AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10
368.100
G-S.A
2/3

1-14-82
Vol. 47 No. 9
Pages 2073-2282

federal register

Thursday
January 14, 1982

Highlights

2152 **Grant Programs—Education** ED invites new awards applications under Educational Opportunity Centers Program.

2258 ED revises rules on Educational Opportunity Centers Program. (Part III of the issue)

2079 **Securities** SEC amends rules on designation of national market system securities.

2127 **Air Pollution Control** EPA proposes to amend national ambient air quality measurement methodology.

2196 **Energy** DOE announces special refund procedures for consent order funds.

2122 **Foreign Trade** Commerce/Census proposes to amend statistics gathering rules on movement of merchandise into and out of U.S. foreign trade zones.

2073 **Agriculture—Law Enforcement** USDA implements authority for arrest, search, seizure and firearms.

2203 **Motor Vehicles** EPA announces fuel economy evaluation for "Sav-A-Mile" device.

2254 **Agriculture** USDA/FGIS revises inspection, weighing and supervision fees. (Part II of the issue)

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

2085 **Customs** Treasury/Customs amends rules on transportation of transit air cargo.

2086 Treasury/Customs amends rules on assessment of liquidated damages under carrier's bonds.

2125 Treasury/Customs proposes rules on entry of merchandise transported in-bond.

2124 Treasury/Customs proposes rules on country of origin evidence under the Generalized System of Preferences.

2126 Treasury/Customs invites comments on tariff classification of certain garments.

2084 Treasury/Customs adds People's Republic of China to list of nations exempted from special tonnage tax and "light money".

2131 **Vessels** DOT/CG proposes rule on optional simplified admeasurement method for commercial vessels.

2089 **Navajo and Hopi Indians** Navajo and Hopi Indian Relocation Commission issues operation and relocation rules.

2146 **Laboratories** Commerce finds need to accredit laboratories that provide electromagnetic calibration services.

2268 **Budget** OMB issues status report on spending rescissions and deferrals. (Part IV of this issue)

2141 **Countervailing Duties** Commerce/ITA postpones preliminary determination on prestressed concrete steel wire strand from Spain.

2231 **Sunshine Act Meetings**

Separate Parts of This Issue

2254 **Part II, USDA/FGIS**
2258 **Part III, ED**
2268 **Part IV, OMB**

Contents

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

Agricultural Marketing Service
RULES
2074 Oranges (navel) grown in Ariz. and Calif.
PROPOSED RULES
Milk marketing orders:
2122 Georgia; hearing; correction
2118 Middle Atlantic

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service.
RULES
Authority delegations by Secretary and General Officers:
2073 Inspector General Office; law enforcement authorities

Animal and Plant Health Inspection Service
NOTICES
Animal welfare; lists:
2139 Horse protection; exhibitor, auctioneers, etc.; disqualification

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
2154 Bell-Half Moon 230-kV transmission project; proposed

Census Bureau
PROPOSED RULES
2122 Foreign trade statistics; data on movements of merchandise into and out of U.S. foreign trades zones

Centers for Disease Control
NOTICES
Meetings:
2205 Mine Health Research Advisory Committee (NIOSH)

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
2139, 2140 Massachusetts (2 documents)
2140 Michigan
2140 New Jersey
2140 South Carolina
2140 South Dakota

Coast Guard
PROPOSED RULES
Vessel documentation and measurement:
2131 Commercial vessels; optional simplified admeasurement method

Commerce Department
See also Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
Laboratory Accreditation Program, National Voluntary:
2146 Electromagnetic calibration services
2149 Quarterly report

Customs Service
RULES
Air Commerce
2085 Transit air cargo, transportation to interior port of destination; penalties imposed for failure to deliver within specified time limit
Merchandise, imported; transportation in bond and merchandise in transit:
2086 Assessment of liquidated damages under carrier's bonds
Organization and functions; field organization; ports of entry, etc.:
2088 Houston-Galveston, Tex.; port limits description
Vessels in foreign and domestic trade:
2084 China; special tonnage tax and light money; exemption
PROPOSED RULES
Articles conditionally free, subject to a reduced rate, etc.:
2124 Shipments valued in excess of $250; waiver of Generalized System of Preferences Form A as evidence of country of origin
Merchandise, imported; transportation in bond and merchandise in transit:
2125 Shipment shortages; entry acceptance when merchandise cannot be recovered intact
2126 Tariff classification of merchandise; garments with simulated features considered as ornamentation

Defense Department
See also Navy Department.
RULES
2112 Credit unions serving DOD personnel; CFR Part removed
NOTICES
Meetings:
2152 Defense Intelligence Agency Advisory Committee

Economic Regulatory Administration
NOTICES
Remedial orders:
2155 Standard Oil Co.

Education Department
RULES
Postsecondary education:
2258 Educational opportunity centers program
NOTICES
Grant applications and proposals, closing dates:
2152 Educational opportunity centers program

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
2154 Japan
Meetings:
2153 International Energy Agency Industry Working Party

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
2112, 2113 Arkansas (2 documents)
Air quality planning purposes; designation of areas:
2113 Colorado
2115 Texas
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
2129 Rhode Island
Air quality planning purposes; designation of areas:
2131 Colorado; additional comment period
Air quality standards; national primary and secondary:
2127 Air monitoring instruments, calibration and audit standards; use of Certified Reference Materials (CRM)
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
2203 Sav-A-Mile

Federal Aviation Administration
RULES
Airports, Metropolitan Washington:
2079 Aircraft, operational restrictions and limitations, flights into or out of Washington National Airport, etc.; correction
2079 Transition areas; correction
NOTICES
2226 Airspace system plan, national; availability and inquiry

Federal Communications Commission
RULES
Radio stations; table of assignments:
2116 California
PROPOSED RULES
Radio stations; table of assignments:
2135 Iowa
2136 Maine
NOTICES
2231 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
NOTICES
2231 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
2231 Meetings; Sunshine Act

Federal Emergency Management Agency
NOTICES
Meetings:
2204 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
RULES
Electric utilities:
2083 Monthly power plant report (Form No. 4); discontinuance
NOTICES
Hearings, etc.:
2156, 2157 American Electric Power Service Corp. (2 documents)
2157 Arizona Public Service Co.
2157 Edison Sault Electric Co.
2157 Electric Energy, Inc.
2158 Florida Power Corp. (2 documents)
2158 Gulf States Utilities Co.
2158 Hartford Electric Light Co.
2160 Iowa Public Service Co.
2160 Kansas City Power & Light Co.
2160 Maine Public Service Co.
2161 Missouri Public Service Co.
2161 Nantahala Power & Light Co.
2161 Northern States Power Co.
2161 Ohio Edison Co.
2163 Panhandle Eastern Pipe Line Co.
2163 Panhandle Eastern Pipe Line Co., et al.
2163 Powers, John W.
2164 Public Service Co. of Indiana
2164 Public Service Co. of Oklahoma
2166 Raymond Oil Co.
2166 Southern California Edison Co.
2167 Sun Exploration & Production Co. et al.
2167 Tennessee Gas Pipeline Co.
2168 Transwestern Pipeline Co.
Natural gas companies:
2159 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend; Helmerich & Payne, Inc., et al.
Natural Gas Policy Act of 1978:
2169–2189 Jurisdictional agency determinations (3 documents)

Federal Grain Inspection Service
RULES
Grain standards:
2074 Hay, hop, miscellaneous processed commodity, pulse, and straw inspection service; adjustment of fees; correction
2254 Official inspection and weighing services

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
2227 Boston, Mass.; intent to prepare
2228 Lansing, Mich.; intent to prepare
2226 Vanderburgh County, Ind.; intent to prepare

Federal Home Loan Bank Board
NOTICES
2232 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Complaints filed:
2204 California Cartage Co., Inc.

2232 Meetings; Sunshine Act

Federal Reserve System
NOTICES
2232 Meetings; Sunshine Act

Fish and Wildlife Service
RULES
Endangered Species Convention:
2117 Bobcat taken in 1981–1982 season; suspension; correction

Forest Service
NOTICES
Meetings:
2139 Carson National Forest Grazing Advisory Boards
2139 Umatilla National Forest Grazing Advisory Board

General Services Administration
NOTICES
Authority delegations:
2204, 2205 Defense Department (2 documents)

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
2206 Exxon Co., U.S.A.
2206 Kerr-McGee Corp.
2206 SONAT Exploration Co.

Health and Human Services Department
See Centers for Disease Control; Public Health Service; Social Security Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
2203 Cases filed
2202 Decisions and orders
2196 Special refund procedures; implementation and inquiry

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau.

International Trade Administration
NOTICES
Countervailing duties:
2141 Prestressed concrete steel wire strand from Spain
Meetings:
2141 East-West Trade Advisory Committee
2141 Semiconductor Technical Advisory Committee

Interstate Commerce Commission
RULES
Motor carriers:
2117 Compensated intercorporate hauling operations; interpretation; correction
NOTICES
2209 Long and short haul applications for relief
Motor carriers:
2209, 2211 Permanent authority applications (2 documents)
Rail carriers:
2223 Seaboard Coast Line Railroad Co.; contract tariff exemption

Land Management Bureau
NOTICES
Closure of public lands:
2208 Nevada
Management framwork plans, review and supplement, etc.:
2209 California
Meetings:
2206 Carson City District Grazing Advisory Board
2208 Cedar City District Grazing Advisory Board
2207 Cedar City District Multiple Use Advisory Council
2208 Idaho Falls District Grazing Advisory Board
2207 Outer Continental Shelf Advisory Board
Opening of public lands:
2207 Montana
Recreation use permit systems:
2209 Upper Missouri National Wild and Scenic River, Mont.; commercial float boating operations
Wilderness areas; characteristics, inventories, etc.:
2207 Arizona

Libraries and Information Science, National Commission
NOTICES
2232 Meetings; Sunshine Act

Management and Budget Office
NOTICES
2268 Budget rescissions and deferrals; cumulative report

Maritime Administration
NOTICES
2229 Collision avoidance radar training courses; revised tutition fees
Trustees; applicants approved, disapproved, etc.:
2229 Bank of Sturgeon Bay
2228 Crocker National Bank
2228 Savings Banks Trust Co.

National Credit Union Administration
PROPOSED RULES
2122 Reserves; full and fair disclosure requirements; use of accounting manual principles and standards; interpretive ruling and policy statement; extension of time; correction

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
2229 Anden Holdings Ltd.

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
2145 Western Pacific Fishery Management Council
Organizations, functions, and authority delegations:
2142 North Pacific Fishery Management Council

National Science Foundation
NOTICES
Environmental statements; availablility, etc.:
2224 California Institute of Technology 10-meter, submillimeter and millimeter wave telescope project; proposed Mauna Kea, Hawaii, site; intent to prepare

National Transportation Safety Board
NOTICES
2224 Accident reports, safety recommendations and responses, etc.; availability

Navajo and Hopi Indian Relocation Commission
RULES
Commission operations and relocation procedures:
2089 Recodification, revision, and additions

Navy Department
NOTICES
Environmental statements; availability, etc.:
2151 Submarine reactor plants, decommissioned and defueled; permanent disposal; intent to prepare

Nuclear Regulatory Commission
NOTICES
Meetings:
2225 Reactor Safeguards Advisory Committee; cancelled
2232 Meetings; Sunshine Act

Public Health Service
NOTICES
Committees; establishment, renewals, terminations, etc.:
2205 Health Services Research and Developmental Grants Review Committee

Railroad Retirement Board
NOTICES
2233 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
Securities:
2079 National market system securities, designation; final rule and request for comments
PROPOSED RULES
Securities:
2124 National market system securities, designation; partial deferral of proposed amendments; cross reference
NOTICES
Hearings, etc.:
2225 National Association of Securities Dealers, Inc.
2233 Meetings; Sunshine Act
2226 National market system securities; designation plan; approval

Small Business Administration
RULES
Organization, functions, and authority delegations:
2074 Central Office

Social Security Administration
PROPOSED RULES
Supplemental security income:
2127 Impairment-related work expenses for substantial gainful activity purposes and for determining countable earned income; correction

State Department
RULES
Visas:
2089 Immigrants, documentation; definition of "accompanying"; CFR correction

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration.

Treasury Department
See Customs Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
2139 East Carson Grazing Advisory Board, Taos, N. Mex. (open), 2-27-82
2139 West Carson Grazing Advisory Board, Tres Piedras, N. Mex. (open), 2-26-82;
2139 Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg. (open), 2-8-82

CIVIL RIGHTS COMMISSION
2139, 2140 Massachusetts Advisory Committee, Boston Mass. (open), 1-28 and 2-9-82
2140 Michigan Advisory Committee, Detroit, Mich. (open), 1-21-82
2140 New Jersey Advisory Committee, Summerville, N.J. (open), 1-27-82
2140 South Carolina Advisory Committee, Columbia, S.C. (open), 1-27-82
2140 South Dakota Advisory Committee, Pierre, S.D. (open), 1-22-82

COMMERCE DEPARTMENT
International Trade Administration—
2141 East-West Trade Advisory Committee, Washington, D.C. (closed), 1-28-82
2141 Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 2-1-82
National Oceanic and Atmospheric Administration—
2145 Western Pacific Fishery Management Council, Commonwealth of the North Mariana Islands (partially open), 1-26-82; Tumon Bay, Guam (open), 1-27 and 1-28-82

DEFENSE DEPARTMENT
Office of Secretary—
2152 Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 3-4 and 3-5-82

ENERGY DEPARTMENT
2153 International Energy Agency, Industry Working Party, Paris, France (open), 1-26-82

FEDERAL EMERGENCY MANAGEMENT AGENCY

2204 Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open), 1–25 and 1–26–82

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Disease Control—

2205 Mine Health Research Advisory Committee, Rockville, Md. (open), 2–1 and 2–2–82

INTERIOR DEPARTMENT

Land Management Bureau—

2206 Carson City District Grazing Advisory Board, Carson City, Nev. (open), 2–19–82

2208 Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 2–18–82

2207 Cedar City District Grazing Advisory Board, Cedar City, Utah (open), 2–9–82

2208 Idaho Falls District Grazing Advisory Board, Idaho Falls, Idaho (open), 2–27–82

2207 Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee, Anchorage, Alaska (open), 2–4 through 2–5–82

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

2227 Boston Inner Harbor toll tunnel; environmental impact statement; Boston, Mass. (open), 1–28–82

2226 National Airspace System Plan, Washington, D.C. (open), 1–28–82

CANCELLED MEETINGS

NUCLEAR REGULATORY COMMISSION

2225 Reactor Safeguards Advisory Committee, Electrical Systems and Emergency Core Cooling Systems Subcommittees, Los Angeles, Calif. (partially open), 1–23–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1a 2073
68 2074
800 2254
907 2074
Proposed Rules:
1004 2118
1007 2122

12 CFR
Proposed Rules:
702 2122

13 CFR
101 2074

14 CFR
71 2079
93 2079
159 2079

15 CFR
Proposed Rules:
30 2122

17 CFR
240 2079
Proposed Rules:
240 2124

18 CFR
141 2083

19 CFR
4 2084
6 2085
18 2086
101 2088
Proposed Rules:
10 2124
18 2125
177 2126

20 CFR
Proposed Rules:
416 2127

22 CFR
42 2089

25 CFR
700 2089

32 CFR
230 2112

34 CFR
644 2258

40 CFR
52 (2 documents) 2112, 2113
81 (2 documents) 2113, 2115
Proposed Rules:
50 2127
52 2129
58 2127
81 2131

46 CFR
Proposed Rules:
69 2131

47 CFR
73 2116
Proposed Rules:
73 (2 documents) 2135, 2136

49 CFR
1136 2117

50 CFR
23 2117

Rules and Regulations

Federal Register
Vol. 47, No. 9
Thursday, January 14, 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

Office of the Secretary

7 CFR Part 1a

Law Enforcement Authorities

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: In order to provide needed law enforcement authorities to agents of the Office of Inspector General of the Department of Agriculture, Congress granted arrest, search and seizure, and firearms authorities to the Office of Inspector General. These authorities are to be implemented in accordance with rules issued by the Secretary of Agriculture. The authorities will be exercised by designated agents who are investigating alleged or suspected criminal violations of the various statutes administered by the Department. This document implements the law enforcement authorities granted to the Department of Agriculture by the Agriculture and Food Act of 1981, Public Law 97–98.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: L. L. Free, Assistant Inspector General, Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–6915.

