uniform Federal Assistance Regulations under 7 CFR Part 3015 (46 FR 55636–55664). Because the latter regulations include in Subpart S, §§ 3015.180–184, information for compliance with procurement standards set forth in OMB Circular A–102, Attachment O, the reference (formerly in § 240.8(b) to provisions in other child nutrition program regulations specifying procurement standards has been deleted.

Because of the numerous changes, Part 240 is reprinted here in total.

Cash Payments for Commodity Schools

In developing provisions with respect to the option permitted by section 813 of Pub. L. 97–35 for cash in lieu of up to five cents per meal of commodity schools' donated-food entitlements, FNS has endeavored to ensure that the benefits of such payments will accrue to the schools in an efficient and equitable manner and at the same time to permit maximum flexibility and ease of administration. These provisions appear in §§ 240.2, 240.5, 240.8(b) and 240.9(b) of the regulations.

One of the central issues considered was permissible use of cash payments. Section 813 states that the payments are to be used for "processing and handling expenses related to the use of * * * commodities". FNS has determined that limiting the use of funds authorized by section 813 to payment of fees for commercial processing or delivery of donated foods would be too restrictive and might hamper program effectiveness. The definition of "donated-food processing and handling expenses" added to § 240.2, therefore, will permit cash payments to be used for any services related to preparation of meals with donated foods, as well as for processing, storage and delivery of the foods.

Another important issue considered was the administrative level at which the option of receiving cash payments should be exercised. Section 240.5(a) provides that the election shall be made by the school food authority—i.e., the responsible administering body—of a commodity school, taking into account the preferences of the commodity schools. However, that section would also permit the administering State agency to retain cash payments for use on the schools' behalf if the school food authority so elects. This provision would not preclude that agency, with the concurrence of the school food authority, from transferring all or part of these cash payments to the State distributing agency for use on behalf of the schools. The option of State-level retention of funds is reflected in the definition of "commodity school" in § 240.2 (and also § 210.2(c–2) and § 250.3), which provides that up to five cents per meal may be received by such a school in cash payments "*or services*"; such services would be furnished at the State level and could include payment of processing fees or reduction of assessments for donated-food storage or delivery.

Section 240.5(b) provides that any election of cash by school food authorities shall be binding for each school year. Section 240.5(c) requires the State agency to contact all commodity school food authorities each year to learn their election as well as the amount of any payments to be received and to forward this information to the distributing agency and the FNS Regional Office. The mechanism for payment of cash in lieu of donated foods for commodity schools, as provided for in § 240.7(c), will be the Letter of Credit or Treasury check transmitting payments to State educational agencies.

Section 240.8(b) requires that the State agency shall disburse any cash payments elected by commodity schools to the school food authorities of such schools on a monthly basis unless the school food authorities elect to have the payments retained by the State agency for use on their behalf. Section 240.9(b) stipulates that any cash payments received by or on behalf of commodity schools shall be used only for donated-food processing and handling expenses, as that term is defined in § 240.2.

Because of the discretionary nature of these provisions with regard to payments for commodity schools, FNS is issuing these amendments as interim rules and is requesting public comments on the provisions.

List's of Subjects

7 CFR Part 210

Administrative practice and procedures, Children, Food Service Management Companies, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 240

Agricultural commodities, Food assistance programs, Children, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 250

Aged, Agricultural commodities, business and industry, Food assistance programs, Food donations, Grant programs—social programs, Indians, Infants and children, Price support programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Accordingly, Part 210 is amended as follows:

1. In § 210.1, paragraph (c) is revised to read as follows:

§ 210.1 General purpose and scope.

* * * * *

(c) The Act authorizes the payment of funds to the States for general and special cash assistance and also authorizes donations of foods acquired by the Department. This Part announces the policies and prescribes the regulations with respect to payment of general and special cash assistance. Parts 240 and 250 announce the policies and prescribe the regulations with respect to food donations and cash in lieu thereof.

2. In § 210.2, paragraphs (c–2) and (n) are amended to read as follows:

§ 210.2 Definitions.

* * * * *

(c–2) "Commodity school" means a school that does not participate in the National School Lunch Program under this part but which operates a nonprofit lunch program under agreement with the State agency or FNSRO as provided for in § 210.8(e) and receives foods donated under Part 250 of this chapter, or foods donated under Part 250 and cash or services of a value of up to 5 cents per lunch in lieu of donated foods under Part 240 of this chapter for processing and handling the foods.

* * * * *

(n) "Program" means the National School Lunch Program and commodity school programs.

* * * * *

3. Section 210.4 is revised to read as follows:

§ 210.4 Payments to States and FNSROs.

(a) *Schools participating in the National School Lunch Program:* To the extent funds are available, the Secretary shall make general assistance payments under section 4 of the Act to each State agency or FNSRO for lunches served to children in all schools under agreements with the State agency or FNSRO except commodity schools. The total of these payments to each State for any fiscal year shall be the product of: the total number of lunches served under the Program from October 1 to September 30, multiplied by the applicable national payment rates. Lunches for which payment is given must meet the nutritional requirements as specified in § 210.10. To the extent donated foods are available, the Secretary will provide each State agency with commodities yearly, as provided in § 250.4(b) of Part 250 of this chapter.

(b) *Commodity schools:* To the extent commodities are available, the Secretary shall provide commodities to each State agency for lunches served to children in all commodity schools under agreements with the State agency or FNSRO where applicable. The total value of these commodities is provided for in § 250.4(b) of Part 250 of this chapter. Of this value, a commodity school may elect to receive in cash up to 5 cents per lunch for commodity processing and handling. Lunches for which assistance is given must meet the nutritional requirements specifed in § 210.10.

(c) *Special assistance:* To the extent funds are available, the secretary shall make special assistance payments under section 11 of the Act to each State agency or FNSRO for lunches which meet the nutritional requirements specified in § 210.10 and which are served to eligible children free or at a reduced price. Such payments will be made to each State agency or FNSRO for all schools, including commodity schools, under agreements with the State agency, or FNSRO where applicable. In any fiscal year the total of these payments for each State shall be calculated as follows:

(1) Obtain the total number of lunches served free to eligible children during the fiscal year for the periods October 1 to June 30 and July 1 to September 30.

(2) Multiply these totals by the applicable special assistance payment rates for free lunches.

(3) Obtain the total number of lunches served at a reduced price to eligible children during the fiscal year for the periods October 1 to June 30 and July 1 to September 30.

(4) Multiply these totals by the applicable special assistance payment rates for reduced price lunches.

(5) Add the results obtained in (2) and (4) of this paragraph.

(d) *Announcement of payments:* On approximately July 1 of each year, the Secretary shall announce the minimum rate for commodities and the payment rates for general and special assistance.

4. In § 210.5, a new paragraph (c) is added to read as follows:

§ 210.5 Method of payment to States.

* * * * *

(c) All Federal funds to be paid to any State in place of commodities shall be made available as provided in Part 240 of this chapter.

5. In § 210.7 a new sentence is added at the end of paragraph (a) to read as follows:

(a) * * * All Federal funds paid to any State in place of commodities, whether shortfall payments or funds for processing and handling donated foods in commodity schools, shall be used as provided in Part 240 of this chapter.

* * * * *

6. In § 210.8 the first sentence of paragraph (a), and paragraph (b) are revised to read as follows and paragraph (c) is removed and reserved.

§ 210.8 Requirements for participation.

(a) The School Food Authority shall make written application to the State agency, or FNSRO for any school in which it desires to operate the National School Lunch Program and for any school which it desires to become a commodity school * * *.

(b) Applications must provide the State agency, or FNSRO where applicable, with sufficient information to determine eligibility.

(c) Reserved.

* * * * *

7. In § 210.8 paragraph (e) up to paragraph (e)(1) is revised and a new paragraph (e)(17) is added to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(e) The State Agency, or FNSRO where applicable, shall enter into a written agreement with each School Food Authority. In School Food Authorities with both schools which participate in the National School Lunch Program and commodity schools, one agreement may apply to both types of schools. This agreement shall provide that the School Food Authority shall, with respect to participating schools under its jurisdiction:

* * * * *

(17) Enter into an agreement to receive donated foods as required by § 350.6(b) of this chapter.

8. In § 210.13, paragraph (b–1) is revised to read as follows:

§ 210.13 Reimbursement procedure.

* * * * *

(b–1) The State agency, or FNSRO where applicable, may authorize a School Food Authority to submit a consolidated Claim for Reimbursement for all schools under its jurisdiction, provided that the data on each school's operations required in paragraph (b) of this section are maintained on file at the local office of the School Food Authority, the consolidated Claim for Reimbursement is accompanied by a list of participating schools, and the Claim separates consolidated data for commodity schools from data for other schools.

* * * * *

9. In § 210.14 paragraph (d–1) is removed and paragraph (d) and the first sentence of (g)(1) are revised to read as follows:

§ 210.14 Special responsibilities of State agencies.

* * * * *

(d) *Commodity distribution information:* (1) The State agency from time to time shall assess the needs of schools for commodities donated under Part 250 of this chapter, notify the distributing agency of the schools' commodity needs, and recommend variation in rates of distribution to meet variations in need. (2) As early as practicable each school year, but no later than September 1, the State agency shall forward to the distributing agency and FNSRO (i) an estimate of the average daily number of lunches to be served by National School Lunch Program schools, and (ii) with respect to commodity schools, an estimate of the average daily number of lunches to be served and the amount of any cash payments in lieu of commodities for donated-food processing and handling expenses to be received by or on behalf of such schools in accordance with § 240.5 of this chapter, except that for the school year ending June 30, 1982, this information shall be forwarded to the distributing agency and FNSRO no later than May 28, 1982. (3) The State agency shall promptly revise the information required by (1) and (2) of this paragraph to reflect additions or deletions of eligible schools and provide any necessary adjustments in the number of lunches served.

* * * * *

(g) *Records and reports:* (1) Each State agency shall submit information on program operations and on commodity schools on a form provided by FNS.* * *

* * * * *

§ 210.15a [Removed]

10. Section 210.15a—*Commodity only schools,* is removed.

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 813 of Pub. L. 97–35; 42 U.S.C. 1762a)

7 CFR Chapter II is amended by revising Part 240 to read as follows:

PART 240—CASH IN LIEU OF DONATED FOODS

Sec.