SUPPLEMENTARY INFORMATION: This rule is a rule of agency procedure and practice and related to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of the Act.

Accordingly, Part 1a, Title 7, Code of Federal Regulations is added as follows:

PART 1a—LAW ENFORCEMENT AUTHORITIES

Sec.
1a.1 General statement.
1a.2 Authorization.
1a.3 Persons authorized.
1a.4 Limitations.
1a.5 Responsibility of the Inspector General.

Authority: Section 1337, Public Law 97–98; 5 U.S.C. 301; 5 U.S.C. App. I.

§ 1a.1 General statement.

This part sets forth the rules issued by the Secretary of Agriculture to implement section 1337 of Public Law 97–98 relating to—

(a) Arrests without warrant for certain criminal felony violations;

(b) Execution of warrants for arrests, searches of premises and seizures of evidence; and

(c) The carrying of firearms by designated officials of the Office of Inspector General.

§ 1a.2 Authorization.

Any official of the Office of Inspector General who is designated by the Inspector General according to sections 1a.3 and 1a.5 of this part is authorized to—

(a) Make an arrest without a warrant for any criminal felony violation, subject to § 1a.4, if such violation is committed, or if the official has probable cause to believe that such violation is being committed, in his/her presence;

(b) Execute and serve a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that any criminal felony violation, subject to section 1a.4, has been committed; and

(c)Carry a firearm.

§ 1a.3 Persons authorized.

Any person who is employed in the Office of Inspector General and who is designated by the Inspector General in accordance with and subject to § 1a.5 and who conducts investigations of alleged or suspected felony criminal violations of statutes administered by the Secretary of Agriculture or any agency of the Department of Agriculture may exercise the authorities listed in and pursuant to § 1a.2.

§ 1a.4 Limitations.

The powers granted by § 1a.2 shall be exercised only when a designated official is engaged in an investigation of alleged or suspected felony violations of statutes administered by the Secretary of Agriculture or any agency of the Department and is engaged in the performance of his/her official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978 (5 U.S.C. App. I).

§ 1a.5 Responsibility of the Inspector General

The Inspector General shall—

(a) Issue directives conforming to this part governing the exercise of the authorities granted by this part. These directives should contain the policies and procedures by which the authorities will be exercised by designated officials of the Office of Inspector General;

(b) Establish criteria for qualification by officials of the Office of Inspector General who are designated to exercise the authorities granted in this part;

(c) Monitor the implementation and exercise of the authorities granted by this part;

(d) Designate, pursuant to §§ 1a.2, 1a.3 and 1a.4, and the directives issued under paragraph (a) of this section, and the criteria established under paragraph (b) of this section, employees who have satisfied all the qualifications set by the Inspector General to exercise the authorities granted by § 1a.2; and

(e) Submit to the Attorney General of the United States the name of any employee of the Office of Inspector General designated pursuant to paragraph (d) of this section. Any designation not specifically disapproved by the Attorney General within 30 days after the date of submission shall be deemed approved.

Dated: January 7, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82–947 Filed 1–13–82; 8:45 am]

BILLING CODE 3410–23–M

Federal Grain Inspection Service

7 CFR Part 68

Adjustment of Fees for Certain Federal Inspection Services

Correction

In FR Doc. 82–232, appearing at page 129, in the issue of Tuesday, January 5, 1982, make the following change:

On page 129, in the first column, change the "Effective Date" to read "February 4, 1982."

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regs. 536 and 535, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California–Arizona navel oranges that may be shipped to market during the period January 15–January 21, 1982, and increases the quantity of such oranges that may be so shipped during the period January 8–January 14, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 15, 1982, and the amendment is effective for the period January 8–14, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on January 12, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges has improved.

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.836 is added as follows:

§ 907.836 Navel orange regulation 536.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 15, 1982, through January 21, 1982, are established as follows:

(1) District 1: 1,162,000 cartons;

(2) District 2: 88,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

2. § 907.835 Navel Orange Regulation 535 (47 FR 746), is hereby amended to read:

§ 907.835 Navel orange regulation 535.

* * * * *

(1) District 1: 1,175,000 cartons;

(2) District 2: 75,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

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

Dated: January 13, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–1209 Filed 1–13–82; 12:24 pm]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 21]

Organization and Functions; Update

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: We are updating portions of Part 101—Administration, as it pertains to organization to show the current organization of the Central Office of the Small Business Administration.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Amos B. Cheeseboro, Office of Personnel Services, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–5293.

SUPPLEMENTARY INFORMATION: Inasmuch as this Part sets forth the Agency's organization and procedures, notice of proposed rulemaking and public procedure thereon are not required by Section 553 of Title 5 of the United States Code.

Accordingly, pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), Title 13, §§ 101.2–101.2–11 are revised, §§ 101.2–11a–101.2–11d are removed and §§ 101.2–12–101.2–16 are added as follows:

PART 101—ADMINISTRATION

Sec.

* * * * *

101.2 Organization and Functions of the Central Office—Administrator.

101.2–1 Office of Administration.

101.2–2 Office of Personnel.

101.2–3 Office of Field Management.

101.2–4 Office of Equal Employment Opportunity and Compliance.

101.2–5 Office of the Inspector General.

101.2–6 Office of Advocacy.

101.2–7 Office of General Counsel.

101.2–8 Office of Hearings and Appeals.

101.2–9 Office of International Trade.

101.2–10 Office of Finance and Investment.

101.2–11 Office of Management Assistance.

101.2–12 Office of Procurement and Technology Assistance.

101.2–13 Office of Minority Small Business and Capital Ownership Development.

101.2–14 Office of External Affairs.

101.2–15 Office of Public Affairs.

101.2–16 Office of Policy, Planning and Budgeting.

* * * * *

§ 101.2 Organization and functions of the Central Office—Administrator.

The Administrator is responsible to the President and the Congress for exercising direction, authority and control over the Small Business Administration. The Administrator determines and approves all policies covering the Agency's programs to aid, counsel, assist and protect the interests of the Nation's small business concerns; delegates authority, (except the authority to approve or disapprove pool loans, applied research programs and defense production pools, as set forth in sections 7(a)(6), 9(d) and 11 of the Small Business Act) to the Deputy Administrator, the Associate Deputy Administrator, associate and assistant administrators, other Central Office officials reporting directly to the Administrator and regional administrators; consults with Federal, State and local agencies on behalf of small business interests in the national economy; reports to the President and the Congress on Agency program accomplishments and problems; periodically evaluates the performance, accomplishments and short and long range planning goals of the Central Office and the regions with and through officials reporting directly to the Administrator; and maintains, as a responsibility of the Office, the activities related to equal employment opportunity; SBA advisory councils; hearings and appeals in their formal stage; congressional relations and legislative review; legal services; and investigatory, security and internal and external audit programs.

§ 101.2–1 Office of Administration.

Develops plans, procedures, and standards for effective implementation of automated data services, administrative services (including emergency preparedness activities), and labor-management relations. Develops data management and information systems and procedures to effectively strengthen and improve the planning, program evaluation, loan accounting, management assistance, procurement assistance, minority small business, and internal administrative accounting and personnel functions of the Agency. Responsible for development of plans, operating procedures, and standards to effectively strengthen and improve the provision and management of data processing, data communications, computer systems analysis, and management science services within SBA. Represents the Administrator as delegated, in negotiations with other Government agencies on matters relating to office programs and activities, and develops goals and objectives for Agency management support and data management activities. Reviews and evaluates the effectiveness of all Agency administrative programs.

§ 101.2–2 Office of Personnel.

Develops and recommends policies concerning the personnel programs and related activities. Develops plans, procedures and standards to effectively strengthen and improve the Agency's personnel program, including position classification, recruitment, selection, placement, promotion, separation, pay and wage administration, performance evaluation and incentives, grievances and appeals, conduct and discipline, training and career development, personnel records management and employee services. Plans, directs, coordinates and executes Agencywide personnel management program reviews. Provides technical advice, assistance and support to Central Office officials relating to the personnel program. Reviews and processes all field office personnel actions requiring Central Office approval. Maintains liaison with the Office of Personnel Management in matters relating to the development, interpretation and application of personnel regulations and procedures. Develops, plans and establishes standards to provide for effective analysis and improvement of the Agency organization. Maintains an organizational plan which describes the structure and functions of the organizational units and the location and geographical responsibilities of the field offices, etc. Directs the conduct of organizational studies as requested by the Administrator or other top management officials of SBA, or on a continuing basis as necessitated by changes in staffing requirements and/or shifts in program emphasis or direction.

§ 101.2–3 Office of Field Management.

Develops plans, procedures and standards for effective implementation of field services and field review programs. Provides advice and guidance to regional administrators on all matters relating to their administrative and program management responsibilities and, as necessary, serves as a liaison between them and other key Central Office officials in achieving specific goals and objectives. Evaluates field office performance in terms of program and management activities, determining strengths and weaknesses, and recommends corrective actions where appropriate. Serves as the focal point of contact between the Central Office and regional administrators. Receives and evaluates input from the field on aspects of SBA programs and policies as they affect SBA's performance in the regions and districts, and coordinates with Central Office program and staff personnel to effect such revisions as may be appropriate. Plans, arranges and participates in periodic high level conferences between key Central and field office officials on matters involving program or policy issues. Recommends lines of authority and responsibility of regional administrators and coordinates their efforts for attainment of predetermined objectives with the Office of Policy, Planning and Budgeting. Analyzes reports involving field visits by Central Office personnel and insures that corrective action is taken on any problems outlined therein.

§ 101.2–4 Office of Equal Employment Opportunity and Compliance.

Develops and recommends plans, operating procedures and standards to effectively strengthen and improve the Agency's programs to promote and insure equal employment opportunity in accordance with the 1972 Equal Employment Opportunity Act, and other applicable laws, Executive Orders, Equal Employment Opportunity Commission regulations, Civil Service regulations and Federal agency directives. Handles all cases based on race, religion, color, sex, national origin, age and handicap received from employees or applicants for employment; assists the director in making the final decision on discrimination complaints and ordering corrective measures, except when otherwise specified by the Administrator; assists the director in recommending disciplinary action when discriminatory practices are found. Provides advice, assistance and support to the regional and Central Office officials with respect to the Equal Employment Opportunity program as it affects their operations and activities. Prepares and evaluates regular and special reports on equal employment, taking appropriate action or submitting appropriate recommendations. Serves as liaison with other Federal agencies and nonfederal agencies and organizations on matters relating to equal employment opportunity. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

§ 101.2-5 Office of the Inspector General.

To effectuate the Congressional intent underlying enactment of Pub. L. 95–452, which Act mandates the establishment of independent and objective offices within enumerated executive agencies to provide leadership and coordination and recommend policies designed to promote economy, efficiency, effectiveness and prevent and detect fraud and abuse in the administration of Agency programs and operations, the Office of the Inspector General develops and implements plans, procedures and standards for the conduct, by that office, of audits, investigations and inspections relating to Agency programs, operations, personnel and physical security. Reports the findings of such audits, investigations and inspections to appropriate Agency officials, which report shall include recommendations designed to assist in the development and implementation of measures to correct deficiencies noted in the programs and operations so reviewed. Monitors the nature, scope and results of remedial or other action taken by Agency officials in response to such findings and recommendations and report to the Administrator on the status of such action and on the continuing existence of significant deficiencies requiring remedial action to ensure protection of the Agency's programs and operations. Reviews existing and proposed legislation and regulations relating to Agency programs and operations to determine their impact on the economy and efficiency of, or on the prevention or detection of fraud and abuse in, such programs and operations. Prepares on a semi-annual basis and more frequently if necessary, a report for the Administrator and appropriate committees of Congress which shall include, but not necessarily be limited to, a description of significant deficiencies and abuses disclosed by the Inspector General's activities, the nature of the recommendations for corrective action made by that office, the status of remedial or other action instituted by Agency officials on the basis of these findings and recommendations, and a summary of those criminal matters referred by the Inspector General directly to the Attorney General for further investigative or prosecutive action. Effects liaison with appropriate Federal, state and local governmental agencies and nongovernmental entities as may be necessary to meet office responsibilities as they relate to the economy, efficiency, integrity and security of Agency programs and operations. Initiates such other action as the Inspector General may deem to be reasonable and necessary in carrying out the office's responsibilities pursuant to Pub. L. 95–452 and regulations promulgated pursuant thereto.

§ 101.2-6 Office of Advocacy.

Under the direction of the Administrator, directs the planning and development of government-wide public policies and administrative vehicles which enforce a nationwide program of Advocacy of small businesses; serves as chief spokesperson of such program; and otherwise carries out the mandate of Pub. L. 94–305. Responsible for ensuring that major government-wide policy directions enhance the economic viability of the largest possible number of small businesses. Ensures that the end results of such policies and administrative procedures, in furtherance of the statutory requirements include, but are not limited to, the following: (a) Expanding small business in such a way as to enhance employment opportunities; (b) Working toward improving the tax structure in order to improve the viability and growth of small business; (c) Addressing all major Federal functions impinging on small business with the proper guidance, direction and instruction to assure a uniformity of purpose and approach which benefits small business and promotes or stimulates competition; and (d) Developing and recommending approaches to the ways and means of educating and training existing and potential small businesspersons, and developing incentives for entrepreneurship which assure equality of access to such entrepreneurs. Works with all programs and all regions of SBA in assuring concerted and uniform policy interpretation and implementation. Directs the analysis of economic trends, the changing impact of government expenditures and tax policies, and government regulations on the growth of the small business sector in our economy; provides appropriate evaluation and assessment tools with which to measure successful implementation of the Advocacy effort. Reviews and analyzes, on behalf of the SBA, the impact of existing and proposed legislation and regulations of other agencies of the Federal Government, and state and local governments on small business.

§ 101.2-7 Office of General Counsel.

Develops and recommends policies governing SBA legal functions and activities. Develops plans, procedures and standards for providing legal services in support of SBA program operations, including execution of loan closing and litigation activities by Agency counsel. Analyzes and interprets legislation, regulations and orders relating to the operation of the Small Business Administration. Advises the Administrator, Deputy Administrator, Associate Deputy Administrator and all other SBA officials on the legal aspects of the development and execution of policies and programs. Negotiates with Federal agencies as to the legal aspects of matters pertaining to the responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Federal agencies for decisions in matters of interest to small business. Provides legal counsel, advice and assistance to Central Office officials in connection with financial, investment, administrative, technical, procurement and management assistance, and minority enterprise programs, and in the formation of defense production and research and development pools, in matters of Agency administration and in connection with any other matters having legal implications for the Agency. Within approved policies, gives direct legal advice and assistance to the field offices and exercises technical supervisory responsibility with respect to legal functions in the field offices. Also, advises on eligibility of applicants for assistance from SBA. Advises with respect to servicing and liquidation of loans. Assists and participates with the Department of Justice in litigation arising from delinquent loans and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Reviews legislative proposals affecting small business and develops recommendations for the Office of Management and Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Executive Office of the President. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates legal program effectiveness, including onsite visits to evaluate field office performance. Maintains liaison with governmental and other agencies having activities related to the legal functions of the Agency. The General Counsel serves as Agency designee to the Administrative Conference of the United States, and as chairperson of the Standards of Conduct Committee.

§ 101.2-8 Office of Hearings and Appeals.

Conducts administrative hearings and other proceedings in connection with appeals, grievances and other disputes

in the Small Business Administration. Conducts, or arranges for, hearings and other proceedings to adjudicate disputes, decide appeals, or recommend decisions pertaining to such matters as: SBIC enforcement proceedings; termination, including graduation of 8(a) program participants; adjudication of findings of noncompliance with parts 112 and 113 of SBA's Rules and Regulations, Title 13, CFR, by applicants for or recipients of assistance from SBA; revocation of applicant representative's privilege to appear before SBA; and personnel grievances (in their formal stage). Handles other such matters as may be assigned from time to time by the Administrator. Develops and implements Agency policies and procedures to effectively strengthen and improve dispute-related decision making in SBA. Consults with program and staff offices as necessary to fulfill assigned responsibilities. Recommends appropriate changes in existing regulations and laws to improve the process of dispute-related decision making within SBA.

§ 101.2-9 Office of International Trade.

Develops new methods and techniques for assisting small businesses entering international markets. Plans, develops, and implements programs to encourage small business participation in international trade. To assure that adequate consideration is given to small business interests in the Federal Government's export expansion program, coordinates the SBA International Trade Program with the Department of Commerce, the Export-Import Bank of the U.S., the Agency for International Development, and other departments of the Federal and State governments. Assures that the International Trade Program provides individual counseling to small business concerns to assess the feasibility of their export marketing plans and to determine and obtain necessary international trade data from Government and private sources. Assures that SBA field office designees assigned international trade responsibilities are provided adequate information and material so that international trade counseling and training services can be rendered through SBA field offices. Develops programs in cooperation with operating units of the Department of Commerce to assure that small business will be afforded maximum opportunities and benefits from participation in overseas trade centers, trade fairs, and trade missions. Coordinates the SBA International Trade Program with other SBA units having major operating programs, such as the offices of Management Assistance, Procurement Assistance, and Minority Small Business and Capital Ownership Development, and the Financial Assistance and Investment, in order to provide small business concerns with the full benefits of the Agency's program of assistance in the development of international marketing plans. Provides advice, assistance, and support to Central Office officials relating to the International Trade Program. Establishes and maintains liaison with the offices of Advocacy and Public Affairs to insure that SBA export programs are made more effective by working with foreign governments and foreign visitors to achieve maximum potential. Maintains liaison with other Federal agencies and professional and trade associations whose activities relate to the International Trade Program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

§ 101.2-10 Office of Finance and Investment.

(a) *Office of Finance and Investment.* Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's finance and investment programs designed to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the financial assistance programs, including the control and management of the loan portfolio, the servicing of disaster home, farm and business loans and the liquidation of defaulted loans. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Plans, directs and administers the small business investment company (SBIC) program, including licensing and lending, and proposes regulations to effectively strengthen and improve the Agency's programs of venture capital assistance to small businesses. Provides technical advice, assistance and support to the Office of the Administrator relating to finance, investment, surety bond guarantee and pollution control financing guarantee program matters. Represents the Administrator as specifically delegated in negotiations with other Government agencies whose activities relates to finance and investment program areas.

(b) *Financial Assistance Division.* Develops and recommends policies concerning the loan programs, including related activities of liquidation and disposal. Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's financial programs designed to meet the existing and potential needs of the small business community. Plans, directs and administers the bank certification and other lender related functions. Also, plans, directs and administers the Small Business Lending Company (SBLC) Program, including approving and providing necessary regulatory oversight. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

(c) *Disaster Assistance Division.* Plans, directs and administers the Agency's disaster operations through development of policies and procedures for contingency planning, administration during the disaster and disaster maintenance. Recommends physical disaster declarations to the Administrator. Insures the speedy and effective delivery of disaster services. Maintains liaison with other Government agencies to operate the disaster assistance program.

(d) *Investment Division.* Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's Investment program designed to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the Investment and Special Guarantee programs. Plans, directs and administers the secondary market liaison function. Plans, directs and administers the Small Business Investment Company and Minority Small Business Investment Company programs, including licensing and lending, and proposes regulations to effectively strengthen and improve the Agency's program of venture capital assistance to small businesses. Continually evaluates the effectiveness of the programs. Represents the Administrator as specifically delegated in negotiations with other Government agencies whose activities relate to the investment program areas. Plans, directs and administers the Agency's special guarantee programs and continually evaluates the operations of these programs, including reinsured lease guaranty cases.

§ 101.2-11 Office of Management Assistance.

Develops and recommends policies concerning Agency management assistance programs. Insures the effective delivery of management assistance programs to recipients. Develops plans, operating procedures and standards to effectively strengthen

and improve the Agency's management training, counseling and publications programs to meet existing and potential needs of the small business community. Develops plans, operating procedures, standards, goals and objectives for providing management assistance through volunteer or contract activity. Develops and recommends policies and procedures for the administration of the Small Business Development Center program. Develops and recommends policies concerning Agency use of volunteer management assistance groups, such as SCORE (Service Corps of Retired Executives) and ACE (Active Corps of Executives) and maintains active liaison on behalf of SBA with such groups. Provides technical advice, assistance, guidance and support to Central Office officials with respect to the management assistance programs. Maintains liaison with other SBA organizational components, other Federal agencies, and with various state, private sector and professional organizations on matters relating to the management assistance programs.

§§ 101.2-11a—101.2-11d [Removed]

§ 101.2-12 Office of Procurement and Technology Assistance.

Develops and recommends policies concerning SBA's procurement assistance, technology assistance and natural resources sales assistance programs. Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's prime contract assistance, subcontracting assistance, natural resources sales assistance, technology assistance, industrial support services (which provides certificates of competency), research and development programs. Provides for the automated referral of small business sources to meet the needs of the small business community and the government and private sector procurement community. On receipt at headquarters level of specific complaints by individual small business contractors, arranges and participates in hearings with policy officials of cognizant Federal agencies to present the position of the complainants and seek amendatory action. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides for and coordinates SBA participation at procurement and natural resources sales conferences sponsored by other Federal agencies on behalf of Congressional or local sponsors. Represents SBA at the staff levels of departments and agencies in the Executive Branch regarding matters involving procurement and technology assistance activities. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Develops and coordinates, in conjunction with the Office of Policy, Planning and Budgeting and the Office of Advocacy, requirements for economic studies to be utilized in strengthening SBA procurement assistance programs. Develops, coordinates and negotiates with the Office of Federal Procurement Policy, Department of Defense, General Services Administration and other Government agencies, programs, policies, goals, regulations and procedures to ensure that a fair portion of the total Government contracts, including subcontracts and natural resource sales contracts, is placed with small business concerns.

§ 101.2-13 Office of Minority Small Business and Capital Ownership Development.

Formulates policies for and administers the Minority Small Business and Capital Ownership Development (MSB-COD) Program. Mobilizes the resources of all SBA programs for the development and expansion of minority enterprise. Coordinates and recommends policies relating to other Agency programs which provide assistance to minority small business, including Section 8(d) of the Small Business Act, as amended. Formulates policy for, and makes all final determinations of, eligibility of small business concerns seeking contract assistance under the 8(a) procurement program. Formulates policies for use and administration of contracts, grants, and agreements, providing financial assistance to public or private organizations which furnish technical and management assistance to individuals or small business concerns eligible for assistance under the small business, capital ownership development, and economic opportunity loan programs. Promotes, on a nationwide basis, the Agency's 8(a) and other procurement programs to increase the participation and support of industrial concerns, professional and trade associations, local governments, and community groups in developing entrepreneurship opportunities for disadvantaged groups, including minorities, in manufacturing, construction, and service related industries. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's MSB-COD Program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides direction and emphasis in the coordination of all Agency programs to achieve the objectives of the MSB-COD effort. Evaluates the performance of the field offices to insure compliance with MSB-COD program policies and procedures. Represents the Administrator at interagency meetings for the purpose of coordinating programs and activities that effect or contribute to the growth of minority enterprise and capital ownership development. Serves in this capacity, in cooperation with the Office of Procurement Assistance, and the Financial Assistance, Investment, and Management Assistance divisions at other interagency meetings involving negotiations with Federal agencies whose activities relate to MSB-COD programs. Confers with top representatives of industry, trade associations, local government, and community action groups to enlist their substantial participation and involvement in the MSB-COD program. Promotes their cooperation in the development of minority enterprises and entreprenuerships in the disadvantaged areas. Negotiates basic agreements with industries for the establishment of local outlets and franchises and for the provision of management and technical assistance and other types of support. Coordinates with and invites participation by the Office of Procurement and Technology Assistance in meetings and conferences that include representatives of manufacturing and construction industries. Works with the Office of Procurement and Technology Assistance in the development of policies and procedures governing the combined MSB-COD and PA effort to involve minorities in the manufacturing, construction, and related industries. Maintains liaison and cooperation with the Committee on Small Business and Minority Business Ownership regarding placement of subcontracts with small business concerns located in areas with high concentrations of unemployed or low-income individuals, with small businesses owned by low-income individuals, and with small businesses eligible to receive contracts under the 8(a) program.

§ 101.2-14 Office of External Affairs.

Develops and recommends plans, procedures and standards to effectively strengthen and improve the congressional relations and advisory councils programs of the Agency. Serves as liaison with Members of Congress,

congressional committees, commissions and Executive agencies in relation to program matters involving congressional activities affecting SBA. Keeps the Administrator and key officials of the Agency informed of the activities of congressional committees as they relate to the programs and activities of SBA. Develops congressional and legislative affairs program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Responsible for commenting on legislation deemed to have or suitable for having an impact on SBA programs (other than that prepared by SBA or OMB) and for final assessment of all Agency comments before submission to the Administrator. Maintains liaison with OMB regarding clearance of Agency testimony by the Office of the President. Plans, organizes and participates in the meetings of the National Advisory Council. Participates with and assists, through the Office of Field Management, field personnel in the meetings of regional advisory councils. Recommends the appointment of persons to serve on the advisory councils.

§ 101.2-15 Office of Public Affairs.

Develops and implements plans, operating procedures and standards to improve and present the Agency's public communications efforts. Develops and recommends public communications program goals and objectives. Reviews and evaluates program effectiveness. Establishes and maintains liaison with the news media, trade associations, chambers of commerce and similar groups to promote their involvement in informing the public about the contributions of, and opportunities in, small business and Agency policies, programs and objectives. Directs development of Agency guidelines for making information and/or records available for public use in conformance with the Freedom of Information Act and the Privacy Act.

§ 101.2-16 Office of Policy, Planning and Budgeting.

Coordinates the development of Agency policy, plans, programs, goals, and objectives as they relate to planning, policy, and budgeting. As the principal planning office of the Agency, develops and directs the preparation of Agency program memoranda as required by the Office of Management and Budget and coordinates with program offices in the developing and maintaining of the SBA Five-Year Plan. Develops policies, plans, systems, and procedures to effectively strengthen and improve the planning and program evaluation functions of the Agency and all of its program activities. Responsible for the formulation of a system of goals, policies, procedures, and regulations for regional management that reflects and implements the basic objectives and goals of the Agency. Directs and ensures the conduct of economic, cost benefit, program analysis, and special studies of Agency activities to provide the Administrator and program managers with alternate courses of action and policy. Directs the development of and recommends new and changed size standards for all SBA programs. Is responsible for the determination and interpretation of the SBA size standards. Conducts studies, in cooperation with program offices, involving across-the-board investigations of SBA programs, to measure their effectiveness in terms of costs, benefits, and other considerations. Serves as the central analytical staff to review and evaluate, in conjunction with appropriate program offices, evaluation studies submitted to the Administrator. Represents the Administrator in negotiations with the Office of Management and Budget, GAO, Treasury Department, and other agencies on budgeting, accounting, and fiscal matters. Responsible to the Administrator for the Agency's overall budgeting, accounting, and fiscal activities.

* * * * *

Michael Cardenas,

Administrator.

January 6, 1982.

[FR Doc. 82-951 Filed 1-13-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-EA-39]

Alteration and Revocation of Transition Areas: Albion and Berlin, New Jersey

Correction

In FR Doc. 81-37403 appearing at page 16 in the issue for Monday, January 4, 1982, please make following correction:

On page 16, in the third column, after the heading "Adoption of the Amendment", in paragraph "b. *Berlin, N.J.*", in the sixth line, "39°34'40"N." should have read "39°46'40"N.".

BILLING CODE 1505-01-M

14 CFR Parts 93 and 159

[Docket No. 21955; Amdt. Nos. 93-44 and 159-27]

Metropolitan Washington Airports

Correction

In FR Doc. 81-34141, appearing at page 58036 in the issue of Friday, November 27, 1981, make the following changes:

On page 58048, in the second column, in the "EFFECTIVE DATE" paragraph, the date in the fourth line, the date now reading "February 2, 1982" should read "March 1, 1982";

On page 58048, in the second column, in the "EFFECTIVE DATE" paragraph, in the sixth line change the date now reading "November 19, 1981" to read "November 23, 1981".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18397; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of proposed amendments and deferral of other proposed amendments.

SUMMARY: The Commission is adopting amendments to its rule governing the designation of national market system securities to provide specific criteria for the designation of rights, warrants and American Depositary Receipts and to ease the administration of that rule. In addition, the Commission is deferring action until later this year on amendments to the rule which would increase substantially the number of securities that would be eligible for designation as national market system securities.

DATES: Effective date January 7, 1982. Comments on deferred amendments must be received on or before October 15, 1982.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7-787 and will be available for public inspection at the Commission's Public Reference Room,

1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael Simon (202) 272–2889 or William Uchimoto (202) 272–2906, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 11A(a)(2) of the Securities Exchange Act of 1934 ("Act") [1] directs the Commission to designate, by rule, securities eligible for trading in the national market system. In adopting Rule 11Aa2–1 ("Rule") [2] on February 17, 1981,[3] the Commission established criteria and procedures by which certain securities traded exclusively in the over-the-counter ("OTC") market will be designated as NMS securities. Those criteria and procedures are to be administered, in large part, by the NASD in accordance with the terms of a designation plan the NASD must file with the Commission for approval.[4] Currently, the primary effect of being designated as NMS securities will be to require that transactions in such securities be reported in a real-time system according to the Commission's last sale reporting rule, Rule 11Aa3–1,[5] and that quotations for such securities be firm as to the quoted price and size in accordance with the Commission's firm quotation rule, Rule 11Ac1–1.[6] In adopting the Rule, the Commission determined that real time transaction reporting would increase market efficiency and would enhance opportunities to ensure best execution of public investors' orders.

The Rule employs a two-tiered approach to designating NMS securities. Approximately 45 of the most actively-traded OTC securities satisfy the stringent "Tier 1 criteria" and are scheduled to be designated automatically as NMS securities effective February 1, 1982. In addition, those securities meeting the "Tier 2 criteria" can be designated as NMS securities on or after August 1, 1982, if the issuers of such securities so elect. Currently, approximately 650 NASDAQ securities meet the Tier 2 criteria.

On October 1, 1981, the Commission, in response to a rulemaking petition submitted by the NASD, released for comment various proposed amendments to the Rule.[7] The most significant amendment would reduce the Tier 2 criteria to standards based generally on the listing standards of the American Stock Exchange ("AMEX"). Under those less stringent standards, approximately 1,450 NASDAQ securities would be eligible for NMS designation. In petitioning for the adoption of those amendments, the NASD stated that NMS designation, with the accompanying dissemination of transaction information, will be highly desired by many issuers, and that the attraction of NMS designation will help the NASD attract and keep NASDAQ listings. In publishing the NASD's petition, the Commission, while acknowledging that there were significant concerns which might be raised over the expansion of the number of OTC securities eligible for transaction reporting at this time, expressed its preliminary support for the NASD's proposal.

In addition to the changes in the Tier 2 criteria, the Commission also published for comment two other sets of proposed amendments to the Rule. First, in response to the NASD's petition, the Commission proposed certain minor changes to both the Tier 1 and Tier 2 criteria which the NASD indicated would ease significantly its burden in administering the Rule. Those changes would not have a significant effect on which securities were eligible for designation. Second, the Commission proposed certain changes to the rule to clarify the eligibility of American Depositary Receipts ("ADRs"), rights and warrants to be designated as NMS securities.