240.1 General purpose and scope.
240.2 Definitions.
240.3 Cash in lieu of donated foods for program schools.
240.4 Cash in lieu of donated foods for nonresidential child care institutions.
240.5 Cash in lieu of donated foods for commodity schools.
240.6 Funds for States which have phased out facilities.
240.7 Payments to States.
240.8 Payments to program schools, service institutions, nonresidential child care institutions and commodity schools.
240.9 Use of funds.
240.10 Unobligated funds.
240.11 Records and reports.

Authority: Sec. 10, Pub. L. 89–642, 80 Stat. 889, as amended (42 U.S.C. 1779); sec. 3, Pub. L. 93–326, 88 Stat. 286, as amended (42 U.S.C. 1755); secs. 12 and 16, Pub. L. 94–105, 89 Stat. 515, 522 (42 U.S.C. 1765, 1766); secs. 802 and 813, Pub. L. 97–35 (42 U.S.C. 1755 and 42 U.S.C. 1762a).

§ 240.1 General purpose and scope.

(a) Each school year the Department programs agricultural commodities and other foods to States for delivery to program and commodity schools, nonresidential child care institutions, and service institutions pursuant to the regulations governing the donation of foods for use in the United States, its territories and possessions and areas under its jurisdiction (7 CFR Part 250).

(b) Section 6(b) of the Act requires that not later than May 15 of each school year, the Secretary shall make an estimate of the value of the agricultural commodities and other foods that will be delivered during that school year for use in lunch programs by schools participating in the National School Lunch Program (7 CFR Part 210). If this estimate is less than the total level of assistance authorized under section 6(e) of the Act the Secretary shall pay to the State administering agency not later than June 15 of that school year, an amount of funds equal to the difference between the value of donated foods as then programmed for that school year and the total level of assistance authorized under such section.

(c) Section 6(e) of the Act requires that the national average value of foods donated to schools participating in the National School Lunch Program, or cash payments made in lieu thereof, shall be 11 cents, adjusted on July 1, 1982, and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 6(e) further requires that not less than 75 percent of the assistance under that section shall be in the form of donated foods for the National School Lunch Program.

(d) Section 12(g) of the Act provides that whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property that are the subject of a grant or other form of assistance under this Act or the Child Nutrition Act of 1966, whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets, or property are of the value of $100 or more, be fined not more than $10,000 or imprisoned not more than five years, or both, or, if such funds, assets, or property are of a value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(e) Section 14(f) of the Act provides that the value of foods donated to States

for use in commodity schools for any school year shall be the sum of the national average value of donated foods established under section 6(e) of the Act and the national average payment established under section 4 of the Act. Section 14(f) also provides that such schools shall be eligible to receive up to five cents of such value in cash for processing and handling expenses related to the use of the donated foods.

(f) Section 17(h) of the Act provides that the value of foods donated to States for use in nonresidential child care institutions participating in the Child Care Food Program (7 CFR Part 226), for any school year shall be, as a minimum, the amount obtained by multiplying the number of lunches and suppers served during that school year by the rate established for lunches for that school year under section 6(e) of the Act. Section 17(h) also requires the payment of cash in lieu of donated foods to States for use in such participating institutions, upon the application of the State agency.

(g) Section 16 of the Act provides that a State which has phased out its food distribution facilities prior to June 30, 1974, may elect to receive cash payments in lieu of donated foods for the purposes of the applicable child nutrition programs—i.e., the National School Lunch Program, the Summer Food Service Program for Children (7 CFR Part 225) and the Child Care Food Program.

(h) These regulations prescribe the methods for determination of the amount of payments, the manner of disbursement and the requirements for accountability for funds when these respective statutory authorities require the Department to make cash payments in lieu of donating agricultural commodities and other foods.

§ 240.2 Definitions.

For the purpose of this part the term:

"Act" means the National School Lunch Act, as amended.

"Child Care Food Program" means the Program authorized by section 17 of the Act.

"Commodity school" means a school that does not participate in the National School Lunch Program under Part 210 of this chapter but which operates a nonprofit lunch program under agreement with the State educational agency or FNSRO and receives donated foods, or donated foods and cash or services of a value of up to 5 cents per lunch in lieu of donated foods under this part for processing and handling the foods.

"Department" means the U.S. Department of Agriculture.

"Distributing agencies" means State, Federal or private agencies which enter into agreements with the Department for the distribution of donated foods to program schools, commodity schools, and nonresidential child care institutions.

"Donated-food processing and handling expenses" means any expenses incurred by or on behalf of a commodity school for processing or other aspects of the preparation, delivery, and storage of donated foods for use in its lunch program.

"Donated foods" means foods donated, or available for donation, by the Department under any of the legislation referred to in Part 250 of this chapter.

"Fiscal year" means the period of 12 months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

"FNS" means the Food and Nutrition Service of the Department.

"FNSRO" means the appropriate Food and Nutrition Service Regional Office.

"National School Lunch Program" means the Program authorized by sections 4 and 11 of the Act.

"Nonprofit" means exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or in the Commonwealth of Puerto Rico, certified as nonprofit by its Governor.

"Nonresidential child care institution" means any child care center, day care home, or sponsoring organization (as those terms are defined in Part 226 of this chapter) which participates in the Child Care Food Program.

"Program school" means a school which participates in the National School Lunch Program.

"School" means (1) an educational unit of high school grade or under except for a private school with an average yearly tuition exceeding $1,500 per child, operating under public or nonprofit private ownership in a single building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade; (2) with the exception of residential summer camps which participate in the Summer Food Service Program for Children, Job Corps centers funded by the Department of Labor and private foster homes, any public or nonprofit private child care institution, or distinct part of such institution, which (i) maintains children in residence, (ii) operates principally for the care of children, and (iii) if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government. The term "child care institutions" includes, but is not limited to: homes for the mentally retarded, the emotionally disturbed, the physically handicapped, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers; and (3) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico.

"School food authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a nonprofit lunch program therein.

"School year" means the period of 12 months beginning July 1 of any calendar year and ending June 30 of the following calendar year.

"Secretary" means the Secretary of Agriculture.

"Service institutions" means camps or sponsors (as those terms are defined in Part 225 of this chapter) which participate in the Summer Food Service Program for Children.

"Special needs children" means children who are emotionally, mentally or physically handicapped.

"State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American-Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

"State agency" means the State educational agency or such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer, in the State, the National School Lunch Program, the Child Care Food Program, the Summer Food Service Program for Children, or nonprofit lunch programs in commodity schools.

"State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State Department of Education.

"Summer Food Service Program for Children" means the Program authorized by section 13 of the Act.

"Tuition" means any educational expense required by the school as part of the students' educational program; not including transportation fees for commuting to and from school, and the cost of room and board. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) Academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided to schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In a school which varies tuition, the average yearly tuition shall be calculated by dividing the total tuition receipts for the current school year by the total number of students enrolled for purposes of determining if the average yearly tuition exceeds $1,500 per child.

§ 240.3 Cash in lieu of donated foods for program schools.

(a) Not later than May 15 of each school year, FNS shall make an estimate of the value of agricultural commodities and other foods that will be delivered to States during the school year under the food distribution regulations (7 CFR Part 250) for use in program schools. If the estimated value is less than the total value of assistance authorized under section 6(e) of the Act for the National School Lunch Program during that school year, FNS shall determine the difference between the value of the foods then programmed for each State for the school year and the required value and shall pay the difference to each State agency not later than June 15 of that school year.

(b) Notwithstanding any other provision of this section, in any State in which FNS administers the National School Lunch Program in any of the schools of the State, FNS shall withhold from the funds payable to that State under this section an amount equal to the ratio of the number of lunches served in schools in which the program is administered by FNS to the total number of lunches served during that school year in all program schools in the State.

§ 240.4 Cash in lieu of donated foods for nonresidential child care institutions.

(a) For each school year any State agency may, upon application to FNS prior to the beginning of the school year, elect to receive cash in lieu of donated foods for use in nonresidential child care institutions participating in the Child Care Food Program. FNS shall pay each State agency making such election the required amount based upon the number of lunches and suppers served in the State's nonresidential child care institutions participating in the Child Care Food Program during that school year. However, if a State agency has elected to receive a combination of donated foods and cash, the required amount shall be reduced based upon the number of such lunches and suppers served for which the State receives donated foods.

(b) Notwithstanding any other provision of this section in any State in which FNS administers the Child Care Food Program in any nonresidential child care institution, FNS shall withhold from the funds payable to such State under this section an amount equal to the ratio of the number of lunches and suppers served in such institutions in which the program is administered by the FNS and for which cash payments are provided to the total number of lunches and suppers served in that program and for which cash in lieu of payments are received, in all nonresidential child care institutions in the State.

§ 240.5 Cash in lieu of donated foods for commodity schools.

(a) The school food authority of a commodity school may elect (1) to receive cash payments in lieu of up to five cents per lunch of the value specified in § 250.4(b)(2)(ii) of this chapter to be used for donated-food processing and handling expenses, or (2) to have such payments retained for use on its behalf by the State agency. The school food authority shall consult with commodity schools before making the election.

(b) When a school food authority makes an election regarding receipt of cash payments and the amount of any payments to be received under this paragraph, such election shall be binding on the school food authority for the school year to which the election applies.

(c) The State agency shall (1) no later than May 14, 1982 for the school year ending June 30, 1982, and no later than August 15 of each subsequent school year, contact all school food authorities of commodity schools to learn their election regarding cash payments under this section and the amount of any such payments, and (2) forward this information to the distributing agency and FNSRO, in accordance with § 210.14(d)(2) of this chapter.

§ 240.6 Funds for States which have phased out facilities.

Notwithstanding any other provision of this part, any State which phased out its food distribution facilities prior to June 30, 1974, may, for purposes of the National School Lunch Program, the Summer Food Service Program for Children, and the Child Care Food Program, elect to receive cash payments in lieu of donated foods. Where such an election is made, FNS shall make cash payments to such State in an amount equivalent in value to the donated foods (or cash in lieu thereof) to which the State would otherwise have been entitled under section 6(e) of the Act, if it had retained its food distribution facilities.

§ 240.7 Payments to States.

(a) Funds to be paid to any State agency under § 240.3 of this part for disbursement to program schools shall be made available by means of United States Treasury Department checks. The State agency shall use the funds received without delay for the purpose for which issued.