In response to the Commission's release, the Commission has received 14 public comments. After reviewing those comments and evaluating the current status of the NASD's plans with respect to NMS securities, the Commission now is adopting those amendments to the Rule dealing with administration of the Rule, ADRs, rights and warrants. While the Commission continues to believe that an expansion of the Tier 2 criteria eventually will be desirable, the Commission has determined to delay final action on those proposals until after the NASD begins to process applications for designation of Tier 2 securities. At that point, the Commission will be able to evaluate empirical data concerning the effects of transaction reporting on the markets for trading of NMS securities. Absent evidence that transaction reporting has had a significant adverse effect on the trading of NMS securities, the Commission believes that it would be appropriate to adopt the amendments. Finally, pursuant to a request from the NASD, the Commission is delaying the commencement of transaction reporting in Tier 1 NMS securities until March 1, 1982 to provide the NASD sufficient time to complete the implementation and testing of the technical changes needed in its NASDAQ system.

Comments

The Commission received comments from 14 organizations, including three issuers,[8] one issuer-related association,[9] five broker-dealers,[10] three OTC trading associations,[11] and one stock exchange.[12] The Commission also received a further submission from the NASD.[13]

The comments focused almost exclusively on the proposed revisions of the Tier 2 criteria, which, as noted above, would increase substantially the number of OTC securities eligible for designation as NMS securities. The issuers and the ASCS favored increasing

[1] 15 U.S.C. 78a *et seq.*

[2] 17 CFR 240.11Aa2–1.

[3] Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992 (the "Adoption Release").

[4] The Commission published the NASD's proposed designation plan for public comment on October 1, 1981. Securities Exchange Act Release No. 18133 (October 1, 1981), 46 FR 50451.

[5] 17 CFR 240.11Aa3–1.

[6] 17 CFR 240.11Ac1–1.

[7] Securities Exchange Act Release No. 18131, October 1, 1981 (46 FR 49594, Oct. 7, 1982).

[8] Letter to George Fitzsimmons, Secretary, SEC, from Russell H. Baumgardner, President, Apogee Enterprises, Inc., dated October 21, 1981; letter to George Fitzsimmons, Secretary, SEC, from Marge Wilkerson, Corporate Communications Specialist, Chemical Investors, Inc., dated October 29, 1981; letter to George Fitzsimmons, Secretary, SEC, from Morris Kritz, Assistant to the President, Profit By Air, Inc., dated November 5, 1981.

[9] Letter to George Fitzsimmons, Secretary, SEC, from Earl J. Grimm, Jr., Chairman, Securities Industry Committee, American Society of Corporate Secretaries, Inc. ("ASCS"), dated November 13, 1981.

[10] Letter to George Fitzsimmons, Secretary, SEC, from Norman J. Shapiro, Manager, OTC Trading Dept., Bear, Sterns & Co., dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Robert H. B. Baldwin, Morgan Stanley, dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Peter J. DaPuzzo, Executive Vice President, Shearson Loeb Rhoades, Inc., dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Charles J. Sheils, President, Sherwood Securities, Corp., dated November 24, 1981; letter to George Fitzsimmons, Secretary, SEC, from Robert A. Powers, Chairman of the Board, Smith Barney, Harris Upham & Co., Inc., dated November 11, 1981.

[11] Letter to George Fitzsimmons, Secretary, SEC, from John L. Watson, III Chairman, OTC Trading Committee, Securities Industry Association ("SIA"), dated November 11, 1981; letter to George Fitzsimmons, Secretary, SEC, from Richard M. Hufnagel, Chairman of the Board, National Security Traders Association ("NSTA"), dated November 10, 1981; letter to George Fitzsimmons, Secretary, SEC, from John N. Tognino, President, Security Traders Association of New York, dated November 4, 1981.

[12] Letter to George Fitzsimmons, Secretary, SEC, from Richard O. Scribner, Executive Vice President, Amex, dated November 16, 1981.

[13] Letter to Douglas Scarff, Director, Division of Market Regulation, from S. William Broka, Secretary, NASD, dated November 27, 1981.

the number of OTC securities eligible for designation as NMS securities because they perceived that the increased visibility provided by transaction reporting would increase investor interest in their securities. The OTC trading community, on the other hand, generally opposed those amendments.[14] The OTC community raised three general arguments in their comments.

First, the most prevalent argument was that, since the impact of transaction reporting on the OTC market cannot be predicted at this time, Tier 1 trading should be evaluated fully prior to increasing the number of stocks eligible for designation. Second, some OTC representatives raised concerns regarding the administrative burdens which might result if a large number of Tier 2 securities were designated at one time.[15] Finally, a number of commentators contended that the reporting requirements associated with such a large number of Tier 2 securities would burden smaller and lesser capitalized broker-dealer firms and could force many of those firms to withdraw from trading in Tier 2 securities, thus reducing the liquidity, depth, and breadth of the markets in Tier 2 stocks.[16]

The NASD also has filed a further submission on the proposed amendments. The NASD indicated that its Board of Directors, after reviewing the comments received by the Commission, has voted unanimously to adhere to its earlier position in favor of the proposed amendments. The NASD stated, however, that its board recognized that bringing the full universe of Tier 2 securities into the system on August 1, 1982 may result in difficult administrative problems. In this respect, the NASD indicated its intention to amend the designation plan to provide for the phasing-in of Tier 2 securities. In addition, the NASD indicated that, because of the large number of technical enhancements to its NASDAQ system that it has undertaken, its transaction reporting system would not be ready by February 1, 1982 and therefore it requested an amendment to Rule 11Aa2–1 which would change the date that the designation of Tier 1 securities would become effective to March 1, 1982.

Discussion

Expansion of Tier 2

In publishing for comment the NASD's proposal to amend the Tier 2 criteria to allow for the designation of up to 1,450 securities, the Commission stated that, as a preliminary matter, the proposed amendments appeared to be desirable.

Specifically, the release notes that tape reporting for the most active OTC securities should enhance the efficiency of those markets and increase the ability of investors to ensure that their orders were executed at the best possible price. Moreover, the release states that the NASD's proposal to base the Tier 2 criteria generally on the Amex's numerical listing standards appears to be "a reasonable approach" which, in combination with the provision in the rule permitting issuers to affirmatively elect NMS designation for their securities, should ensure that only securities which would benefit from participation in the national market system will be designated. Nothing in the comment letters has caused the Commission to change its preliminary view that, in the long term, the NASD's proposals are appropriate.

The comment letters opposed to the proposal generally reiterate previous objections to the concept of NMS designation of OTC securities. While the Commission, in adopting the Rule, recognized the validity of concerns raised by commentators regarding the increased direct cost of transaction reporting and the possible effect of transaction reporting on liquidity, it determined that those concerns were outweighed by the benefits obtained from transaction reporting, at least with respect to the most liquid securities covered by the current Tier 1 and Tier 2 criteria.

The Commission's decision was based to some extent on the fact that the Rule provided issuers of Tier 2 securities the opportunity to make an individual determination regarding whether its securities would benefit from designation. In adopting the Rule, the Commission also recognized that the specific requirements adopted as Tier 2 criteria were not based on an infallible formula, but merely were its best attempt to identify conservatively those OTC securities which would benefit from NMS designation.

In reviewing the comment letters, the Commission notes that no commentator argued that the additional securities covered by the NASD's proposed criteria would have trading characteristics substantially different from securities currently eligible for designation pursuant to the Tier 2 criteria. Rather, the only new objections appear to be that the Rule should not be amended at this time because: (i) there has been no experience in trading NMS securities, so there is no basis to judge whether the criteria could be expanded, and (ii) there currently are so many changes pending in the OTC market that it would be inappropriate to require the industry to accommodate further changes with respect to NMS securities at the same time.[17]

The Commission does not believe that any of these arguments undermine the general validity of the NASD's proposal. The Commission continues to believe that the issuer will make an informed decision on whether to designate its Tier 2 securities only after observing the effects of transaction reporting on Tier 1 securities and weighing the relative advantages and disadvantages of designation in its own particular case. In addition, the NASD's proposed designation plan will allow issuers to opt out of NMS designation if they are not satisfied with the results of that trading. The Commission has no indication that the trading characteristics of the additional securities that would be eligible for designation under the NASD's proposal are so inherently different from the securities currently eligible for designation pursuant to Tier 2 that issuers of such securities should be denied the ability to make that election. Nevertheless, while the Commission continues to support the NASD's proposals, the Commission has

[14] The OTC trading community historically has been opposed to transaction reporting for OTC securities. They have argued that transaction reporting would result in disincentives to OTC market making (i) because of the direct [e.g., clerical] costs associated with such reporting, and (ii) because OTC market makers might be less willing to acquire a position in a security subject to transaction reporting due to the concern that they would be unable to liquidate effectively a significant position if their competitors were aware, via transaction reporting, of the size of that position. *See* The Adoption Release at page 25, note 53, 46 FR 13996.

[15] In this regard, the OTC Trading Committee of the SIA, stating that it was "not necessarily opposing a broadening of the qualified securities list," but was "opposed to the timing," felt that the Tier 2 securities should be brought gradually into the system by designating only approximately 50 stocks each two months.

[16] While the Amex did not take a position on the proposed amendments' primary effect of substantially increasing the number of securities that would be eligible for NMS designation, the Amex did argue that the proposed Tier 2 criteria were not identical to the Amex listing standards since its listing standards contained additional qualitative criteria. In addition, the Amex argued that "NMS securities will not trade in the same kind of environment which characterizes exchange-traded securities—an auction market environment with the protections that accompany primary exchange trading."

[17] In particular, the commentators noted the planned inclusion of quotation size in NASDAQ Level 2 and 3 displays and the Commission's outstanding order requiring the NASD and the participants in the Intermarket Trading System ("ITS") to implement an automated interface between ITS and the NASD's Computer Assisted Execution System.

determined to delay final action on the proposals until there is actual trading experience under the Rule.

As discussed above, the NASD is planning to propose a transition between Tier 1 and Tier 2 that will allow for the designation of Tier 2 securities over a period of time. Because it appears that many issuers will elect NMS status, the Commission supports such a transition as a reasonable method to allow the industry to become accustomed to transaction reporting without the possible disruption of trading that could accompany the designation of all Tier 2 securities at one time. Because, pursuant to the phase-in plans, even those securities currently eligible for designation pursuant to the Tier 2 criteria would be designated only over a period of time, delaying action on the proposed rule amendments until after the designation of Tier 2 securities begins appears to have two major benefits.

First, delaying action on the proposed rule amendments would help provide an orderly phase-in of Tier 2 securities. The first securities eligible for issuer designation would be the relatively more liquid securities that meet the current Tier 2 criteria; after designation of those securities is under way, Commission approval of the proposed rule amendments would allow the designation process to continue for those securities that then would become eligible for designation.

Second, delaying action on the proposed rule amendments will give the Commission and prospective commentators an opportunity to study the effect of transaction reporting on OTC securities before making a final determination on whether to expand the universe of eligible securities. While, as discussed above, the Commission believes that issuers of securities that meet the proposed Tier 2 standards will be capable of deciding whether to elect NMS status on the basis of the Tier 1 experience, the Commission believes that delaying approval of the proposed amendments will allow the Commission to take the more cautious approach recommended by many commentators without seriously inconveniencing issuers who, pursuant to the NASD's plans to phase-in Tier 2, may not be able to elect NMS status immediately in any event.

Accordingly, the Commission intends to monitor closely the trading in NMS securities and reach a decision by the end of 1982 on whether to approve the proposed amendments.[18] Absent strong evidence that last sale reporting is having a deleterious effect on the markets for NMS securities, the Commission intends to adopt the amendments. In this connection the Commission invites interested persons to comment on the effects of designation on the trading of NMS securities no later than October 15, 1982.

Technical Amendments

Commentators did not address the proposed technical amendments to the Rule. Those amendments would ease the NASD's burden in administering the Rule,[19] and would clarify the eligibility of ADRs, rights and warrants to be designated as NMS securities.[20] Therefore, the Commission is adopting those amendments. In addition, as discussed above, the NASD has requested that the effective date of Tier 1 designation be delayed for one month until March 1, 1982. In light of the fact that the NASD has been making progress in effecting the technical enhancements to its NASDAQ system necessary to accommodate transaction reporting for Tier 1 securities, and because the NASD has been under time pressures with respect to other significant projects, the Commission is granting this single one month extension.[21]

Effects on Competition

Section 23(a)(2) of the Act [22] requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. Due to the technical nature of the amendments being adopted, the Commission does not believe that these amendments to Rule 11Aa2–1 will have any effect on competition.[23]

Text of the Rule Amendments

The Securities and Exchange Commission hereby amends Rule 11Aa2–1 pursuant to its authority under the Securities Exchange Act of 1934, and particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 15A, 17 and 23 thereof.

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

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By revising paragraphs (a)(2); (b) (1) and (2); (b)(4)(i) (B), (D), and (F); (b)(4)(ii) (B), (D) and (F); adding paragraph (b)(4)(iii); revising Instruction 1 and adding Instruction 4 to paragraph (b); and revising paragraph (g) of § 240.11Aa2–1 as follows:

§ 240.11Aa2–1 Designation of national market system securities.

(a) * * *

(2) The term "registered equity security" shall mean any equity security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, (iii) registered under the Securities Act of 1933 and issued by a closed-end investment management company registered under section 8 of the Investment Company Act of 1940, or (iv) an American

---

[18] Specifically, the Commission's Directorate of Economic and Policy Analysis will be monitoring the impact of NMS designation on market quality as measured in terms of bid-ask spreads. In addition, changes in the number and size of market makers for these securities will be monitored in an attempt to determine whether increased reporting requirements result in some firms, *e.g.*, small broker-dealers, ceasing to make markets in these securities.

[19] These amendments would (i) amend paragraph (b)(1) of the Rule to allow 35 days, rather than the current 10 days, for the designation of Tier 1 securities to become effective, thus allowing time for certain factual administrative appeals on NASD decisions; (ii) amend the Tier 1 criteria in paragraph (b)(4)(i) of the Rule to remove the requirement that there be 1,200 holders of 100 shares or more (the "round-lot requirement"), to substitute a five day requirement for the current 10 day requirement that the bid price be $10 or more, to substitute a five day, rather than 90% of the business days during a six month period, requirement that there be four NASDAQ market makers; and (iii) amend the Tier 2 criteria in paragraph (b)(4)(ii) to remove the round-lot requirement, to substitute a five day requirement for the current 10 day $10 a share requirement, and to substitute a five day, rather than 70% of the business days during the six month period, requirement that there be four market makers.

[20] These amendments would (i) add paragraph (a)(2)(iv) to the Rule to provide for ADRs as part of the definition of "registered equity securities" as long as the foreign securities underlying the ADRs are registered pursuant to Section 12 of the Act; (ii) add paragraphs (b)(2)(ii) and (b)(4)(iii) to the Rule to provide for the designation of rights and warrants; and (iii) amend the instructions to the designation criteria to make them broad enough to cover the financial information filed with respect to ADRs.

[21] The Rule currently provides that the Tier 1 criteria will become effective January 15, 1982. Because the Rule also currently provides that designations of Tier 1 securities will become effective ten business days after the qualification date, which is the effective date of the Rule, Tier 1 designation would have become effective approximately February 1, 1982. Because, as discussed in note 19, *supra*, the time period between effectiveness of the Rule and designation of Tier 1 securities is being expanded to allow for certain minimal appeals of NASD qualification decisions, the effective date of the Rule is being set 25 business days before March 1, 1982, or January 22, 1982.

[22] 15 U.S.C. 78w(a)(2).

[23] At the time the Commission published these amendments for public comment, the Chairman of the Commission certified, pursuant to the requirements of the Regulatory Flexibility Act, that the amendments would not have a significant economic impact on a substantial number of small entities. None of the commentators raised any questions regarding this determination.

Depositary Receipt issued against the equity securities of a foreign issuer if such equity securities are registered pursuant to section 12 of the Act.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which

(i) substantially meets the criteria set forth in paragraph (b)(4)(ii) of this section ("Tier 2 Criteria");

(ii) is a right to purchase a security described in paragraphs (b)(1) or (b)(2)(i) of this section; or

(iii) is a warrant to subscribe to a security described in paragraphs (b)(1) or (b)(2)(i) of this section and meets the criteria set forth in paragraph (b)(4)(iii) of this section ("Warrants")

shall be designated as national market system securities upon application of the issuer in accordance with the terms of an effective designation plan. Determinations that particular NASDAQ securities substantially meet the Tier 2 Criteria shall be made by the National Association of Securities Dealers, Inc. ("NASD"), and designations made pursuant to this paragraph (b)(2) shall become effective in accordance with the terms of such effective designation plan.

* * * * *

(4)(i) *Tier 1 criteria.* * * *

(B) There are at least 500,000 shares held by persons other than directors, or persons owning of record or beneficially 10 percent or more of the outstanding shares of the security ("publicly held shares").

* * * * *

(D) The price per share on each of the five business days preceding the most recent qualification date is $10 or more.

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the most recent qualification date.

(ii) *Tier 2 criteria.* * * *

(B) There are at least 250,000 publicly-held shares.

* * * * *

(D) The price per share on each of the five business days prior to the date of application by the issuer is $5 or more.

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(iii) *Warrants.*

(A) The Warrants substantially meet the Tier 2 criteria; *provided, however,* that they shall not be required to meet the criteria set forth in paragraph (b)(4)(ii)(B) of this section.

(B) Immediately after the distribution there are at least 450,000 Warrants outstanding.

Instructions. 1. The computations required by (i)(A) and (ii)(A) shall be taken from the issuer's most recent financial information filed with the Commission pursuant to section 12 or 13 of the Act. * * * 4. In the case of American Depositary Receipts, the computations required by (i)(A) and (ii)(A) shall relate to the foreign issuer and not to any depositary or any other person deemed to be an issuer for purposes of Form S–12 under the Securities Act of 1933 (§ 239.19).

* * * * *

(g) *Effective dates.* The effective date of this section shall be April 1, 1981, except for paragraph (b)(1) which shall become effective on January 22, 1982, and paragraph (b)(2) which shall become effective on August 1, 1982.

Effective Date of The Amendments

Pursuant to the Administrative Procedure Act,[24] the Commission finds good cause to waive the 30 day period between publication of the amendments and the effective date. Paragraph (b)(1) of the Rule currently is scheduled to become effective on January 15, 1982, and, therefore, the 30 day period between publication and effectiveness would render useless the one week postponement in the effective date of that section; the 30 day delay also would cause undue hardship on the NASD which would be required by the Rule to make initial designation determinations based on standards which would soon be obsolete. Finally, the Commission previously has given notice of these proposed amendments and received no comments on those portions of the amendments being adopted. Accordingly, the Commission has determined that the amendments should become effective immediately.

[24] 5 U.S.C. 553(d)(3).

By the Commission.

January 7, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-916 Filed 1-13-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-9; Order No. 201]

Final Rule To Discontinue Monthly Power Plant Report: Form No. 4

Issued January 7, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) discontinues its Form No. 4 "Monthly Power Plant Report" and deletes §§ 141.22, 141.23 and 141.24 of the Commission's regulations that prescribe the form. Form No. 4 collects information on installed capacity; net generation; consumption of coal, oil and natural gas; and end-of-month stocks of coal and oil for each plant according to each fuel-type combination. The Energy Information Administration has indicated that it needs the information in Form No. 4 for its functions and that it will assume authority to collect the form under the designation "Form No. EIA–759, Monthly Power Plant Report, beginning with all reports due after January 1, 1982.

EFFECTIVE DATE: This final rule is effective January 7, 1982, for reports required to be filed after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 North Capitol Street, N.E., Room 302–RB, Washington, D.C. 20426, (202) 376–9227.

Discontinuance of Monthly Power Plant Report: Form No. 4; Docket No. RM82–9, Order No. 201.

Issued January 7, 1982.

By this rule, the Federal Energy Regulatory Commission (Commission) is eliminating FPC Form No. 4, "Monthly Power Plant Report" and is repealing the regulations that prescribe that form.

Form No. 4 constitutes three separate filing requirements under the Commission's regulations: the monthly

report filed by multiple plant utilities (§ 141.22), the monthly report filed by single plant utilities (§ 141.23), and the monthly report filed by industrial plants (§ 141.24). The elimination of the form and its corresponding regulations are part of the Commission's ongoing program to review and evaluate all of the data which are required by the Commission for regulatory purposes and to eliminate unnecessary reporting burdens.

A. Background and Summary

Form No. 4 was instituted to obtain monthly data from all electric utilities subject to the Commission's jurisdiction under the Federal Power Act.[1] The form collects information on installed capacity; net generation; consumption of coal, oil and natural gas; and end-of-the-month stocks of coal and oil for each plant according to each fuel-type combination. The information on the form is used to assess the adequacy of energy resources to meet the demands of all sectors of the economy and the general public.

The Commission has determined, however, that much of the data in the current format of Form No. 4 are not essential to its regulatory functions and that the form need not be collected by this Commission. The Energy Information Administration (EIA) has indicated that it needs this information to perform its functions and that it will assume the authority to collect the Form No. 4 report under the designation "Form No. EIA–759, Monthly Power Plant Report", beginning with all reports due after January 1, 1982. Therefore, the Commission deletes the requirement to file the Form No. 4 [2] to be effective for all reports due, beginning January 1, 1982. Thus, reports for the month of December, 1981 (which are due ten days after the end of the reporting month) will be collected by EIA.

B. Effective Date

The Commission believes that notice and public procedure under 5 U.S.C. 553(b) are unnecessary in this rulemaking because the data eliminated by this rulemaking will be assumed by EIA without a gap in the collection of the information. Because EIA will begin the collection of these data for all reports due, beginning January 1, 1982, the Commission believes there is good cause to issue this final rule to be effective January 7, 1982, for reports required to be filed after December 31, 1981.

(Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E. O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission amends Part 141 of Title I, Chapter I, Code of Federal Regulations effective January 7, 1982, as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

§§ 141.22, 141.23 and 141.24 [Removed]

Part 141 of 18 CFR is amended by removing §§ 141.22, 141.23 and 141.24 in their entirety.

[FR Doc. 82–1022 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[1] The Commission is authorized to regulate electric utilities engaged in interstate commerce under Part II of the Federal Power Act (16 U.S.C. 792–828c), pursuant to Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172(b)). The Commission collects information in the Form No. 4 under sections 304 and 311 of the Federal Power Act pursuant to a delegation of authority from the Secretary of Energy to the Commission (Delegation Order No. 0204–1 (October 1, 1977)).

[2] The Commission retains a general interest in reports of these electric power plant data. The Commission can obtain this information from the new Form No. EIA–759, upon discontinuance of the Form No.4.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 82–16]

Special Tonnage Tax and Light Money; Payment Exemption; People's Republic of China

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations by adding the People's Republic of China to the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been furnished by the Department of State that no discriminating duties of tonnage or imposts are imposed in ports of the People's Republic of China upon vessels belonging to citizens of the United States or on their cargoes. This document provides reciprocal privileges to vessels registered in the People's Republic of China.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

By letter dated September 19, 1980, the Department of State advised the Department of Treasury that satisfactory evidence exists, in the form of the U.S.-China Agreement on Maritime Transport and the U.S.-China Agreement on Trade Relations, that no discriminating duties of tonnage or imposts are imposed or levied in ports of the People's Republic of China upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into the People's Republic of China on vessels from the United States.

Consequently, the Department of State recommended that the People's Republic of China be added, effective September 17, 1980, to the list of nations whose vessels are exempted from the payment of the U.S. special tonnage tax and light money.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959–1963 Comp., Ch II), and pursuant to the authorization provided by Treasury Department Order No 101–5 (46 FR 9336), I declare that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued, in respect to vessels of the People's

Republic of China and the produce, manufactures, or merchandise imported into the United States in such vessels from the People's Republic of China or from any other foreign country.

This suspension and discontinuance shall take effect from September 17, 1980, in respect to vessels of the People's Republic of China, and shall continue only for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.22 [Amended]

To reflect the reciprocal privileges granted to vessels registered in the People's Republic of China, the list in § 4.22, Customs Regulations (19 CFR 4.22), of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money, is amended by adding the People's Republic of China in appropriate alphabetical order.

(R.S. 251, as amended, 4219, as amended, 4255, as amended, 4228, as amended, section 3, 23 Stat. 119, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 5, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

Inapplicability of the Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a major impact analysis is not required.

Drafting Information

The principal authors of this document were Lawrence P. Dunham and Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and Treasury participated in its development.

Dated: December 24, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82–1041 Filed 1–13–82; 8:45 am]

BILLING CODE 4820–02–M

---

19 CFR Part 6

[T.D. 82–14]

Transportation of Transit Air Cargo to an Interior Port of Destination

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify that the penalties imposed as liquidated damages under a common carrier's bond for failure to deliver merchandise to Customs, are applicable where cargo arriving in the United States by aircraft for transportation in, through, or from the United States by aircraft, is not delivered within the specified time limit. The amendment is being made to avoid any possible misunderstanding regarding the applicability of the penalty provisions.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Benjamin H. Mahoney, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Cargo (including manifested baggage) arriving in the United States by aircraft to be transported subject to Customs control in, through, or from the country by aircraft is known as transit air cargo. Such cargo must be transported in accordance with the provisions of Part 6, Customs Regulations (19 CFR Part 6).

As a more expeditious alternative to the procedure set forth in section 6.15, Customs Regulations (19 CFR 6.15), for transporting merchandise in bond, § 6.18, Customs Regulations (19 CFR 6.18), provides that the Air Cargo Manifest, Customs Form 7509, printed, stamped, or labeled "Transportation Entry and Transit Air Cargo Manifest," may be used as the transportation entry and the manifest for transit air cargo transported under a common carrier's bond.

The Customs Regulations pertaining to the movement of transit air cargo are set forth in §§ 6.18 through 6.24, Customs Regulations (19 CFR 6.18–6.24). Section 6.22(c), provides that transit air cargo must be delivered to Customs at destination within 15 days from the date of receipt by the forwarding carrier at the port of arrival. Under § 6.22(e), penalties imposed as liquidated damages under the common carrier's bond for failure to deliver merchandise must be the same as prescribed in § 18.8, Customs Regulations (19 CFR 18.8). While § 18.8 sets forth the penalty for failure to deliver merchandise, it does not specify a time period during which the delivery must occur.

In response to a request for clarification, Customs Headquarters determined that the penalties imposed under the common carrier's bond for failure to deliver merchandise, set forth in § 18.8, apply to air transit cargo which is not delivered within the 15-day period specified in § 6.22(c). Accordingly, § 6.22(e) must be amended to clarify the applicability of § 18.8 to § 6.22.

Inapplicability of Notice and Delayed Effective Date Provisions

Because this amendment does not change established policy or procedure and merely clarifies an existing regulation, it is considered to be an interpretative rule and notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(2), a delayed effective date is not provided because it is not required for an interpretative rule.

Executive Order 12291

Because this will not result in a "major" rule as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it is an interpretative rule, merely clarifying an existing regulation without changing established policy or procedure.

Drafting Information

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

Amendment to the Regulations

PART 6—AIR COMMERCE REGULATIONS

Section 6.22(e), Customs Regulations (19 CFR 6.22(e)), is revised to read as follows:

§ 6.22 Transportation of transit air cargo to an interior port of destination.

* * * * *

(e) Penalties imposed as liquidated damages under the common carrier's bond for shortage, failure to deliver, etc., must be the same as prescribed in § 18.8 of this chapter. The penalty set forth in § 18.8 for failure to deliver merchandise shall apply to the failure to deliver merchandise within the time period set forth in paragraph (c) of this section. Under that section the basis for the assessment of liquidated damages is the value of the merchandise. The transit air cargo manifest does not reflect value. Therefore, when it is necessary to determine the value of merchandise shipped as transit air cargo, the value must be determined by the district director on the basis of the data or documents specified in paragraph (d) of this section and such other information available to him relating to merchandise of the same or similar description or origin. However, when the data or documents required to be furnished by paragraph (d) of this section are not received within the 90-day period prescribed, the district director will make his determination of value on the basis of such other information available to him.

(R.S. 251, as amended, sec. 551, 623, 624, 644, 46 Stat. 742, *et seq.*, as amended, sec. 904, 1109, 72 Stat. 787, *et seq.*, as amended and sec. 101, 76 Stat. 72, as amended (19 U.S.C. 66, 1551, 1623, 1624, 1644, 49 U.S.C. 1474, 1509), General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202))

George C. Corcoran, Jr.

Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1031 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 18

[T.D. 82-13]

Assessment of Liquidated Damages Under Carrier's Bonds

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: Bonded carriers are responsible for shortages, irregular deliveries, or nondeliveries of imported merchandise received by them to be transported from one port to another. In the case of any shortage, failure to deliver, or direct delivery to the consignee or other person of any duty-free merchandise, the bonded carrier is subject to a penalty imposed by Customs as liquidated damages.

Customs has determined that the previous maximum penalty (an amount equal to the value of the merchandise not to exceed $25 in any one shipment) has failed to act as a deterrent to future violations and does not cover the administrative costs of processing the penalty. This document amends the Customs Regulations to increase the penalty to a minimum of $50 and a maximum of $100, in any one shipment, to be determined within the discretion of the district director.

Bonded carriers are also responsible for any internal revenue taxes or other taxes due to the United States on the missing merchandise. While customs duties are included in these taxes, they were not expressly mentioned. Accordingly, this document also amends the Customs Regulations to include the term "duties" within the category of liabilities assumed by bonded carriers for shortage, nondelivery, or irregular delivery of merchandise.

EFFECTIVE DATE: April 14, 1982.

FOR FURTHER INFORMATION CONTACT: Legal aspects: William G. Rosoff, Carriers, Drawback and Bonds Division, 202-566-5856; Operational aspects: Thomas Hargrove, Cargo Processing Division, 202-566-5354; U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, when merchandise is imported into the United States, it must be entered for Customs purposes at the first port at which the merchandise arrives. However, under certain circumstances, imported merchandise may be placed in a Customs bonded warehouse or transported from the first port in the United States to another port. This procedure postpones final Customs formalities, including payment of duties due, until the merchandise arrives at the other port. The merchandise then may be entered, warehoused, or exported. In order to forward imported merchandise to another port, the merchandise must be transported in bond; that is certain Customs documents are required to support the movement and the carriers must be bonded by Customs for this purpose. Carriers bonded to transport merchandise in bond must follow certain procedures specified in Part 18, Customs Regulations (19 CFR Part 18), and they will incur penalties if shipments, together with the necessary documents, are not properly transported and delivered to Customs at the port of destination.

Section 18.10, Customs Regulations (19 CFR 18.10), lists five types of entries or withdrawals which may be made for merchandise to be transported in bond. Under section 18.8, Customs Regulations (19 CFR 18.8), carriers of merchandise transported in bond are responsible for any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of bonded merchandise received by them. If there is a shortage, irregular delivery, or nondelivery, the bonded carrier is assessed liquidated damages under its bond. The amount of the liquidated damages depends on the dutiable status of the merchandise and the type of nonperformance by the carrier.

By a notice published in the **Federal Register** on December 30, 1980 (45 FR 85780), Customs stated that it had determined that the maximum amount of penalty imposed under § 18.8(b)(1), Customs Regulations (19 CFR 18.8(b)(1)), as liquidated damages assessed against the carrier's bond for shortage, nondelivery, or irregular delivery of duty-free merchandise, was insufficient to act as a deterrent to future violations.

Section 18.8(b)(1), provides that if there is a shortage, irregular delivery, or nondelivery of duty-free merchandise, the penalty to be imposed as liquidated damages will be an amount equal to the value to the missing merchandise, not to exceed $25 in any one shipment. However, the $25 maximum penalty permitted in § 18.8(b)(1) does not nearly meet the administrative costs to Customs of processing claims for liquidated damages. In a study performed in the Houston, Texas, Customs Region, it was concluded that the cost of processing the simplest liquidated damages case is $41.50. The cost to Customs has increased since that study was made.

Accordingly, Customs proposed to amend § 18.8(b)(1) to increase the amount of the liquidated damages that

can be assessed to a minimum of $50 and maximum of $100, in any one shipment, to be determined within the discretion of the district director.