(b) Funds to be paid to any State agency under § 240.4(a) for disbursement to nonresidential child care institutions and funds to be paid to any State agency under § 240.6 for disbursement to program schools, service institutions, or nonresidential child care institutions shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (1) Obtain funds needed to pay school food authorities, nonresidential child care institutions, and service institutions, as applicable through presentation by designated State Officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the United States Treasury Department; (2) submit requests for funds on a monthly basis in such amounts as necessary to make payments with respect to meals served the previous month; (3) use the funds received without delay for the purpose for which drawn.

(c) FNS shall make any cash payments elected under § 240.5 of this part by increasing the amount of the Letter of Credit or, where applicable, of the Federal Treasury check, in accordance with the information provided under § 240.5(c) of this part.

(d) Funds received by State agencies pursuant to this part for disbursement to program schools and to commodity schools shall not be subject to the

matching provisions of § 210.6 of Part 210 of this chapter.

§ 240.8 Payments to program schools, service institutions, nonresidential child care institutions and commodity schools.

(a) Each State agency shall promptly and equitably disburse any cash received in lieu of donated foods under this part to eligible program schools, service institutions and nonresidential child care institutions, as applicable. Funds withheld from States under § 240.3 and § 240.4 shall be disbursed to eligible program schools, service institutions, and nonresidential child care institutions by FNSRO's in the same manner.

(b) Unless the school food authority of a commodity school elects to have cash payments for donated-food processing and handling expenses retained for use on its behalf by the State agency, the State agency shall make such payments to the school food authority of such a school on a monthly basis in an amount equal to the number of lunches served (as reported in accordance with § 210.13(a) of this chapter) times the value per lunch elected by the school food authority in accordance with § 240.5 of this part. For the period November 11, 1981, through the close of the month in which this part is published in the **Federal Register**, a retroactive payment shall be made, where applicable, to the school food authority of a commodity school based on the number of lunches served during that period which meet the nutritional requirements specified in § 210.10 of this chapter.

§ 240.9 Use of funds.

(a) Funds made available to school food authorities (for program schools), service institutions and nonresidential child care institutions under this part shall be used only to purchase United States agricultural commodities and other foods for use in their food service under the National School Lunch Program, Child Care Food Program, or Summer Food Service Program for Children, as applicable. Such foods shall be limited to those necessary to meet the requirements set forth in § 210.10 of Part 210 of this chapter, § 225.10 of Part 225 of this chapter and § 226.10 of Part 226 of this chapter, respectively. On or before disbursing funds to school food authorities (for program schools), service institutions and nonresidential child care institutions, State agencies and FNSRO's shall notify them of the reason for special disbursement, the purpose for which these funds may be used, and, if possible, the amount of funds they will receive.

(b) Cash payments received under § 240.5 of this part shall be used only to pay donated-food processing and handling expenses of commodity schools.

(c) Funds provided under this part shall be subject to the Department's Uniform Federal Assistance Regulations (7 CFR Part 3015).

§ 240.10 Unobligated funds.

State agencies shall release to FNS any funds paid to them under this part which are unobligated at the end of each fiscal year. Release of funds by any State agency shall be made as soon as practicable, but in any event, not later than 30 days following demand by FNS. Release of funds shall be reflected by a related adjustment in the State agency's Letter of Credit where appropriate or payment by State check where the funds have been paid by United States Treasury Department check.

§ 240.11 Records and reports.

(a) State agencies and distributing agencies shall maintain records and reports on the receipt and disbursement of funds made available under this part, and shall retain such records and reports for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(b) State agencies shall establish controls and procedures which will assure that the funds made available under this part are not included in determining the State's matching requirements under § 210.6 of Part 210 of this chapter.

(Catalog of Federal Domestic Assistance Program No. 10.550)

PART 250—FOOD DISTRIBUTION PROGRAM

Accordingly, Part 250 is amended, as follows:

§ 250.1 [Amended]

1. In § 250.1, paragraph (b)(6), which contains the quoted provisions of section 6 of the National School Lunch Act, is amended by revising the first sentence of subsection (e) to read: "The national average value of donated foods, or cash payments in lieu thereof, shall be 11 cents, adjusted on July 1, 1982, and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions."

2. Also in § 250.1, paragraph (b)(17), which contains the quoted provisions of section 14 of the National School Lunch Act, is amended by adding at the end thereof a new subsection (f), to read as follows:

* * * * *

(f) Commodity only schools shall be eligible to receive donated commodities equal in value to the sum of the national average value of donated foods established under section 6(e) of this Act and the national average payment established under section 4 of this Act. Such schools shall be eligible to receive up to 5 cents per meal of such value in cash for processing and handling expenses related to the use of such commodities. Lunches served in such schools shall consist of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under section 9(a) of this Act, and shall represent the four basic food groups, including a serving of fluid milk.

3. In § 250.3, the definitions of "child care center", "commodity-only school", "family and group day care home", and "sponsoring organizations" are removed; the definitions of "nonresidential child care institutions", "school", and "service institutions" are revised; and new definitions, "commodity school", "tuition", and "special needs children" are added, as follows:

§ 250.3 [Amended]

"Nonresidential child care institution" means any child care center, day care home, or sponsoring organization (as those terms are defined in Part 226 of this chapter), which participates in the Child Care Food Program authorized under section 17 of the National School Lunch Act.

"School" means (1) an educational unit of high school grade or under, except for a private school with an average yearly tuition exceeding $1,500 per child, operating under public or nonprofit private ownership in a single building or complex or buildings.* * *

"Service institutions" means camps or sponors (as those terms are defined in Part 225 of this chapter) which participate in the Summer Food Service Program authorized under section 13 of the National School Lunch Act.

"Commodity school" means a school that does not participate in the National School Lunch Program under Part 210 of this chapter but which operates a nonprofit lunch program under agreement with the State educational agency or FNSRO and receives donated foods, or donated foods and cash or services of a value of up to 5 cents per lunch in lieu of commodities under Part 240 of this chapter for use in processing and handling of the donated foods.

"Special needs children" means children who are emotionally, mentally or physically handicapped.

"Tuition" means any educational expense required by the school as part of the students' educational program, not including transportation fees for communting to and from school, and the cost of room and board. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided to schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In a school which varies tuition, the average of yearly tuition shall be calculated by dividing the total tuition receipts for the current school year by the total number of students for purposes of determining if the average yearly tuition exceeds $1,500 per child.

* * * * *

4. In § 250.4, paragraph (b)(3) is amended by striking out "10" and inserting in lieu thereof "11"; and paragraph (b)(2) and paragraph (b)(5)(i) are revised, as follows:

§ 250.4 Availability of donated foods.

* * * * *

(b) *Quantities* * * *

(2)(i) For each school year the national average value of donated foods to be available to States for distribution to schools participating in the National School Lunch Program (7 CFR Part 210), or, where applicable, cash payments in lieu thereof, shall not be less than 11 cents for each lunch, adjusted on an annual basis as provided in paragraph (b)(5) of this section. Not less than 75 per centum of the food distribution assistance for schools shall be in the form of donated foods.

(ii) For each school year, the national average value of donated foods to be provided to States for distribution to commodity schools shall not be less than the amount specified in paragraph (b)(2)(i) of this section, plus an amount equal to the national average payment established under section 4 of the National School Lunch Act, for each lunch served by such schools: *Provided, however,* That this amount shall be reduced to the extent that FNS provides up to 5 cents per lunch of this value in cash in lieu of donated foods for donated-food processing and handling expenses on behalf of such schools, in accordance with Part 240 of this chapter.

* * * * *

(5)(i) The value of donated foods, as specified in (2)(i) of this paragraph to be distributed for lunches in schools and for lunches and suppers in nonresidential child care institutions, or where applicable, the amount of cash payments to be made in lieu of donated foods for such meals, shall be adjusted on an annual basis to reflect changes in the Price Index for Food Used in Schools and Institutions prescribed by section 6(e)(2) of the National School Lunch Act, as amended.

* * * * *

5. In § 250.8, paragraph (a) is amended by removing the third sentence and revising the first sentence, as follows:

§ 250.8 Eligible recipient agencies.

(a) *Schools and school food authorities.* Schools or school food authorities which participate in the National School Lunch Program or as commodity schools under Part 210 of this chapter are eligible to receive donated foods under section 416, section 32, section 709, section 6 and section 14. * * *

* * * * *

§ 250.13 [Amended]

6. In § 250.13, the italicized heading of paragraph (h) is revised to read: *"Cash in lieu of donated foods for child nutrition programs in a State which has phased out its commodity distribution facilities".*

* * * * *

(Secs. 802, 808, and 813, Pub. L. 97-35)

(Catalog of Federal Domestic Assistance No. 10.550)

Effective date: These regulations are effective as of November 11, 1981.

Dated: April 8, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82-10058 Filed 4-12-82; 8:45 am]

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federal register

Tuesday
April 13, 1982

Part IV

Department of Labor

Employment and Training Administration

Complaints, Investigations, and Sanctions Under the Comprehensive Employment and Training Act; Correction

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 676

Complaints, Investigations, and Sanctions Under the Comprehensive Employment and Training Act; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published by the Department of Labor, and reaffirms that the regulations governing complaints, investigations, and sanctions under the Comprehensive Employment and Traning Act, as published on April 3, 1979, remain in full force and effect.

FOR FURTHER INFORMATION CONTACT: Mr. A. Robert Pfeffer, Counsel for Program Assistance, Division of Employment and Training Legal Services, Office of the Solicitor of Labor. Telephone: 202–523–7857.