In the notice of December 30, 1980, Customs noted that in addition to the penalties prescribed by § 18.8(b)(1), § 18.8(c), Customs Regulations (19 CFR 18.8(c)), provides that the bonded carrier also is responsible to pay any internal revenue taxes or other taxes owed to the United States on the missing merchandise, as well as all costs, charges, and expenses caused by failure to make the required transportation, report, and delivery. Although the provisions of § 18.8(c) have been used to collect customs duties under a carrier's bond on any missing merchandise, and the authority to collect duties under the carrier's bond has been recognized by the U.S. Customs Court in *Art Craft Jewelry Co.* v. *United States*, 64 Cust. Ct. 414, C.D. 4010 (1970), the term "duties" did not expressly appear in § 18.8(c).

Accordingly, for the purpose of clarity, Customs proposed to amend § 18.8(c) to expressly include the term "duties" among the liabilities imposed upon a carrier in the case of shortage, nondelivery, or irregular delivery of merchandise.

Pursuant to the notice interested parties were given until March 2, 1981, to submit comments on the proposal. Six commenters responded to the notice. After a review of the comments, Customs is adopting the amendments as proposed.

Discussion of Comments

One commenter stated that increasing the amount of the penalty is only a partial solution to the problem. He believes that the number of violations could be reduced significantly by ensuring that the delivering carrier receives a copy of Customs Form 7512, signed by the Customs officer at the port of destination. The commenter indicates that the signed copy should be proof that the carrier had fulfilled its obligations and its liability would be released. Customs believes this suggestion has merit and will study this matter further.

One commenter generally supports the proposal but believes the increased amounts are still inadequate. Another believes that the increased amounts would not act as a deterrent but would help cover only the administrative costs of processing these cases. Customs believes that the higher amounts of the penalties will act as a deterrent, that there will be fewer violations and, therefore, the overall administrative cost of processing these cases would be reduced.

Another commenter notes that most claims arise in situations where Customs has not had the opportunity to appraise the missing merchandise or determine whether or not it is duty-free. He further notes that the manifest description is usually insufficient for making a judgment. He suggests that § 18.8(b)(1) be amended further to state that the district director must be satisfied that the merchandise is duty-free or otherwise, liquidated damages would be assessed under § 18.8(b)(2), the provision for dutiable merchandise. Customs does not believe this amendment is necessary because in practice, that is the procedure which is being, or should be, followed.

The commenter agrees that the word "duties" should be included in § 18.8(c) but suggests that guidelines be included in the Customs Fines, Penalties, and Forfeitures Handbook to explain the phrase "cost, charges, and expenses caused by the failure to make the required . . . delivery." Customs believes the suggestion has merit; however, it will be reviewed separately because it is beyond the scope of this document.

Another commenter states that while agreeing that the $25 limit does not cover the administrative cost of processing a penalty for Customs, the same is true for airlines. The commenter suggests that if Customs mandates an increase in the penalty amount in order to recoup the costs associated in assessing liquidated damages, Customs should credit the airline for a like amount whenever the carrier can and does provide evidence that the duty-free shipment was properly handled. Customs is a law enforcement agency which is charged with the responsibility of administering numerous laws and regulations, such as investigating violations of § 18.8. Customs endeavors to minimize its own administrative expenses as well as the expenses which the other party must bear. However, Customs can not credit the party any expense it incurred.

This commenter cites figures purporting to show that 50 percent of all penalty cases are closed without collection of assessed damages because carriers are able to produce evidence of compliance at least 50 percent of the time. The commenter also states that less than 1 percent of all in-bond transactions required investigation and that 85 percent of the investigations were concluded without imposing penalties or liquidated damages because no violation actually occurred. The commenter claims that these figures indicate that the proposed penalty increase has not been justified, nor has Customs shown that the airlines are negligent in the handling of in-bond duty-free merchandise.

Customs does not dispute the assertion that only 1 percent of all transactions require investigation. However, Customs notes that 1 percent of an annual volume of 1.7 million in-bond transactions is a substantial number. Customs has not singled out airlines because the proposed increase is directed towards all carriers.

The commenter cites the President's regulatory reform program and refers to Executive Order 12291 of February 17, 1981. He notes that the Executive Order requires that costs be carefully reviewed, and the potential benefits to society from a regulation outweigh the potential costs to society.

Customs supports fully the President's regulatory reform program and the mandates of Executive Order 12291. By raising the penalty amount, Customs believes there will be fewer violations of § 18.8(b)(1), which would be a benefit to the public. At the same time, overall costs in administering § 18.8(b)(1) would be reduced.

Another commenter claims that because § 18.8(c) has been used to collect customs duties under a carrier's bond on any missing merchandise, it is unreasonable to subject the carrier to liquidated damages when the duties owing on the lost or irregular shipment are paid to Customs in any event. An importer is primarily liable for payment of duties; however, independent of that liability, a carrier who loses merchandise also could become liable for payment of duty. As a matter of policy under the quantity control program, Customs generally collects duty from an importer only on the merchandise actually received. Any shortage is presumed to have occurred while in the carrier's possession and, therefore the carrier is treated by Customs as being responsible for that loss. Customs will collect from the carrier duty on the missing merchandise. However, there are other damages suffered by Customs under the bond. Liquidated damages under the carrier's bond are assessed because of breach of the bond.

The commenter questions Customs assumption that an increase in the penalty will act as deterrent. Customs agrees with the commenter that carriers have very compelling incentives for preventing loss or damage to cargo, such as loss of customers. However, Customs maintains that the assessment of higher penalties will make carriers even more careful.

The commenter objects to Customs citation of increasing administrative costs as a basis for increasing the penalty, especially in light of the President's policy of increasing the efficiency, rather than the cost, of Federal Government regulation. The commenter suggests that Customs efforts be directed toward reducing, rather than increasing, the cost of administering its regulations.

Customs agrees that it is essential to operate as efficiently as possible and to reduce the costs of administering its regulations wherever possible. Of course, reducing administrative costs during an inflationary period is very difficult. It is anticipated that there will be fewer violations of § 18.8(b)(1) because of the deterrent effect of the increased penalty. This will reduce Customs overall administrative costs of processing these cases. Of course, an improvement in the performance of carriers would be of great assistance in reducing Customs costs.

The commenter questions the validity of the study performed in the Houston, Texas, Customs Region which concluded that the cost of processing the simplest liquidated damages case is $41.50. The commenter notes that the study was performed at a seaport, not at an airport, and claims Customs has not demonstrated that data collected at the seaport is representative of air cargo transportation. The commenter claims that Customs has not explained why the $50 minimum to $100 maximum penalty is necessary to cover average administrative costs ($41.50) of less than those amounts.

Customs notes that its study was conducted at several seaports. However, because the forms and procedure for processing a § 18.8(b)(1) violation are the same at a seaport and an airport, Customs believes that the administrative costs would be similar. The new dollar amounts are necessary because the monetary penalty is intended to be a deterrent and not merely to recover administrative costs.

The commenter also discusses a matter relating to amending §§ 171.31 and 172.31, Customs Regulations (19 CFR 171.31, 172.31). This subject is outside the scope of this document but will be studied as a separate project.

Customs Forms

During the 90-day delayed effective date of this document, Customs Form 3587, "Carrier's Bond," Customs Form 3588, "Private Carrier's Bond," and Customs Form 3855, "Bond of Customs Cartman or Lighterman" will be revised by Customs Headquarters to conform to the amendments made in this document. A bond rider will be prepared for each bond and distributed to Customs field personnel. The bond rider will be executed and attached to the Customs bonds already on file before the delayed effective date. The bond rider also would be attached to all applicable bonds that are executed and filed after the delayed effective date. Use of the rider would eliminate the need for printing new bond forms at this time. However, as supplies of these forms are exhausted, the public will be provided with the new forms containing the revised language.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking issued before January 1, 1981, the effective date of the Act.

E.O. 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

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

Amendment to the Regulations

Part 18, Customs Regulations (19 CFR Part 18), is amended as set forth below.

William von Raab,

Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Sections 18.8(b)(1) and (c), Customs Regulations (19 CFR 18.8(b)(1), (c)), are revised to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

* * * * *

(b) Penalties imposed as liquidated damages under the carrier's bond for shortage, failure to deliver, or irregular delivery shall be as follows:

(1) In the case of shortage, failure to deliver, or delivery direct to the consignee or other person of any merchandise free of duty, a minimum of $50 and a maximum of $100, in any one shipment, to be determined within the discretion of the district director.

* * * * *

(c) In addition to the penalties described in paragraph (b) of this section, the carrier shall pay any internal-revenue taxes, duties, or other taxes accruing to the United States on the missing merchandise, together with all costs, charges, and expenses caused by the failure to make the required transportation, report, and delivery.

(R.S. 251, as amended, and secs. 551, 623, 624, 46 Stat. 742, as amended, 759, as amended (19 U.S.C. 66, 1551, 1623, 1624))

[FR Doc. 82-1039 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 101

[T.D. 82-15]

Customs Regulations Amendment Relating to the Field Organization of the Customs Service

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by modifying the description of the port limits of the recently consolidated Houston-Galveston, Texas, Customs port of entry to include territory lying between the corporate limits of both Houston and Galveston. The change is being made to connect Harris and Galveston Counties to form a continuous path from Houston to Galveston, which is necessary to complete the consolidated port of entry.

EFFECTIVE DATE: July 2, 1981.

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

SUPPLEMENTARY INFORMATION:

Background

By T.D. 81–160, published in the Federal Register on June 2, 1981 (46 FR 29462), § 101.3, Customs Regulations (19 CFR 101.3), was amended among other things, to consolidate the Customs ports of entry of Houston and Galveston, Texas, into the single Houston-Galveston, Texas, Customs port of entry. In consolidating the two ports, Customs intended to establish one combined port of entry encompassing an area between Houston and Galveston and stated that the Houston-Galveston port limits would include all of the territory within the existing port limits

of Houston and Galveston. However, following publication of the document, Customs determined that the geographical description of the newly consolidated Houston-Galveston port of entry limits did not reflect accurately all of the land area which was to be encompassed by the merger. The notice failed to incorporate that area of Galveston County between Clear Lake and Clear Creek on the north, Texas City on the south, the Texas shore line on the east and the Brazoria/Galveston County border on the west. Because the ports must be connected physically, the description of the consolidated Customs port of entry needs to be modified to include the omitted area.

Accordingly, Customs has determined to amend § 101.3, Customs regulations (19 CFR 101.3), to make this change.

Change in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), the description of the port limits of the consolidated Houston-Galveston, Texas, Customs port of entry is modified to include that area of Galveston County bounded by Clear Lake and Clear Creek on the north, Texas City on the south, the Texas shore line on the east and the Brazoria/Galveston County border on the west.

Amendment to the Customs Regulations

§ 101.3 [Amended]

To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs regulations (19 CFR 101.3(b)), is amended by substituting "The territory lying within the corporate limits of both Houston and Galveston, Texas, and the remaining territory in Harris and Galveston Counties, Texas (T.D. 81–160 and T.D. 81–15)." for "Houston-Galveston, Texas, including territory described in T.D. 54409 and Port Bolivar and Texas City (T.D. 81–160)" (46 FR 29464; June 2, 1981) in the list of ports of entry in the Houston-Galveston district.

Executive Order 12291

Because this will not result in a "major rule" as defined by section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has determined that the regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, the regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This determination has been made because the amendment merely is a technical change to connect Harris and Galveston Counties to complete the combined port of entry.

Inapplicability of Notice and Delayed Effective Date Provisions

Because the change does not alter materially the amendments made by T.D. 81–160, which were developed after public participation, and because the amendment merely is a technical change connecting Harris and Galveston Counties to complete the combined port of entry pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are found to be unnecessary. Because the combined port of entry already is in operation, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Drafting Information

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

Dated: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1038 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Departmental Regulation 108.793]

Visas: Documentation of Immigrants Under the Immigration and Nationality Act

CFR Correction

In Title 22, Code of Federal Regulations, revised as of April 1, 1981, in Part 42, § 42.1 appearing on page 181, the definition of "Accompanying" or "accompanied by" should read:

"Accompanying" or "accompanied by" means, in addition to an alien in the physical company of a principal alien, an alien who is issued an immigrant visa within 4 months of the date of issuance of a visa to the prinicpal alien, within 4 months of the adjustment of status in the United States of the principal alien, or within four months from the date on which the principal alien personally appears and registers before a consular officer abroad for the express purpose of conferring alternate foreign state chargeability or, where applicable, immigrant status upon a spouse or child.

BILLING CODE 1505-02-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: On March 9, 1981, the Commission published a proposed recodification, revision and expansion of existing regulations contained in 25 CFR Part 700. (45 FR 15720–15743). The existing regulations in a large part are a restatement of the applicable portions of the statutes. Experience gained from relocations completed to date, and the anticipation of the increased volume of relocations expected indicate the need for an expansion of regulations to contain more detailed procedures. The final rule revises, expands and assigns a new numbering system to the regulations. Many comments were received and analysed and action was taken as set forth below. The final rules, with the exception of § 700.183—Determination of Replacement Housing Payment, § 700.185—Differential Amount, § 700.143—Payments for Divorced or Separated Relocatees and § 700.145—Payments to Estates are set forth below.

EFFECTIVE DATE: These rules and regulations will be effective January 14, 1982.

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, Arizona, 86002, Telephone (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION: Most of the comments received dealt with the proposed changes in § 700.183—

Determination of Replacement Housing Payment and § 700.185—Differential Amount. All such comments opposed the proposed change. Since the question underlying the proposed change is now pending before the General Accounting Office and since an opinion from that office is expected in the very near future, the Commission has decided to await such opinion before making a decision on whether or not to make any changes in these proposed regulations. Pending the resolution of this question the Commission will continue its present policy of adding appraisals to benefits.

Comments were also received on § 700.143—Payments For Divorced or Separated Relocatees and § 700.145—Payments to Estates. The Commission considered these comments and certain revisions to these sections were made. However, the Commission believes it would be advisable to have further comment on these regulations before final adoption. For that reason, the Commission has forwarded the revised §§ 700.143 and 700.145 to the **Federal Register** for publication and further comment. Final action will be taken upon those regulations when such comment has been received and reviewed.

Those suggestions upon which action was taken are as follows:

1. *Section 700.15—Waiver of Rights by Owner.* Comment was received suggesting that the entire section on waiver of rights by owner be omitted. Subsections (b) and (c) were omitted since they deal primarily with procedures. It was felt that some statement concerning waiver should be provided in the regulations.

2. *Section 700.35—Applicant.* Comment was received suggesting that defining the applicant as a person who agrees to relocate pursuant to the regulations and the Act is asking them to agree to more than is necessary. Change was made so that the regulation now reads only that an applicant is a person who agrees to relocate as required by the Act.

3. *Section 700.57—Dependent.* Pursuant to comments received, this definition has been substantially rewritten to reflect that dependency may occur from one of several reasons.

4. *Section 700.59—Displaced Person.* This section has been substantially rewritten to more accurately reflect the provisions of the statute.

5. *Section 700.61—Fair Market Value.* This definition has been changed to remove the substantive determination of what is fair market value from the definition.

6. *Section 700.65—Farm Operation.* Pursuant to suggestion received the terms "livestock" and "crops" have been added to the types of agricultural production which qualify as a farm operation.

7. *Section 700.113—Basic Acquisition Policies.* Subsections (b) and (d) of this section have been amended to provide that in the event of damage to the property after the original appraisal, which damage causes the latter appraisal to be of a lesser value, the owner of the improvements will receive the higher appraisal. The purpose of this is to put the burden of loss during the period from the original application to final relocation on the Commission. Concerning subsection (g)(2), the several appropriate legal proceedings referred to are stated.

8. *Section 700.117—Criteria for Appraisals.* This section has been revised to more accurately reflect the circumstances of these appraisals.

9. *Section 700.133—Notice of Displacement.* This section has been revised by eliminating the ninety (90) day limit within which the Commission is to issue a preliminary relocation notice.