SUPPLEMENTARY INFORMATION: This document corrects errors made in the final rulemaking document published at 45 FR 33846–33923 (May 20, 1980); (FR Doc. 80–15555). That document erroneously indicates at 45 FR 33853 and 33893 that Subpart F (Complaints, Investigations, and Sanctions) of 20 CFR Part 676 (General Provisions Governing Programs Under the Comprehensive Employment and Training Act) was "reserved." Nevertheless, use of the technical word "reserved" was not the intent nor the effect of that document. As the preamble to that document states:

> These regulations do not include revisions to 20 CFR Part 676, Subpart F, Complaints and Sanctions.
>
> The proposed revisions to Part 676, Subpart F, have been delayed because of the necessity of coordinating the CETA complaint procedures with revisions to 20 CFR Part 31, which are currently being reviewed by the Department of Justice. A separate proposal for 20 CFR Part 676, Subpart F will be published in the **Federal Register** at a later date. Until revised final regulations are published in final form, the requirements of 20 CFR Part 676, Subpart F, as published on April 3, 1979, remain in effect. (45 FR 33846 (May 20, 1980); see also 45 FR 23298 (April 4, 1980))

Similarly, on January 27, 1981, a notice of proposed rulemaking was published in the **Federal Register** proposing to amend and to revise portions of Subpart F of 20 CFR Part 676. 46 FR 9008–9017. The preamble to that document states:

> On May 20, 1980, final regulations at 20 CFR Parts 675–679 for programs under the Comprehensive Employment and Training Act (CETA) were published in the **Federal Register** (45 FR 33846). That publication did not include revisions to the regulations at 20 CFR Part 676, Subpart F, concerning complaints, investigations, and sanctions under CETA, and it was stated therein that a separate proposal for Subpart F would subsequently be published. (46 FR 9008 (January 27, 1981))

The above-referenced proposed rulemaking has not yet been completed and a final rule is expected to be published in 1982. Until such time as the rulemaking process is completed, Subpart F of 20 CFR Part 676, published at 44 FR 20031–20037 (April 3, 1979), is in full force and effect.

The errors in the May 20, 1980, document (which are being corrected by this document) were discovered by the agency only upon publication of the 1981 edition of Title 20, Code of Federal Regulations, after April 1, 1981. This correction is being made so that the 1982 edition of Title 20, Code of Federal Regulations, will reflect that the April 3, 1979, final publication of Subpart F currently remains in full force and effect.

Accordingly, the document published at 45 FR 33846–33923 on May 20, 1980 (FR Doc. 80–15555), is corrected to clarify and to indicate that Subpart F of 20 CFR Part 676, as published at 44 FR 20031–20037 on April 3, 1979 (FR Doc. 79–10290), has been in effect since April 1, 1979, and will remain in full force and effect until further notice, as set forth below.

Signed at Washington, D.C. this 8th day of April, 1982.

Raymond J. Donovan,

Secretary of Labor.

Subpart F—Complaints, Investigations, and Sanctions

§ 676.81 Scope and Purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve complaints, and conduct hearings to adjudicate disputes under the Act. It governs grievance procedures at the recipient or subrecipient level, the receipt and investigation of complaints at the federal level, the procedures for resolving audit disputes or resolving investigative findings, the rules of practice for adjudicative hearings, and the rendering of decisions pursuant to the Act. Judicial review of final action of the Department after opportunity for an administrative hearing has been exclusively established in the United States Courts of Appeals for the circuits in which the affected parties reside or transact business.

(b) *Initiation of investigations.* CETA investigations may be initiated upon the request of any person or organization or by the Department on its own initiative.

(c) *Non-CETA remedies.* Whenever any person, organization or agency believes that a recipient or subrecipient has engaged in conduct that violates the Act and that such conduct also violates the Federal or a State constitution, a Federal statute other than CETA, or a State or local law, that person, organization or agency may, with respect to the non-CETA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the recipient or subrecipient without first exhausting the remedies in this subpart. For example, if a subrecipient believes that a prime sponsor has breached the subgrant agreement between the prime sponsor and itself, the subrecipient may institute a civil action for breach of contract in a State court if so authorized by State law. Nothing in the Act, this paragraph, nor any other provision in Parts 675–695 of this Chapter shall:

(1) Allow any person or organization to join or sue the Secretary with respect to his or her responsibilities under CETA except after exhausing the remedies in this subpart,

(2) Allow any person or organization to file a suit which alleges a violation of CETA or these regulations without first exhausting the administrative remedies described in this subpart, or

(3) Be construed to create a private right of action. (Sec. 106(1) and 132(d).)

§ 676.82 Protection of informants.

(a) *Informants.* Where possible the identity of any person who has furnished information relating to, or assisted in, an investigation of a possible violation of the Act will be held in confidence. Where disclosure of the person's identity is essential to assure a fair determination of the issues, or where necessary to effectively accomplish responsibilities under the Act, the Inspector General, the Solicitor, the Regional Administrator for ETA, or the Administrative Law Judge presiding over a hearing in which the matter arises, may disclose such identity upon such conditions as will promote the continued receipt of confidential information by the Department and effectuate the protections and policies stated in paragraph (b) of this section.

(b) *Discriminatory discharge prohibited.* No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled

under the provisions of the Act or the regulations in Parts 675–695 of this Chapter because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation (Sec. 106(f)(1)).

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.83 Complaint and hearing procedures at the recipient level.

(a) *Policy.* (1) Each recipient shall establish and maintain a procedure for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act, including any complaint arising in connection with the CETA programs operated by its subrecipients. Such complaint procedures must meet the requirements of this section. The complaint procedure shall provide for final resolution of complaints within 60 days after filing the complaint. Where existing complaints or grievance procedures include the elements set forth in this section, recipients may adopt such mechanism as, or as part of, their CETA procedure.

(2) Participants shall be provided, upon enrollment into employment or training, with a written description of the complaint procedures including notification of their right to file a complaint and instructions on how to do so. Recipients should designate an individual to monitor the operation of the complaint procedures, to ensure that complaints and related correspondence are logged and filed, to ensure that assistance is available for properly filing complaints, and to ensure the availability, coordination, and promptness of all elements of the procedures. Upon filing a complaint, and at each stage thereafter, each complainant shall be notified in writing of the next step in the procedure.

(3) Complaints may be brought by any individual or organization including, but not limited to, program participants, subrecipients, contractors, staff of the recipient or subrecipient, applicants for participation or financial assistance, labor unions, and community-based organizations (sec. 106(a)(1)).

(4) With the exception of complaints alleging fraud or criminal activity, the filing of a complaint must be made within one year of the alleged occurrence (sec. 106(a)(1)).

(5) The recipient may delegate the authority to operate and maintain the complaint and hearing procedure to its subrecipients except for issues between the recipient and its subrecipients, issues involving more than one of its subrecipients, or complaints directly involving the operations or responsibilities of the recipient. Where the procedure is delegated, the recipient may provide for an appeal to itself from the decision of the subrecipient or the recipient may provide that the subrecipient's decision is the final decision of the recipient. Where the procedure is delegated, the recipient shall ensure that the procedures specified in this section are followed and a decision issued promptly within 60 days after a complaint is filed.

(6) In any case where the alleged violation of the Act or regulations is also an alleged violation of another law, regulation or agreement, nothing in this section shall preclude an individual or an organization from filing a complaint or grievance under such other law or agreement with respect to the non-CETA cause of action, as well as filing a complaint under CETA.

(7) When a participant is an employee of a recipient or subrecipient and alleges that an occurrence constitutes a violation of the Act, regulations, grant, or other agreements under the Act, as well as a violation of the terms and conditions of employment under a state or local law or a collective bargaining agreement, the participant may pursue the complaint and hearing procedures in this section, or the applicable grievance procedures under the state or local law or the collective bargaining agreement, pursuant to § 676.84. A participant who selects the procedures provided in this section, unless otherwise prohibited, is not precluded from filing a complaint under § 676.84. Similarly, a participant who selects the procedure in § 676.84, unless otherwise prohibited, is not precluded from filing a complaint under this section (Sec. 106(a)).

(8) The complaint procedures shall provide that the indentity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the Act shall be kept confidential to the extent possible, consistent with a fair determination of the issues. The above sentence shall also apply to complaints filed with the recipient against the subrecipient.

(b) *Complaint procedures.* The complaint resolution procedure shall include:

(1) Opportunity to file a complaint. All complaints shall be in writing.

(2) Opportunity for informed resolution of the complaint.

(3) Written notification of an opportunity for a hearing when an informal resolution has not been accomplished. The notice shall state the procedures for requesting a hearing and shall describe the elements in the hearing procedures including those set forth in paragraph (c).

(4) Opportunity to amend the complaint prior to a hearing.

(5) Opportunity for a hearing pursuant to paragraph (c) of this section within 30 days of filing the complaint.

(6) A final written decision to the complainant which shall be made within 60 days of the filing of the complaint and shall include:

(i) The reason(s) for the decision.

(ii) A statement that the procedures delineated in this section have been completed.

(iii) Notice of the right to file a complaint with the Grant Officer pursuant to § 676.86 of this subpart where any party disagrees with the decision.

(c) *Hearing procedure.* A hearing, when requested, shall be provided within 30 days after filing a complaint. The hearing procedure shall include:

(1) Written notice of the date, time and place of the hearing, the manner in which it will be conducted, and the issues to be decided. Other interested parties may apply for notice. Such other interested party is a person or organization potentially affected by the outcome. The notice to other interested parties shall include the same information furnished to the complainant and shall further state whether such interested parties may participate in the hearing and if applicable, the method by which they may request such participation.

(2) Opportunity to withdraw the request for hearing in writing before the hearing.

(3) Opportunity to request rescheduling of the hearing for good cause.

(4) Opportunity to be represented by an attorney or other representative of the complainant's choice.

(5) Opportunity to bring witnesses and documentary evidence.

(6) Opportunity to have records or documents relevant to the issues produced by their custodian when such records or documents are kept by or for the recipient or its subrecipient in the ordinary course of business.

(7) Opportunity to question any witnesses or parties.

(8) The right to an impartial hearing officer.

(9) A written decision from the hearing officer to the complainant(s), and any other interested parties within 60 days of the filing of the complaint. This period may be extended with the written consent of all of the parties for

good cause. The written decision shall include a synopsis of facts, a statement of reasons for the decision and a statement of remedies to be applied.

(10) Where a complaint procedure provides for a recipient's review of the hearing officer's decision, the recipient shall provide a final written decision to the complainant(s), and any other parties, as provided in paragraph (c)(9) of this section.

(11) Where local law or other personnel rules require procedures in addition to those specified above, similarly employed CETA participants shall be notified of their right to use the same procedures (sec. 122(k)).

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.84 Grievance or complaint procedures at employer level.

(a) *Policy.* Whenever the recipient or subrecipient is an employer, it shall continue to operate or shall establish and maintain for its participants a grievance or complaint procedure relating to the terms and conditions of CETA employment. The employer who does not have a grievance or complaint procedure may use the procedure of the recipient or subrecipient under § 676.83 (Sec. 106(a)(2)).