10. *Section 700.135—Relocation Assistance Advisory Services.* Subsection (e) has been amended to state that assistance is terminated only after two years in the replacement dwelling. In addition, the ground of failure to reasonably cooperate with the relocation procedures has been eliminated as a reason for terminating services.

11. *Section 700.137—Notice to Vacate.* Subsection (b) has been amended by eliminating the thirty (30) day notice to vacate.

12. *Section 700.139—Referral for Action.* This section has been amended to provide that the names of persons who have not moved will be forwarded to both the Secretary of the Interior and the United States Attorney for the District of Arizona. It is anticipated that further action by the Secretary of the Interior will be required before action is taken by the United States Attorney.

13. *Section 700.141—Claims for Relocation Payments.* Subsection (b) has been amended by changing the time for filing from thirty (30) to sixty (60) days from the time a person occupies the replacement home.

14. *Section 700.181—Eligibility.* In subsection (a) the two year limitation clause has been omitted. While this appears in Section 15(b)(2) of the Act, as a practical matter it does not occur since the Commission does not pay directly to relocatees the amounts for habitations and improvements purchased under Section 15(a) of the Act. This money is applied directly to the purchase of the replacement dwelling.

15. *Section 700.187—Limitations on Replacement Home Benefits.* This section has been changed to conform more closely to the statutory language for the responsibility of the Commission to provide decent, safe and sanitary replacement housing. Also, subsection (d) has been added stating that the Commission encourages the use of innovative energy and other technologies to achieve minimum monthly housing operating expenses.

16. *Section 700.3—Assurances with Respect to Acquisition and Displacement.* Subsection (b) has been amended by indiciating that maximum quality in housing will be promoted. This was done pursuant to a suggestion and is for emphasis. It is not intended that there will not be some choice.

17. *Section 700.171—Fixed Payment for Moving Expenses—Nonresidential Move.* Subsection (b) has been amended to provide that gross receipts of $1000 or net earnings of $500 will be used instead of gross receipts of $2000 and net earnings of $1000 in determining eligibility for fixed payments. This was done pursuant to suggestion and in recognition of the fact that the economy on the reservation is substantially lower than the general economy.

Those comments on which no action was taken are as follows:

1. *Section 700.11—Manner of Notice.* Comment was received that relocatees are not getting adequate notice of general policy changes. In addition, it was suggested that all certification notices should be hand delivered. The Commission is preparing a public information program to more adequately inform relocatees of policy decisions. Concerning delivery of notices of certification it was decided that to require hand delivery in every instance would be impractical. However, the management manual will provide that hand delivery of such a certification notice is preferred where practical.

2. *Section 700.13—Waiver of Regulations.* A suggestion was made that a relocatee should be allowed to make an appeal at any time within the relocation program. The appeal time set in § 700.307 is thirty (30) days after receipt of notice of the decision.

3. *Section 700.41—Appraiser.* Comment was received that appraisers should not be employees of the Commission because it is not fair to the relocatee to have his property appraised and purchased by the same entity. Whether the appraiser is an employee or under contract, he is still paid by the Commission. It was further commented

that the appraiser should be Navajo so that cultural value of improvements and dwellings can be taken into account. Section 15(a) of the Act provides that the purchase price shall be the fair market value of habitations and improvements. The Commission has decided that the use of the term "fair market value" by the Congress does not allow the Commission to consider cultural and personal values in appraising improvements and habitations, except to the extent that cultural values may affect fair market value. An example would be that the dwelling of a medicineman may have more value than another dwelling of the same size and construction because it is used as the office or headquarters of the medicineman in the conduct of his profession. Such use would enhance its fair market value.

4. *Section 700.43—Assistance Payment.* Comment was received that people should receive $5000 whether they relocate in the first year or the last year. This payment is controlled by Section 14(b) of the Act and the Commission has no discretion to change the terms of the Act.

5. *Section 700.53—Dwelling, Replacement.* Comments were received in connection with the various subsections as follows:

(b) It was suggested that this category should also include an existing dwelling that is encumbered by a mortgage. The definition as written would inlcude this.

(c) Comment was received that person should be warned about flood plain potential but should be permitted to acquire a newly constructed home in the flood plain but not a resale dwelling. Under the proposed regulations as written, a person could get a flood plain variance for new construction but the Commission would not authorize purchase of a resale house in the flood plain.

(d) Comment was received that relocatees should be instructed on how to look for less expensive to operate housing of equal quality. This subject is covered in seminars which are given to relocatees prior to their acquisition of replacement dwellings. See also comments above in regard to Section 700.187(d).

6. *Section 700.55—Decent, Safe and Sanitary Dwellings.* Comment was received that housing should meet more than established minimum codes. This apparently comes from misunderstanding of the term minimum code. The standards set in this section for a decent, safe and sanitary dwelling are the highest in use in this area and represent a quality home. The minimum code is not used as a maximum standard of construction but is a minimum standard that must be met before payment is made.

7. *Section 700.61—Fair Market Value.* Comment was received that the cultural purpose of the dwelling such as one used by a medicineman should be included in fair market value. See comments under § 700.41 above.

8. *Section 700.63—Family.* Comment was received that because of the limiting factors of the construction freeze, livestock reduction and other economic factors, more than one household may share a residence. This concept is already recognized in the administration of the program. More than one household may qualify for benefits even though they may be living within the same residence. It should be noted that this definition has been omitted since the term "family" is referred to in subsection (d) of § 700.69.

9. *Section 700.65—Farm Operation.* Comment was received questioning what meaning would be given to the phrase "contributing materially to the operators support." If the average annual gross receipts during the two taxable years prior to relocation were at least $1000 or if the average annual net earning was at least $500 during the same period, then it is considered that the farm operation contributed materially to the operators support. This is computed pursuant to § 700.171(b)(3). It should be noted that in cases where there is substantial hardship, this requirement can be waived.

10. *Section 700.69—Head of Household.* Comment was received concerning several subsections as follows:

(b)(3) Suggestion was made that the date of June 19, 1980 be removed and that a married couple whose marriage was in effect on the date of application now be eligible.

(b)(5) Suggestion was made that the date of November 12, 1975 be removed and that the determination should be made as of the date of application. In addition, the issue of people who are in the process of continuing education was raised.

The Commission reviewed all these suggestions and determined not to act on them.

11. *Section 700.71—Improvements.* It was suggested that this definition include water rights. This cannot be done since water rights are normally pertinent to the land and the land in these instances is owned by the Tribe. The improvements being paid for are those which the individual has made on the land. For instance, if a person has placed a diesel motor to run a water pump he could take the motor with him or be compensated for it, but he would not be compensated for any right to the water not withdrawn.

12. *Section 700.79—Marriage.* Comment was received that we should not require the people to have lengthy court proceedings such as a tribal court proceeding to declare their marrigages valid. The present wording requires only that the marriage be "recognized" by the law of the Tribe. That recognition does not require a court proceeding.

13. *Section 700.81—Monthly Housing Cost.* Comment was received that this term should include the cost of firewood and other fuels as well as insurance costs. The section has been amended to include insurance. The addition of firewood and other fuel is not necessary due to the definition of utility charges under § 700.105 which has been changed to include these items.

14. *Section 700.91 and § 700.93—Relocation Report and Relocation Plan.* Suggestion was made that the phrase "in consultation with those affected" be added after the word Commission. This was required by the Act and was done but the point is moot at this time since the Report and Plan has been submitted.

15. *Section 700.99—Salvage Value.* Comment was received that a displaced person and his/her family should have the right to salvage at his/her own removal expense before the Commission looks for other persons to salvage for fee. This is not appropriately a matter for definition but can be covered in the management manual.

16. *Section 700.101—Single Person.* Comment was received that divorced people should not be lumped together in one category with other single people since the terms are not synonymous. This comment is aimed primarily at values placed upon terms. The Commission is merely attempting to define a legal term and not expressing a view concerning values.

17. *Section 700.113–700.121—Basic Acquisition Policies and Appraisal Procedures.* Comments were received stating that cultural values should be taken into consideration in the appraisal process. This has been addressed under § 700.41 above. Additional comments regarding these sections were received as follows:

1. It was suggested that a relocatee should have the right to state his asking price and then negotiate. This is not the procedure set forth but the procedure does not preclude the relocatee from stating his asking price. However, this is not a negotiated purchase and the Commission is limited to paying the fair market value.

2. It was suggested that an advocate for the relocatee be present at his realty interviews. In essence, this is done at this time by having the advisory services worker assigned to the case at such interviews. However, this is more appropriately a subject for the management manual.

3. It was suggested that there should be a Navajo appraiser on the Commission payroll. There was one during the period of the original appraisals.

18. *Section 700.133—Notice of Displacement.* Comment was received that this notice should not be sent until the new land have been identified and there is a place for those affected by the partition line to be relocated. This comment would affect the time within which the notices would be sent. Comment was also received that the entire section should be eliminated since the notice is provocative and serves no real purpose. The Commission feels that such a notice does serve a purpose in that it advises people of the fact that the time within which relocation is to be made is running from July 8, 1981 (the date on which the Report and Plan became effective) and advises them concerning the availability of bonus money under Section 14(b) of the Act. It is planned that additional contact will be made with relocatees as new lands are acquired for the purpose of ascertaining their desires concerning residence on the new lands and what it is to be used for.

19. *Section 700.187—Utilization of Replacement Home Benefits.* Comment was received to the effect that this section be eliminated since it tends to reward the less successful and penalize the more successful. The example was given that a person who chose to reinvest livestock reduction payments in housing is penalized for doing so by not having the opportunity to relocate into housing reflecting this added investment. The person who chose to spend the livestock reduction payment on an automobile is rewarded by being granted the opportunity to relocate into new housing with full benefits. The Commission believes that the section as written gives recognition to the various kinds of situations that will be encountered. The Commission does not feel it should introject itself into how a person gets into those situations.

20. *Section 700.189—Expenditure of Replacement Home Benefit.* Comment was received on subsection (a)(3) to the effect that this section should include provisions for relocatees to use portions of their replacement home benefits to set up special accounts to be used to pay for utilities. The Commission has determined that replacement home benefits cannot be used for utility accounts.

21. *Section 700.197—Basic Eligibility Requirements.* Comment was received that a denied applicant should be eligible for reimbursement of expenses that are incidental to the certification process. The Commission now reimburses for travel expenses in connection with an application. The Commission is not aware of any other expenses incidental to the certification process.

22. *Section 700.199—Incidental Expenses.* Comment was received that the Commission should not promise to pay legal costs and fees of persons who choose to challenge the relocation process. This comment was in regard to subsection (a)(1). The legal cost referred to in subsection (a)(1) are related only to the real estate transaction in connection with acquisition of a replacement dwelling.

(23) Section 700.267(a). It was suggested that an exception be made for people who legally represent the individual to whom the record pertains. It is not necessary to act on this suggestion since the provisions of § 700.267(a) already provide that another person can have access to the file with written consent of the individual to whom the record pertains.

24. Section 700.271(b)(2). It was suggested that requiring labeling of a Privacy Act inquiry under this section with "PRIVACY ACT INQUIRY" is unrealistic and that, therefore, this requirement should be deleted. The provision does not say that a request not so labeled will not be considered. Further, it is anticipated that Privacy Act requests received from people who come in would be drafted by staff in any event. The reason for the labeling is that certain willful violation of the Privacy Act carry ciminal penalities. For that reason it is customary to require labeling of Privacy Act requests.

25. Section 700.271(b). It was suggested that a subpart (5) be added to provide that a relocatee is entitled to assistance of staff in gaining access to his/her records. This request, as worded, would be more appropriate under § 700.275. In any event it is not necessary to act on it since this can and should be covered in the Management Manual.

As of the date of publication of this final rule, the Office of Management and Budget has not approved the information collection requirements if any, related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is revised to read as follows:

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart A—General Policies and Instructions

Sec.
700.1 Purpose.
700.3 Assurances with respect to acquisition and displacement.
700.5 Supersedure of regulations.
700.11 Manner of notice.
700.13 Waiver of regulations.
700.15 Waiver of rights by owner.

Definitions

700.31 Applicability of definitions.
700.33 Act.
700.35 Applicant.
700.37 Application for relocation assistance benefits and agreement to move.
700.39 Appraisal.
700.41 Appraiser.
700.43 Assistance payment.
700.45 Business.
700.47 Commission.
700.49 Certified eligible head of household.
700.51 Custodial parent.
700.53 Dwelling, replacement.
700.55 Decent, safe, and sanitary dwelling.
700.57 Dependent.
700.59 Displaced person.
700.61 Fair market value.
700.65 Farm operation.
700.67 Habitation.
700.69 Head of household.
700.71 Improvements.
700.77 Livestock.
700.79 Marriage.
700.81 Monthly housing cost.
700.83 Nonprofit organization.
700.85 Owner.
700.87 Person.
700.91 Relocation report.
700.93 Relocation plan.
700.95 Replacement housing funds.
700.97 Resident (or residency).
700.99 Salvage value.
700.101 Single person.
700.103 Uniform Act.
700.105 Utility charges.

Subpart B—Acquisition and Disposal of Habitation and/or Improvement

700.111 Applicability of acquisition requirements.
700.113 Basic acquisition policies.
700.115 Preliminary acquisition notice.
700.117 Criteria for appraisals.
700.119 Establishment of fair market value.
700.121 Statement of the basis for the determination of fair market value.
700.123 Expenses incidental to transfer of ownership to the Commission.
700.125 Disposal of property.

Subpart C—General Relocation Requirements

700.131 Purpose and applicability.
700.133 Notice of displacement.

Sec.

700.135 Relocation assistance advisory services.
700.137 Notice to vacate.
700.139 Referral for action.
700.141 General requirements—claims for relocation payments.
700.147 Eligibility requirements.

Subpart D—Moving and Related Expenses, Temporary Emergency Moves

700.151 Eligibility.
700.153 Actual reasonable moving and related expenses—residential moves.
700.155 Expenses in searching for replacement dwelling—residential moves.
700.157 Actual reasonable moving and related expenses—nonresidential moves.
700.159 Payment for direct loss of personal property—nonresidential moves.
700.161 Substitute personal property—nonresidential moves.
700.163 Expenses in searching for replacement locations—nonresidential moves.
700.165 Ineligible moving and related expenses.
700.167 Moving and related expenses—fixed payment.
700.169 Fixed payment for moving expenses—residential move.
700.171 Fixed payment for moving expenses—nonresidential move.
700.173 Average net earnings of business or farm.
700.175 Temporary emergency moves.

Subpart E—Replacement Housing Payments

700.181 Eligibility.
700.187 Utilization of replacement home benefits.
700.189 Expenditure of replacement home benefits.

Subpart F—Incidental Expenses

700.195 General.
700.197 Basic Eligibility requirements.
700.199 Incidental expenses.

Subpart G—Assistance Payments (Incentive Bonus)

700.205 Eligibility requirements.

Subpart H—Last Resort Replacement Housing

700.209 Applicability.
700.211 Basic rights and rules.
700.213 Methods of providing replacement housing.

Subpart I—Commission Operations

700.219 General.

Subpart J—Inspection of Records

700.235 Purpose and scope.
700.237 Definitions.
700.239 Records available.
700.241 Requests for records.
700.243 Action on initial requests.
700.245 Time limits on processing of initial requests.
700.247 Appeals.
700.249 Action on appeals.
700.251 Fees.

Subpart K—Privacy Act

700.255 Purpose and scope.

Sec.

700.257 Definitions.
700.259 Records subject to Privacy Act.
700.261 Standards for maintenance of records subject to the act.
700.263 Assuring integrity of records.
700.265 Conduct of employees.
700.267 Disclosure of records.
700.269 Accounting for disclosures.
700.271 Requests for notification of existence of records: Submission.
700.273 Request for notification of existence of record: Action on.
700.275 Requests for access to records.
700.277 Requests for access to records: Submission.
700.279 Request for access to records: Initial decision.
700.281 Request for notification of existence of records and for access to records: Appeals.
700.283 Request for access to records: Special situations.
700.285 Amendment of records.
700.287 Petitions for amendment: Submission and form.
700.289 Petitions for amendment: Processing and initial decision.
700.291 Petitions for amendment: Time limits for processing.
700.293 Petitions for amendment: Appeals.
700.295 Petitions for amendment: Action on appeals.
700.297 Statements of disagreement.