(b) *Minimum requirements.* Those employers who do not utilize the procedures in § 676.83, shall establish or maintain procedures which shall provide at a minimum:

(1) Notice, upon enrollment into employment or training, of the scope and availability of such procedures.

(2) Notice, at the time the complaint is filed, of the procedures under which the complaint is being processed.

(3) Written notification of the disposition of the complaint, and the reasons therefore, which shall be issued within 60 days of the filing of the complaint, unless the grievance procedure or the collective bargaining agreement specifically provides other limits.

(4) Written notification of the right to file a complaint with the Grant Officer of the decision issued, pursuant to § 676.86.

(c) *Equal benefits.* Where local law or other personnel rules require procedures, in addition to those specified in paragraph (b) above, for any adverse action including termination of employment, similarly employed CETA participants shall be notified of their right to use the same procedures (sec. 122(k)).

(d) *Private for profit employer grievance procedures.* Nothing in this section shall require a private for profit employer to establish a new grievance procedure or to modify an existing procedure as a condition of participating in programs for the training and hiring of participants under the Act. If a private for profit employer does not have a grievance procedure for its employees regarding the terms and conditions of employment the CETA employees may use the procedures specified in § 676.83.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.85 Exhaustion of recipient level procedure.

(a) *Exhaustion required.* No complainant subject to the grievance procedures specified in either § 676.83 or § 676.84 may file a complaint with the Grant Officer until the recipient level grievance procedures have been exhausted.

(b) *Exhaustion exceptions.* Complainants who have not exhausted the procedures at the recipient level may file the complaint at the federal level, and the Grant Officer shall accept such complaint if he or she determines that:

(1) The recipient or subrecipient has not acted within the time frames specified in § 676.83 and § 676.84; or

(2) The recipient's or subrecipient's procedures are not in compliance with § 676.83 or 676.84, whichever is applicable; or

(3) An emergency situation exists.

§ 676.86 Complaints and investigations at the Federal level.

(a)(1) *General; final determination of substantial evidence.* Where local administrative remedies have been exhausted, section 106(b) of the Act requires that a final determination of the complaint shall be made within 120 days after the Grant Officer receives the complaint. The Grant Officer's resolution pursuant to section 106(i)(1) of the Act constitutes the "final determination" required to be accomplished within the 120 days specified in section 106(b) of the Act. The final determination process consists of the non-criminal investigation, the determination of substantial evidence (either supporting or not supporting the allegations of the complaint or the belief that a recipient or subrecipient is failing to comply with the requirements of the Act or the regulations), and the procedures regarding notice, informal resolution or lack of informal resolution, and notice of opportunity for hearing contained in section 106(i) of the Act, as established in § 676.88 below.

(2) *Final action distinguished.* Section 107 of the Act provides for judicial review of "final action" with respect to disapproval of a prime sponsor's "comprehensive employment and training plan under section 104 of the Act," or "final action" taken with respect to any recipient in the nature of a sanction under section 106. Such "final action" is defined in § 676.91(f) and is different than "final determination" as described in paragraph (a)(1), for the reason that an opportunity for a hearing to persons outside the agency shall be given prior to imposition of a sanction or disaproval of a Comprehensive Employment and Training Plan, pursuant to Sec. 106(i)(2). The length of the hearing process is subject to the actions of the parties requesting the hearing and the complexity of the issues being heard.

(b) *Contents of complaints.* Every complaint shall be filed in writing before the commencement of any investigation or corrective action shall be required. The complaint shall be filed only after local remedies have been exhausted and no later than 30 days from the date of receipt of the written decision or notice required by § 676.83 or § 676.84. The complaint should contain the following:

(1) The full name, telephone number (if any), and address of the person making the complaint.

(2) The full name and address of the respondent (the recipient, or subrecipient or person against whom the complaint is made).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.

(4) Where known, the provisions of the Act, regulations, grant or other agreements under the act believed to have been violated.

(5) A statement disclosing whether proceedings involving the subject of the complaint have been commenced or concluded before any federal, state, or local authority, and, if so, the date of such commencement or conclusion and the name and address of the authority.

(6) A copy of the final decision of the recipient or subrecipient issued pursuant to § 676.83 or § 676.84 of this subpart.

(7) A complaint will be considered to have been filed when the Grant Officer receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made, and to fairly afford the respondent an opportunity to prepare a defense. A complaint may be amended to cure defects or omissions, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date.

(8) A complaint once filed may be withdrawn only with the consent of the Grant Officer. If the complainant fails to cooperate or is unavailable, the complaint may be dismissed upon

reasonable notice to the last known address of the complainant.

(9) Complaints alleging discrimination on the basis of race, creed, color, national origin, religion, sex, handicap or age shall be investigated by a Department of Labor EEO officer and otherwise handled in accordance with the federal level procedures set forth at 29 CFR Part 31, or any amendments thereto. When a complaint alleges both discrimination and other violations, those portions of the complaint alleging discrimination shall be handled under 29 CFR Part 31 and those portions of the complaint alleging other violations shall be handled in accordance with the procedures in the following sections of this subpart, provided any hearings and adjudications may be joined as provided in § 676.89(c).

(c) *Investigation of complaints.* Whenever the Grant Officer receives a complaint filed in accordance with sections (a) and (b) above, the complaint shall be investigated if it alleges that any person, recipient or subrecipient is failing to comply with the requirements of the Act, regulations, grant or other agreements under the Act. Such investigation shall be completed and a conclusion made pursuant to § 676.88(a) within 60 days after the filing of a complaint, or such additional time not to exceed 30 days as the Grant Officer may allow. No extensions shall relieve the Grant Officer of the duty to make his or her final determination within 120 days of the filing of the complaint.

(d) *Audit reports.* Upon receipt of a final audit report the Grant Officer will promptly transmit the audit report to the recipient and/or subrecipient for a comment period not to exceed 30 days, or for such additional time as the Grant Officer may allow. Within 30 days after the end of the comment period the Grant Officer shall make his initial determination pursuant to § 676.88(a).

(e) *Onsite reviews and other bases for investigation.* If after an onsite review, monitoring visit, review of reports, data or other information, the Grant Officer has reason to believe that a recipient or subrecipient is failing to comply with the requirements of the Act, regulations grant or other agreements under the Act, the Grant Officer or other designated authority shall investigate the matter.

(f) *Non-Grant Officer investigations.* (1) The Assistant Secretary for Employment and Training may, for purposes of making any investigation, assign a single complaint or classes of complaints to the Office of Investigation and Compliance of the Employment and Training Administration, under such conditions as may be appropriate.

(2) The Assistant Secretary for Employment and Training may, by agreement with the Office of the Inspector General, or the Office of the Inspector General may pursuant to the Inspector General Act of 1978, Pub. L. 95–492, 92 Stat. 1101, assume responsibility for any investigation arising under CETA.

(g) *Utilizing other services.* With the consent and cooperation of state agencies charged with the administration or enforcement of state laws, the Secretary may elect for the purpose of carrying out this subpart and Section 133 of the Act, to utilize the services of state and local agencies and their employees, and notwithstanding any other provision of law, may reimburse, in whole or in part, such state and local agencies and their employees for services rendered for such purposes (sec. 106(h)).

(h) *Criminal investigations.* Notwithstanding any other provision of this subpart, investigation by the Department of any matter concerning a potential federal criminal violation shall be conducted as the Inspector General shall direct pursuant to the powers granted by the Inspector General Act of 1978, Pub. L. 95–452, 92 Stat. 1101.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.87 Subpoenas.

(a) *Subpoenas in investigations.* (1) The Assistant Secretary of Labor for Employment and Training may issue a subpoena directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter arising under the Act, being investigated. The Solicitor, the Associate Solicitor for Employment and Training Legal Services or the Regional Solicitors, for good cause shown, may extend the time prescribed for compliance with such subpoenas (Sec. 133(a)(3)).

(2) Any motion to limit or quash any investigational subpoena shall be filed with the Chief Administrative Law Judge within 10 days after service of the subpoena, or, if the return date is less than 10 days after service of the subpoena, within such other time as may be allowed.

(3) The timely filing of a motion to limit or quash any investigational subpoena shall stay the requirement of a return on the portion challenged. If the Administrative Law Judge has not ruled upon the motion by the return date, or if the Administrative Law Judge rules subsequent to the return date, and the ruling denies the motion in whole or in part, the Administrative Law Judge shall either specify a new return date or direct that the office which issued the subpoena do so.

(4) All motions to limit or quash investigational subpoenas, and the investigator's responses thereto, shall be part of the public record of the Office of the Administrative Law Judges except as otherwise ordered or provided under these regulations.

(b) *Noncompliance.* (1) In cases of failure to comply with compulsory processes, appropriate action may be initiated, including actions for enforcement, forfeiture, penalties or criminal actions.

(2) The Solicitor of Labor, with the consent of the Attorney General, may:

(i) Institute on behalf of the Secretary an enforcement proceeding in connection with the failure or refusal of a person, partnership, corporation, recipient or other entity to comply with or to obey a subpoena if the return date or any extension thereof has passed; or

(ii) Request on behalf of the Secretary the institution of civil actions, as appropriate, if the return date or any extension thereof has passed including seeking civil contempt in cases where a court order enforcing compulsory process has been violated.

§ 676.88 Initial and final determination; request for hearing at the Federal level.

(a) *Initial determination.* Upon the conclusion of an investigation conducted pursuant to § 676.86, or after the conclusion of the comment period for audits provided in § 676.86, the Grant Officer shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grant or other agreements under this Act. The determination may conclude either:

(1) That there is insufficient evidence to support the allegation. In such instances the Grant Officer may seek informal resolution of the matter, pursuant to § 676.88(c), or may dismiss the complaint.

(2) That there is substantial evidence to support the allegation, or finding of questioned costs or activities.

(b) *Contents of Initial determination.* The initial determination shall: (1) be in writing, (2) state the basis of the determination, (3) specify the costs or activities disallowed, (4) specify the corrective actions and/or sanctions proposed, and (5) give notice of an opportunity for informal resolution of the matters as necessary to the

appropriate parties, which should include all interested parties specified by the Grant Officer. This initial determination shall be mailed by certified mail return receipt requested to the parties and interested parties.

(c) *Allowability of certain questioned costs.* In any case in which the Grant Officer determines that there is sufficient evidence that funds have been misspent, the Grant Officer shall disallow the costs, except that costs associated with ineligible participants and public service employment programs may be allowed when the Grant Officer finds:

(1) The activity was not fraudulent and the violation did not take place with the knowledge of the recipient or subrecipient; and

(2) Immediate action was taken to remove the ineligible participant; and

(3) Eligibility determination procedures, or other such management systems and mechanisms required in these regulations, were properly followed and monitored; and

(4) Immediate action was taken to remedy the problem causing the questioned activity or ineligibility; and

(5) The magnitude of questioned costs or activities is not substantial.

(d) *Informal resolution.* The Grant Officer shall not revoke a recipient's grant, in whole or in part, nor institute corrective action or sanctions against a recipient without first providing the recipient with an opportunity to informally resolve those matters contained in the Grant Officer's initial determination. If the matters are informally resolved the Grant Officer shall notify the parties in writing of the nature of the resolution, and may close the file.

(e) *Final determination.* If all the parties and the Grant Officer cannot informally resolve any matter pursuant to paragraph (d), the Grant Officer shall, not later than 120 days after the filing of the complaint (or receipt of a final audit or investigation report in the absence of a complaint), provide each party with a final written notice in duplicate by certified mail, return receipt requested, that (1) indicates that efforts to informally resolve matters contained in the initial determination pursuant to paragraph (a) have been unsuccessful, (2) lists those matters upon which the parties continue to disagree, (3) lists any sanctions, and required corrective actions, including any other alteration or modification of the plan, grant, agreement or program intended by the Grant Officer, and (4) informs the parties of their opportunity to request a hearing pursuant to these regulations. The Grant Officer shall also mail a copy of his final determinations to any parties in interest.

(f) *Request for hearing.* Within 10 days of receipt of the Grant Officer's dismissal of the complaint or of the Grant Officer's final determination, any affected recipient, subrecipient or complainant may request a hearing by filing a request for hearing with the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, NW., Washington, D.C. 20036, with a copy to the Grant Officer. The request for hearing shall be mailed by certified mail return receipt requested not later than 10 days after receipt of the Grant Officer's determination and shall be considered filed upon receipt at the office of the Chief Administrative Law Judge. The request for hearing shall be accompanied by a copy of the Grant Officer's final determination or dismissal of the complaint and shall specifically state those provisions of the determination upon which a hearing is requested. Those provisions of the determination not specified for hearing, or the entire determination when no hearing has been requested, shall be considered resolved and not subject to further review.

(g) *Notification of filing.* Upon the receipt of a request for hearing the Chief Administrative Law Judge shall promptly notify the Grant Officer, the Associate Solicitor for Employment and Training Legal Services and each party and party in interest named in the Grant Officer's final determination by certified mail, return receipt requested, that the request has been filed and the date of filing. Such notice shall include a copy of the Grant Officer's determination and the request for hearing. Within 30 days of receipt of such notice the Grant Officer shall submit to the Administrative Law Judge an administrative file consisting of all pertinent documents tabbed and containing an index listing the documents. The Grant Officer shall simultaneously transmit two copies of the administrative file to the Associate Solicitor for Employment and Training Legal Services, Room N-2101, 200 Constitution Avenue N.W., Washington, D.C. 20210, and shall retain one copy. Each party or party in interest shall file a notice of intent to participate with the Office of the Chief Administrative Law Judge upon such terms as the Administrative Law Judge assigned the case shall order.

(h) *Automatic participation.* The Grant Officer shall be a party to all proceedings. Attorneys employed by the Solicitor of Labor shall represent the Grant Officer.

(i) *Discretionary hearing.* Whenever not otherwise eligible for a hearing, an opportunity for a hearing may also be extended when the Assistant Secretary determines that fairness and the effective operation of CETA programs would be furthered.

(j) *Emergency sanctions.* In emergency situations as determined by the Assistant Secretary, where it is necessary to protect the integrity of the funds, or insure the proper operation of the program the Assistant Secretary may immediately terminate or suspend a grantee's authority to obligate funds, in whole or in part and withdraw unexpended funds and made alternative temporary arrangements to carry out the grant program. Within 30 days after such termination or suspension the Assistant Secretary shall notify the grantee of the reason for the action and provide an opportunity to request a hearing (Sec. 106(e)).

§ 676.89 Rules of procedure.

(a) *Applicability of the Federal Rules of Civil Procedure.* On any procedural question not regulated by this subpart, the Act, or the Administrative Procedure Act, the Administrative Law Judge shall be guided to the extent practicable by any pertinent provisions of the Federal Rules of Civil Procedure, including the rules governing intervention.

(b) *Filing.* All papers after the request for hearing required to be served on a party shall be filed with the Administrative Law Judge either before service on the parties of record or within a reasonable time thereafter. The filing of papers with the Office of Administrative Law Judges, as required by these rules, shall be made by filing them with the clerk, except that the Administrative Law Judge may permit the papers to be filed with him/her, in which event he or she shall note thereon the filing date and forthwith transmit them to the Clerk.

(c) *Consolidated or joint hearings.* (1) In cases in which the same or related facts are asserted to constitute noncompliance with these regulations and the regulations of one or more other federal departments or agencies, the Administrative Law Judge may, by agreement with such other departments or agencies, provide for the conduct of consolidated or joint hearings conducted in accordance with these rules.

(2) Upon motion of any party, and for good cause shown, the Chief Administrative Law Judge may order the consolidation of hearings in which similar facts and legal issues are present.

(d) *Amicus curiae.* A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, or by leave of the Administrative Law Judge granted upon motion, or on the request of the Administrative Law Judge, except that consent or leave shall not be required when the brief is presented by an officer or agency of the United States, or by a state, territory or commonwealth. The amicus curiae shall not participate in the conduct of the hearing, including the presentation of evidence and the examination of witnesses.

(e) *Discovery.* The provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Courts, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any proceeding conducted under these regulations to the extent that the Administrative Law Judge concludes upon application that their use would contribute to the just, speedy, and inexpensive determination of the proceeding. A subpoena necessary to secure the attendance of a witness at a deposition (including the production of documents or things) shall be obtained and issued as provided in section 676.90(a) of these regulations.

(f) *Prehearing procedures.* (1) *Prehearing conference.* Prehearing conferences may be scheduled by the Administrative Law Judge upon reasonable notice in advance of the hearing in order to permit time in which to complete any prehearing stipulation. The purpose of this conference is to make a good faith effort to:

(i) Discuss the possibility of settlement;

(ii) Stipulate to as many facts or issues as possible;

(iii) Examine all exhibits or documents and other items of tangible evidence to be offered by any party at the hearing;

(iv) Exchange the names and addresses of all witnesses; and

(v) Prepare a prehearing stipulation.

(2) *Prehearing agreement.* (i) Alternatively, the Administrative Law Judge may enter an order requiring the parties to prepare a proposed prehearing order setting forth the issues to be heard, the stipulated and disputed facts, the anticipated witnesses and evidence to be presented, and any other matter deemed appropriate.

(ii) The Administrative Law Judge shall make an order which recites the action taken at the conference, or pursuant to any prehearing agreement, which limits the issues to those not disposed of by admissions or agreements. The order, when entered, shall control the subsequent course of the proceeding, unless modified to prevent manifest injustice.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.90 Hearings.

(a) *Time and place.* Hearings shall be held at a time and place ordered by the Administrative Law Judge upon reasonable notice to the parties. Due regard shall be given to the convenience of the parties and the witnesses in selecting a place for the hearing. Subpoenas necessary to secure the attendance of witnesses and the production of documents or things shall be obtained from the Office of the Administrative Law Judges and shall be issued pursuant to the authority contained in section 133(a)(3) of the Act incorporating 15 U.S.C. § 49.

(b) *Burden of proof.* The party requesting the hearing shall have the burden of establishing the facts and the entitlement to the relief requested.

(c) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties. A transcript shall be made of the oral evidence presented at the hearing. Copies of all exhibits introduced at the hearing and of stipulations of the parties shall be maintained as part of the record. All decisions shall be based upon the hearing record and written findings shall be made.

(d) *Amendments to conform to the evidence.* When issues not raised by the request for hearing, prehearing stipulation or prehearing order are tried by express or implied consent of the parties, they shall be treated in all respect as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made on motion of any party at any time; but failure to so amend does not affect the result of the hearing of these issues. The Administrative Law Judge may grant a continuance to enable the objecting party to meet such evidence.

(e) *Non-appearance of parties.* If a party fails to appear at a hearing the Administrative Law Judge may hear the cause on behalf of the remaining parties, or may decide the cause on the briefs or dismiss the cause.

(f) *Record for decision.* The transcript of testimony, exhibits and all papers and requests filed in the proceeedings including rulings and any proposed findings of fact and conclusions of law, shall constitute the exclusive record for decision.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.91 Post-hearing procedures.

(a) *Post-hearing briefs; findings and conclusions.* The Administrative Law Judge shall fix the time for filing post hearing briefs, which may contain proposed findings of fact and conclusions of law and, if permitted, reply briefs. Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon.

(b) *Decision.* After the time for submission of post-hearing briefs has expired, the Administrative Law Judge shall render a decision adjudicating the cause. A copy of the decision shall be served upon all parties and each amicus curiae, if any.

(c) *Contents of decisions.* The decision of the Administrative Law Judge shall state the factual and legal bases for the decision and shall state the relief to be ordered. The Administrative Law Judge shall have the full authority of the Secretary in ordering relief, including direct action against the subrecipients as authorized by § 106(d)(1) of the Act. Orders for relief may provide for suspension or termination of, or refusal to grant or continue federal financial assistance in whole or in part, and may contain such terms, corrective action, conditions, sanctions (including awards of back pay), reallocations, and other provisions as are consistent with and will effectuate the purposes of the Act and regulations issued thereunder, including provisions designed to insure that no federal financial assistance will therafter be extended under such program unless and until the prime sponsor, recipient or subrecipient corrects its noncompliance and makes satisfactory assurance that it will fully comply with the Act and regulations.

(d) *Adjustments in payments.* When after a hearing pursuant to this subpart it appears that program funds have been expended in violation of the Act, the regulations, grant, or other agreements under the Act, the Administrative Law Judge may direct, in order to prevent further unauthorized expenditures, that

unexpended funds be returned or that funds otherwise payable under the Act be withheld in order to recover any amount expended for unauthorized purposes in any fiscal year. When such action is taken the recipient shall neither reduce program operations, nor reduce compensation to any participant, or otherwise expend less than those sums called for in the grant. Any such reduction in expenditures may be deemed sufficient cause for emergency termination (sec. 106(g)).

(e) *Termination of grant.* When the final decision terminates the grant in whole or in part after hearing pursuant to this subpart, the final decision shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of this notice, the recipient shall:

(1) Discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant.

(2) Promptly cancel all subgrants, agreements and contacts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant.

(3) Settle, with the approval of the Secretary, all outstanding claims arising from such termination.

(4) Submit, within a reasonable period of time, after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant.

(f) *Final decision.* The decision of the Administrative Law Judge shall become the final decision of the Secretary unless the Secretary modifies or vacates the decision within 30 days after it is served.

(g) *Alternative provision of services.* If the final decision specifies suspension or termination of the grant the Grant Officer shall determine how services shall be maintained in the recipients area. As part of the determination, the Grant Officer shall determine whether any funds shall be reallocated to the state or to another recipient to serve the area formerly served by the terminated or suspended recipient. The Grant Officer may also consider the desirability of providing direct federal services to the area through appropriate means (sec. 102).

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.92 Final action; judicial review.

(a) *Final action.* The final decision of the Secretary constitutes final action within the meaning of the Act and the Administrative Procedure Act, 5 U.S.C. 704.

(b) *Judicial review.* Judicial review of final action shall be in accordance with section 107 of the Act.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

§ 676.93 Other authority.

Nothing contained in this subpart shall be deemed to prejudice the separate authority of other law enforcement officials to pursue remedies and sanctions available outside the Act. Nothing in this subpart shall be deemed to reduce the responsibility and full liability of the prime sponsors and other recipients.

[44 FR 20002, Apr. 3, 1979; 44 FR 28654, May 15, 1979]

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Part V

Office of Personnel Management

Federal Employees Health Benefits Programs

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking, with comments requested.

SUMMARY: The Office of Personnel Management (OPM) is proposing revised regulations to require that the employee pay his/her contribution, and the Government pay its contribution to cover the cost of enrollment in the Federal Employees Health Benefits (FEHB) program for each pay period during which an employee's enrollment continues, whether the employee is in pay status or nonpay status. OPM has been enjoined from implementing current interim regulations on this subject. Under previous regulations, neither employees nor the Government were required to make their respective contributions during periods of nonpay status even though the health insurance remained in effect. These proposed regulations would help reduce FEHB premium rates.

DATE: Comments must be received on or before May 13, 1982.

ADDRESS: Send or deliver written comments to Mr. Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, room 4351, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: John Landers, (202) 632–4634.

SUPPLEMENTARY INFORMATION: *Interim regulations published November 10, 1981.* On November 10, 1981, OPM issued interim regulations (46 FR 55503) to revise FEHB rules concerning employees who continue health insurance during nonpay status. Under the previous rules, OPM had exercised its authority under section 8906(e)(1) of title 5, Under States Code, to waive employee and Government contributions to the cost of the enrollment during the period in which an employee is allowed, under that provision of law, to continue an enrollment for up to 12 months of nonpay status. This free coverage during nonpay status was paid for by increased premiums for all participating annuitants and employees in pay status. If free coverage were eliminated, this increased premium could be reduced, and the provision for coverage during nonpay status would be paid for by those who actually enjoy this protection during nonpay status.

The interim regulations effective on the first day of the first full pay period of 1982, continued to provide for full waiver of any Government obligation for employees continuing an enrollment during nonpay status. However, the amount of free coverage for most employees was reduced from 12 months to 1 month; to continue coverage during the remaining 11 months, employees in nonpay status were required to pay the employee share of the enrollment cost. Seasonal employees and other employees who are regularly placed in nonpay status as a condition of employment were required to pay both the employee and Government shares of the enrollment cost during nonpay status, with no free coverage. The interim regulations allowed a 90-day grace period for payment of the amounts due during nonpay status, and required retroactive cancellation of an enrollment after expiration of this grace period. An employing agency could reinstate coverage so terminated if it determined that the employee's failure to make the required payments during the grace period was due to cause beyond his/her control. However, if an enrollment were so canceled (and not retroactively reinstated), the employee automatically re-acquired the coverage prospectively upon return to duty. There were no exceptions allowed for specific groups of employees under the interim regulations.

Court injunction against implementation of the interim regulations. On February 26, 1982, the U.S. District Court for the District of Columbia enjoined OPM from implementing the interim regulations published on November 10, 1981. The Court found that OPM violated the Administrative Procedure Act by not giving notice and awaiting comment before implementation of the new rule in January 1982. The Government has 60 days in which to file an appeal of the Court's order. OPM has advised agencies to suspend implementation of the interim regulations until further notice.

Experience with the interim regulations. Upon publication of the interim regulations, OPM requested comments from the public to be submitted by March 10, 1982, for consideration in development of final regulations. Over 150 letters were received during the comment period from individuals and groups of individuals, members of Congress, labor organizations, FEHB carriers, and Federal agencies. Comments were also received via a large number of telephone calls from these sources and during ad hoc meetings and discussions.

On the basis of comments received on the interim regulations and as a result of OPM staff analysis of our experience with the interim regulations as they were implemented from January 1 to February 26, 1982, we have identified several problem areas. They include concerns of both OPM and the public and are summarized as follows:

1. *Retroactive cancellation of enrollment if payments not made within 90 days, with agency discretion for retroactive reinstatement.* Federal agencies expressed their concern for the administrative burden imposed by the provision. They are responsible for tracking employee accounts, completing cancellation forms in the absence of the employee, maintaining contact with absent or separated employees in some instances, and making administrative decisions regarding the cause of nonpayment where a canceled employee seeks retroactive reinstatement under the "cause beyond control" provision. One agency pointed out that in many agencies this determination could become subject to a negotiated grievance procedure, in which case the administrative cost of making such determinations could increase dramatically.

Some FEHB carriers and other commenters objected to the concept of permitting employees to have the opportunity to decide whether to make payments up to three months after the period of coverage. This provision would encourage adverse selection against the plans for coverage allowed during nonpay status, since, as a general rule, only employees who actually make use of the coverage would elect to pay the required premiums for up to three months before an eventual return to duty. Also, retroactive cancellations could result in FEHB plans' paying claims to enrollees whose coverage is then retroactively canceled. Recovery of the payments from the former enrollee would have been difficult.

2. *Reinstatment upon return to work after nonpay status.* Commenters noted that the provision in the interim regulations allowing automatic reinstatement of health benefits coverage following a period of nonpay status during which the employee had not made premium payments constituted a loophole allowing some employees, those who had no claims or service during nonpay status, to avoid paying for the insurance, while others, those who would make actual use of the insurance during nonpay status, would be forced to pay the premiums. This

provision, in combination with the provision for a 90-day grace period for payments, may have seriously reduced the effectiveness of the interim regulations in the effort to put into practice the concept that health insurance protection during periods of nonpay status should not be provided free of charge.

3. *Distinctions made between seasonal and nonseasonal employees.* As explained above, the interim regulations allowed 1 month free coverage for nonseasonal employees and no free coverage for seasonal and similar employees. Also, seasonals were required to pay the full cost of the group health insurance during nonpay status, while the nonseasonals paid only the employee share during periods of continuous nonpay status of more than 30 days.

Affected seasonal, on-call, work-study program, when-actually-employed (WAE) and similar employees (and other commenters) viewed this distinction as unfair and unwise. Seasonal and similar employees expressed shock at the interim regulation. These are often long-service, career employees who for the first time were required to pay for health benefits during the off-season and other periods of nonpay status. Many lower-graded employees with families stated that they survive on unemployment insurance or odd-jobs during the off-season, that payment of the unanticipated health insurance premiums (which was generally more than double the amount withheld from salary while in pay status) was not affordable under those conditions and that they and their families would therefore be left without health insurance during that period.

Some commenters objected to the regulatory distinctions as illegal, especially with regard to the requirement that the Government share of the enrollment cost was to be borne by seasonal and similar employees. In addition to the arguments on equity grounds, it was argued that section 8906(f) of title 5, United States Code, specifically requires that the Government contribution be made by the employing agency rather than by employees during nonpay status.

Some commenters objected that the difference in treatment of seasonal and similar employees would hamper agency recruitment efforts. Especially in the area of work-study program employment, agencies commented that this source of technical and scientific personnel would diminish by elimination of the free coverage previously provided, and that the entry of these highly desirable recruits into the career service would be reduced to the detriment of the Government.

Some commenters objected to the distinctions between seasonals and nonseasonals as being based on artificial categorizing of employees. Many seasonal employees may have a relatively clearly defined season, such as the tobacco marketing season, the income tax processing season, the mountain park season, etc. However, many other employees are designated as "seasonal" even though they may be scheduled to work year-round except for one 2-week pay period or except when snow or ice make their work impracticable, for example. Actual employment practices in the Federal Government for seasonal workers vary between a commonly conceived seasonal employment arrangement (with months of predictable work and months of predictable nonwork each year) and the nominally seasonal employee who is subject to lay-off as a condition of employment but who may actually work essentially year-round. Some commenters have argued that under these circumstances it is unfair that employees who often do actually work year round (though they are subject to lay-off as a condition of employment) are not afforded the 1 month free coverage or that they must pay the Government share of the premiums during any furlough, just as would be the case under the interim regulations for their nonseasonal co-workers.

4. *Hardship under the interim regulations.* Some commenters expressed their belief that the interim regulations would mean that career and other Federal employees would, in some cases, be left without health insurance at a time when protection was most needed. For example, an employee who suffers an accidental injury, whether it be on or off the job, may undergo a protracted period on nonpay status compounded by large medical bills. Some commenters pointed to the fact that such an employee (and employees in other difficult circumstances) may in fact be unable to pay for health insurance during nonpay status and argue that these employees should be excepted from this requirement on the basis of hardship. Commenters have also stated that the regulation imposes an unfair hardship on women who must request nonpay status for maternity reasons.

Some commenters argued that, at a minimum, employees who have been injured on the job or who are awaiting action on an application for disability retirement or workers' compensation benefits should be excepted from the requirement of the interim regulations on the basis of hardship, since these employees may have the greatest need and anguish over the status of their health insurance.

5. *Cost of implementing the interim regulations.* Some commenters posed the question of whether the administrative expense to be incurred by the Government in implementing the interim regulations might actually exceed the Government savings expected under the FEHB program. Implementation of the interim regulations required agencies to establish new administrative and collection procedures. Agencies were required to identify employees entering nonpay status for a new purpose, notify them in writing of how, when and where to make premium payments during nonpay status, track nonpay status to determine when the 30-day free period expired for most employees, accept and process payments from employees in nonpay status, complete health benefits cancellation and reinstatement forms not previously required, make administrative decisions regarding the nature of the cause of failure to make premium payments during nonpay status, and provide counseling for employees who previously received automatic free coverage but were now required to make premium payments with, in many cases, no current income.

Because all of these procedures were new, and because the interim regulations, in recognition of the varied and decentralized forms of payroll and personnel processing in the Government, allowed agencies to develop these procedures according to each agency's circumstances and capabilities, it was not possible to make an accurate estimate of the cost implementing the interim regulations prior to their promulgation. Rather, such an estimate would require a survey of all agencies to ascertain their own administrative costs following actual implementation. None of the commenters submitted an actual administrative cost estimate.

6. *Requests for exceptions.* Several commenters requested exceptions for certain groups of employees. Principally, it was argued that the rule change should not have affected employees who began a period of leave without pay before the effective date of the regulations and should not have required them to make the nonpay status premium payments even though they continued in nonpay status beyond the effective date in January 1982. The rationale given for such an exclusion was that the employee had been

counseled, at the time of entry on leave without pay, that health insurance would continue free for up to twelve months of nonpay status, and that such employees would have been expected to make personal plans based on that assurance.

Other categories of employees seeking an exception to the interim regulations included employees who believed that OPM should not change benefit rules before a negotiated labor agreement, under which the previous rules had been assumed, expired. One commenter averred that the Postal Reorganization Act does not permit a decrease in benefits affecting bargaining unit employees in the Postal Service, unless the change is agreed upon under the Act's collective bargaining procedures. (OPM has not received official comments from the Postal Service concerning the interim regulations.)

Seasonal tobacco inspectors/graders who work for the Agricultural Marketing Service, USDA, were among other groups of employees seeking an exception from the interim regulations. The tobacco graders and inspectors usually work six to seven months per year, during the tobacco marketing season. Under current law, the cost of their services is paid by imposition of user fees on tobacco producers. The user fee includes the cost of fringe benefits, and is intended to offset the Government's cost of providing the service of these workers. However, at present, the user fee does not include the cost of health insurance during nonpay status because the Agricultural Marketing Service did not incur any expense for provision of health insurance during nonpay status under either the previous or the interim rules (previously the Government share was waived and under the interim regulations the government share was paid by the seasonal employee).

Evaluation of comments. This summary of the most significant comments and reactions received since the interim regulations were published is presented to apprise interested persons of the substance of the comments. All comments have been considered in the development of the proposed regulations described below, and will be considered in development of any final regulations which may be issued as a result of this notice.

OPM previously allowed a substantial period (November 10, 1981 to March 10, 1982) for submission of comments to be used in development of final regulations. OPM has now determined that since the District Court issued its order shortly before the end of that comment period, and since there have been changes from the interim regulations to the proposed regulations described below, there should be an additional period for submission of any further comments. Therefore, the present proposal, as outlined below and embodied in the attached regulatory language, is now being submitted for public notice with comments requested within 30 days following the date of publication of this notice (rather than the 60-day period OPM usually allows for comments). The proposed regulations would reduce the administrative cost of implementation as compared to the interim regulations, and would eliminate the following features of those regulations: retroactive cancellations of insurance, automatic reinstatement of coverage after a period of nonpay status if coverage is canceled, distinctions between groups of employees, employee payment of the Government share during nonpay status, and payments during nonpay status which are mandatory in order to continue coverage. If finalized, the proposed regulations would be applicable to all covered employees prospectively from the effective date of the regulations. OPM anticipates that if final regulations are issued, their effective date woud be shortly after their publication in the Federal Register.

The proposed regulations would implement the concept that every employee is responsible for payment of his/her share of the cost of an FEHB enrollment for every period during which the insurance protection is in effect, whether during pay or nonpay status. No free coverage would be provided, other than the 31-day extension of coverage following involuntary termination of an enrollment. Of course, while an employee is in pay status, the appropriate withholding is made from salary. While the employee is in nonpay status, and for so long as the insurance continues, the employee's agency will provide a method for making direct payment of the amount which, if the employee were in pay status, would be withheld from salary.

The proposed regulations do not require agencies to cancel an employee's insurance prior to the expiration of the maximum 365 days of coverage available under law during nonpay status, when the insurance terminates automatically. However, an employee may cancel his-her insurance at any time, as provided under current regulations, ending program protection and thus avoiding, prospectively, the requirement to pay premiums.

An employee who cancels insurance under the FEHB program voluntarily exercises the statutory right to end benefit coverage; the enrollment stops (without a 31-day temporary extension of coverage or the right to convert to nongroup coverage) at the end of the pay period in which the cancellation is received in the employing office and the employee is not eligible to re-enroll in an FEHB plan until an event occurs which would allow him or her to enroll, such as an open season. Also, an employee who cancels coverage voluntarily must consider the fact that the law requires that an employee who wishes to continue an enrollment during retirement or receipt of workers' compensation must have been continuously enrolled for the last five years of service during which he/she was eligible to be enrolled or, if less than five, for the entire period of eligibility to enroll. Under the proposed regulations, an employee who cancels an enrollment during nonpay status in order to avoid payment of premiums could be barred from continuing the enrollment during retirement or receipt of workers' compensation on the basis of this statutory participation requirement.

For employees who do not make payments directly to the employing agency for insurance protection in effect during nonpay status, the agency would be authorized, under the proposed regulations, to treat the amount due the FEHB program as an indebtedness to the United States. The proposed regulations state that an employee who incurs such an indebtedness is deemed to consent to have the amount due withheld from future salary. If an employee separates from service, the full amount of any final payment of salary or accrued annual leave would also be available for setoff. In the event of the employee's retirement or withdrawal of accumulated retirement deductions, or if he/she should be awarded workers' compensation benefits, the annuity, refund, or compensation payments would also be available for setoff, as would any other sources which the agency may normally use for collection of an indebtedness due the United States.

If the proposed regulations are adopted as a final rule, following thorough consideration of any comments received by OPM, OPN will issue guidance to employing agencies stressing the need to counsel employees, especially during the early stages of implementation of this new concept, to make employees aware that, in essence, health benefits coverage is automatically advanced to employees during nonpay status (unless they cancel their enrollment) but that the advanced

coverage is not free, and the employee's share of the cost of the advanced coverage will be recovered from pay upon return to pay status, or otherwise recovered if salary or leave payments are not sufficient to cover the indebtedness.

In this light, our guidance would emphasize the desirability of employees' making payments to the agency directly, to avoid a build-up of indebtedness and subsequent recovery. We believe that will-informed employees generally will pay for obligations on a current basis in order to avoid an indebtedness, except in the case of financial hardship. Agency capability to accept payments from employees in nonpay status is already established, having been implemented under the interim regulations. Accordingly, it is expected that the great majority of premiums due for coverage during nonpay status would be received, under the present proposal, either during nonpay status or shortly after the employee's return to pay status.

The proposed regulations would require, for the first time, that employing agencies submit their share of the cost of enrollment for every period during which an employee's enrollment continues, just as employees would be so required with regard to their own share of the cost. Under this requirement, agencies which use more leave without pay would not experience an advantage in payroll costs over agencies that use less, because the Government contribution would be paid for each enrolled employee during both pay and nonpay status.

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units, and small governmental jurisdictions.

List of subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, the Office of Personnel Management proposes to amend Part 890 of Title 5, Code of Federal Regulations, as follows:

(1) Paragraph 890.303(e) is revised to read as follows:

§ 890.303 Continuation of enrollment.

* * * * *

(e) *In nonpay status.* (1) Except as otherwise provided by law, the enrollment of an employee continues while he/she is in nonpay status for up to 365 days. The 365 days' nonpay status may be continuous or broken by periods of less than 4 consecutive months in pay status. If an employee has at least 4 consecutive months in pay status after a period of nonpay status he/she is entitled to begin the 365 days' continuation of enrollment anew. For the purposes of this paragraph, 4 consecutive months in pay status means any 4-month period during which the employee is in pay status for at least part of each pay period.

(2) However, in the case of an employee having a career-conditional or career appointment, or appointed under Schedule B of Part 213 of this chapter, who is employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program, his/her enrollment continues while he/she is in nonpay status so long as he/she is participating in the cooperative work-study program.

(2) Paragraph § 890.304(a)(4) is revised to read as follows:

§ 890.304 Termination of enrollment.

(a) * * *

(4) The day on which the continuation of enrollment under § 890.303(e) expires, or, if he/she is not entitled to any further continuation because he/she has not had 4 consecutive months of pay status since exhausting his/her 365 days' continuation of coverage in nonpay status, the last day of his/her last pay period in pay status.

* * * * *

(3) Paragraph 890.501(e) is revised to read as follows:

§ 890.501 Government contributions.

* * * * *

(e) The employing office shall make a contribution for an employee for each pay period during which the enrollment continues.

(4) The heading of § 890.502 and paragraph (b) of that section are revised to read as follows:

§ 890.502 Employee withholdings and contributions.

* * * * *

(b) An employee or annuitant is responsible for payment of the employee share of the cost of enrollment for every pay period during which the enrollment continues. In each pay period for which health benefits withholdings are not made but during which the enrollment of an employee or annuitant continues, he/she will incur an indebtedness due the United States in the amount of the proper employee withholdings required for that pay period. The employing office shall establish a method for accepting direct payment for the indebtedness from the individual before initiation of a recovery action. An individual who incurs an indebtedness under this paragraph is deemed to consent to have the full amount of the indebtedness withheld from future salary as an indebtedness due the United States. If the indebtedness cannot be withheld in full from salary, it may be recovered from a lump sum payment of accrued annual leave or from other sources normally available to the employing office for the recovery of an indebtedness due the United States.

* * * * *

(5 U.S.C. 8913)

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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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.

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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.**

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