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

Subpart A—General Policies and Instructions

§ 700.1 Purpose.

The purpose of this part is to implement provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929), hereinafter referred to as the Act, in accordance with the following objectives—

(a) To insure that persons displaced as a result of the Act are treated fairly, consistently, and equitably so that these persons will not suffer the disproportionate adverse, social, economic, cultural and other impacts of relocation.

(b) To set forth the regulations and procedures by which the Commission shall operate; and implement the provisions of the Act.

(c) To establish standards consistent with those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 U.S.C. 4601 et. seq., Pub. L. 91–646), hereinafter referred to as the Uniform Act.

(d) To insure that owners of habitations and other improvements to be acquired pursuant to the Act are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation, relieve congestion in the courts and to promote public confidence in the Commission's relocation program.

(e) To facilitate development of a relocation plan according to the Act and carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocation, in accordance with the Act.

§ 700.3 Assurances with respect to acquisition and displacement.

The Commission will not approve any programs or projects which may result in the acquisition of habitations and/or improvements, or in the displacement of any person, until such time as written assurances are submitted to the Commission that such projects or programs are in accordance with the Act. It will—

(a) Assure that, within a reasonable period of time prior to displacement, adequate, decent, safe and sanitary replacement dwellings (defined at § 700.55) will be available to all certified eligible heads of households.

(b) Carry out relocation services in a manner that will promote maximum quality in housing.

(c) Inform affected persons of their rights under the policies and procedures set forth under the regulations in this part.

§ 700.5 Supersedure of regulations.

These regulations supersede the regulations formerly appearing in this part. However, any acquisition of property or displacement of a person occuring prior to the effective date of these regulations shall continue to be governed by the regulations at 25 CFR Part 700 in effect at the time of the acquisition or displacement.

§ 700.11 Manner of notice.

Each notice which the Commission is required to provide under these regulations shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested. Each notice shall be written in plain understandable language. Recipients who notify the Commission that they are unable to read and understand the notice will be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§ 700.13 Waiver of regulations.

(a) Any time limit specified for the filing of a claim or an appeal under the regulations in this part may, on a case by case basis, be extended by the Commission.

(b) The Commission may waive any requirement of these regulations in this part if such requirement is not required by law and if the Commission finds such waiver or exception to be in the best interest of individual Indian applicants, the Commission, and the United States. Any request for a Commission waiver shall be submitted in writing to the Commission and shall be justified on a case by case basis.

§ 700.15 Waiver of rights by owner.

Nothing in these regulations shall prevent a fully informed applicant from voluntarily waiving any of his/her rights under the regulations in this part. A waiver of rights shall in no way constitute an exemption from the requirement to relocate pursuant to the Act.

Definitions

§ 700.31 Applicability of definitions.

Except where otherwise noted, the definitions appearing in this Subpart A apply to the regulations in this part.

§ 700.33 Act (The Act).

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

§ 700.35 Applicant.

A person who applies for relocation assistance benefits and agrees to relocate as required by the Act.

§ 700.37 Application for relocation assistance benefits and agreement to move.

The application for relocation assistance benefits and agreement to move is Commission Form #69–R0001, completion of which is used for establishing the date upon which a person shall be deemed to have a contract with the Commission to relocate pursuant to Section 14(b) of the Act.

§ 700.39 Appraisal.

The appraisal is an estimate of the fair market value which is placed on the habitation and other improvements owned by a relocatee.

§ 700.41 Appraiser.

An appraiser is a person appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraiser shall be paid by the Commission.

§ 700.43 Assistance payment.

An assistance payment is the additional payment made to the certified eligible head of household pursuant to Section 14(b) of the Act. This term is synonymous with "incentive bonus".

§ 700.45 Business.

The term business means any lawful activity, except a nonprofit organization or a farm operation, that is—

(a) Conducted primarily for the purchase, sale, lease and or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Conducted primarily for the sale of services to the public; or

(c) Solely for the purpose of Subpart D of this part, conducted primarily for outdoor advertising display purposes, when the display(s) must be moved as a result of the Act.

§ 700.47 Commission.

The Navajo and Hopi Indian Relocation Commission is that entity established pursuant to 25 U.S.C. 640d–11 (Section 12(a) of the Act).

§ 700.49 Certified eligible head of household.

A certified eligible head of household is a person who has received notice from the Commission that he/she has been certified as eligible to receive certain relocation assistance benefits.

§ 700.51 Custodial parent.

A custodial parent is a person who has the immediate personal care, charge, and control of a minor child who resides in his/her household, or a person who fills the parental role but who is not necessarily blood-related.

§ 700.53 Dwelling, replacement.

The term replacement dwelling means a dwelling selected by the head of a household as a replacement dwelling that meets the criteria of this section. A replacement dwelling is a dwelling that:

(a) Is decent, safe, and sanitary as described in § 700.55.

(b) May include existing dwellings for resale, new construction, modular homes, mobile homes, mutual self-help housing or other federally assisted housing programs.

(c) Is in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources and in an area not generally less desirable than that of the acquired dwelling with respect to public utilities, public and commercial facilities, and schools.

(d) Is available at a purchase price within the ability-to-pay of the displaced person. A replacement dwelling shall be considered within the ability-to-pay of the displaced person if, after he receives a replacement housing payment and any available housing assistance payments, his new monthly housing cost (defined at § 700.81) for the replacement dwelling does not exceed twenty-five percent (25%) of the monthly gross income of all adult members of the household, including supplemental income payments received from public agencies. If the person's monthly income pattern is irregular, the Commission shall base its determination of average gross monthly income on the period of time, actual and/or projected, that most fairly and equitable represents the person's ability-to-pay.

(e) Is actually available to the displaced person on the private market, other federally-sponsored housing projects, tribal-sponsored housing projects and/or Commission-sponsored housing projects.

§ 700.55 Decent, safe, and sanitary dwelling.

(a) *General.* The term decent, safe, and sanitary dwelling means a dwelling which—

(1) Meets applicable federal, state and local housing and occupancy codes; including but not limited to the Uniform Building Code, National Electrical Code, ICBO Plumbing Code, the Uniform Mechanical Code, HUD Minimum Property Standards, and HUD Mobile Home Construction and Safety Standards (24 CFR Part 3280).

(2) Is structurally sound, clean, weathertight and in good repair and has adequate living space and number of rooms.

(3) Has an adequate and safe electrical wiring system for lighting and other electrical services where economically feasible.

(4) Meets the requirements of the HUD lead-based paint regulations (24 CFR Part 35) issued under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.);

(5) In the case of a physically handicapped person, is free of any architectural barriers. To the extent that standards prescribed by the American National Standards Institute, Inc., in publication ANSI A117.1–1961 (R 1971), are pertinent, this provision will be considered met if it meets those standards;

(6) Has heating as required by climatic conditions;

(7) Has habitable sleeping area that is adequately ventilated and sufficient to accommodate the occupants;

(8) Has a separate well-lighted and ventilated bathroom, affording privacy to the user, that contains a sink and bathtub or shower stall, properly connected to hot and cold water, and a flush toilet, all in good working order and properly connected to a sewage drainage system; and

(9) In the case of new construction or modular housing, complies with the energy performance standards for new buildings set forth by the U.S. Department of Energy.

(10) The Commission may waive paragraphs (a) (3) or (8) of this section on a case-by-case basis if it is determined that it is in the best interest of the individual relocatee to do so.

§ 700.57 Dependent.

A dependent is a person who either derives more than one-half of his/her support from another or is under the custody, control and care of another. In instances where there are conflicting claims for the dependent status of a person in more than one household, the household of the person having custody, control and care shall be determined to be the household wherein the person is a dependent.

§ 700.59 Displaced person.

Displaced person means a member of the Hopi Tribe residing within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe residing within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act. This term is synonymous with the term "relocatee".

§ 700.61 Fair market value.

Fair market value shall mean the value placed on the habitation and improvements owned by each head of household as determined pursuant to §§ 700.117 through 700.121.

§ 700.65 Farm operation.

Farm operation means any activity conducted for the production of one or more agricultural products or commodities including livestock, crops and timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support as determined in § 700.171(b)(3).

§ 700.67 Habitation.

The term habitation means the dwelling(s) of each household required to relocate under the term of the Act.

§ 700.69 Head of household.

(a) *Head of Household.* The head of household is:

(1) The individual who exercises control over, or makes decisions for, the other household members based upon a legal or moral obligation to do so and who is determined by the Commission to represent the household in all matters relating to the Commission, or;

(2) The individual who exercises control or makes decisions for the other household members based upon the consensus of the other household members to do so and who is determined by the Commission to represent the household, or;

(3) The individual determined by the Commission to represent the household in all matters relating to the Commission.

(b) *Household.* A household is:

(1) A group of people who are residing together and are related by blood, marriage, or court order, or;

(2) One or more persons who are residing together in a single place of abode of which one household member has maintained continuous residency therein prior to and since December 22, 1974, or;

(3) A married couple whose marriage was in effect as of June 19, 1980, or who would qualify for Relocation Benefits as a household under any other definition in this section, or;

(4) A person who is a custodial parent and is actually maintaining and supporting himself/herself and his/her dependents, or;

(5) A single person who has actually maintained and supported himself/herself on and since November 12, 1975, or;

(6) Such other situations or relationships which are determined by the Commission to qualify as a household pursuant to the Act.

(c) *Household Status and Size.* Household status and size shall be initially determined by the facts existing on the date of certification of eligibility for relocation assistance benefits. Final determination of household status and size shall be made prior to referral of the case to the Commission's Real Estate Services Department.

(d) The term family is synonymous with household.

§ 700.71 Improvements.

Improvements are structures and attached fixtures to the land owned by a member of a household required to relocate under the terms of the Act, in addition to the habitation which improvements cannot readily be moved without substantial damage, or whose movement would require unreasonable cost.

§ 700.77 Livestock.

The term livestock shall mean all domesticated animals of every type owned by the displaced person.

§ 700.79 Marriage.

Marriage is a legally recorded marriage or a traditional commitment between a man or woman recognized by the law of the Hopi Tribe or the Navajo Tribe.

§ 700.81 Monthly housing cost.

(a) *General.* The term monthly housing cost for a replacement dwelling purchased by a certified eligible head of household is the average monthly cost for all mortgage payments, real property taxes, reasonable utility charges, and insurance.

(b) *Computation of monthly housing cost for replacement dwelling.* A person's monthly housing cost for a replacement dwelling shall be a projected amount that includes one-twelfth of the estimated reasonable annual cost for utility charges.

§ 700.83 Nonprofit organization.

The term nonprofit organization means a corporation, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

§ 700.85 Owner.

The term owner means the person who holds any interest in habitations and improvements to be acquired by the Commission pursuant to Section 15(a) of the Act, which the Commission determines warrants consideration of ownership.

§ 700.87 Person.

The term person means any individual, partnership, corporation, or association.

§ 700.91 Relocation report.

The relocation report shall be the report prepared by the Commission and submitted to Congress pursuant to Section 13(a) of the Act.

§ 700.93 Relocation plan.

The relocation plan shall be the plan prepared by the Commission and submitted to Congress pursuant to Section 13(c) of the Act.

§ 700.95 Replacement housing funds.

Replacement housing funds means those funds authorized to be

appropriated pursuant to Section 25(a)(1) of the Act.

§ 700.97 Resident (or residency).

(a) Residency is established by fulfilling either of the following criteria.

(1) Current occupancy.

(2) Maintenance of substantial recurring contacts with an identifiable homesite although the individual is temporarily away for any of the following reasons:

(i) Employment, and seeking employment.

(ii) Education or job training.

(iii) Medical.

(iv) Military (active duty in the military service).

(v) Unavailability of Housing.

(vi) Incarceration.

(b) Any one or more of the following criteria may be considered in establishing whether or not there have been substantial recurring contacts:

(1) Ownership of livestock.

(2) Ownership of improvements.

(3) Grazing Permits.

(4) Livestock sales receipts.

(5) Homesite Leases.

(6) Public Health Records.

(7) Medical and Hospital records, including those of Medicinemen.

(8) Trading Post Records.

(9) School Records.

(10) Military Records.

(11) Employment Records.

(12) Mailing address records.

(13) Banking Records.

(14) Drivers License Records.

(15) Voting Records—Tribal and County.

(16) Home ownership or rental off the Disputed Area.

(17) B.I.A. Census Data.

(18) Certification from Chapter Officials—Not required.

(19) Certification of Residency.

(20) Certification by Relocatee.

(21) Information obtained by Certification Field Investigation.

(22) Social Security Administration.

(23) Marital Records.

(24) Court Records.

(25) Records of Birth.

(26) Joint Use Area Roster.

(27) Any other relevant data.

§ 700.99 Salvage value.

Salvage value means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

§ 700.101 Single person.

A single person is a widow, widower, unmarried or divorced person.

§ 700.103 Uniform Act.

The term Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646).

§ 700.105 Utility charges.

Utility charges means the cost for heat, lighting, hot water, electricity, natural gas, butane, propane, wood, coal or other fuels water, sewer and trash removal.

Subpart B—Acquisiton and Disposal of Habitations and/or Improvements

§ 700.111 Applicability of acquisition requirements.

General. The requirements of this Subpart B apply to all Commission acquisition of habitations and/or improvements that occur on or after the effective date of these regulations.

§ 700.113 Basic acquisition policies.

(a) *Appraisal and invitation to owner.* Before the initiation of negotiations, the Commission shall have the habitations and/or improvements appraised to its satisfaction and will attempt to assure that the owner or his designated representative is contacted in advance of the appraisal(s) and given an opportunity to accompany each appraiser during the appraiser's inspection of the property.

(b) *Determination and offer of fair market value.* Before the initiation of negotiations, the Commission shall establish an amount which it believes is fair market value for improvements. This amount shall be based on a current appraisal at the time negotations commence for the relocation contract between the NHIRC and the relocatee. The appraisal will be adjusted according to the Boeckh Building Cost Modifier for time or any physical changes in the improvements. If any changes are necessary the appraisal will be corrected to reflect a current dollar value. The amount of the current appraisal will be offered as just compensation for the improvements acquired, except as provided in paragraph (d) below. A copy of the initial appraisal will be sent to the owner as soon as possible after the appraisal program is completed.

(c) *Basic negotiation procedures.* The Commission will attempt to meet with the owner or his/her representative to discuss its offer to purchase his/her property including the basis for the determination of fair market value and explain acquisition policies and procedures, including payment of incidental expenses. The owner shall be given reasonable opportunity to present material which he/she believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Commission shall consider the owner's presentation.

(d) If the condition of the property indicates the need for a new appraisal or if a significant delay has occurred since the time of the latest appraisal of the property, the Commission shall have the appraisal updated or obtain a new appraisal. If a new appraisal is for a lesser value than the previous appraisal and said lesser value is due to damage done to the property during the time between the two appraisals, and such damage was not caused by the owner of the improvement, the owner shall be entitled to the higher appraisal value.

(f) *Objection to determination of fair market value.* If the owner objects to the Commission's determination of fair market value, the owner may request a hearing pursuant to the Commission's Hearing and Administrative Review procedures;

(g) *Payment before taking possession.* Before requiring an owner to surrender possession of his habitations and/or improvements, the Commission shall—

(1) Apply the agreed purchase price towards the acquisition price of the replacement dwelling or;

(2) Deposit with the court in an appropriate proceeding, such as divorce or probate, for the benefit of the owner, an amount not less than the Commission's determination of fair market value for the property or the court award of compensation for the property up to the maximum benefit allowed under the then existing replacement housing benefit.

§ 700.115 Preliminary acquisition notice.

As soon as feasible in the acquisition process, the Commission shall issue a preliminary acquisition notice to the owner. The notice shall—

(a) Inform the owner of the Commission's interest in acquiring his/her habitations and/or improvements.

(b) Explain that such preliminary acquisition notice is not a notice to vacate and that it does not establish eligibility for relocation payments or other relocation assistance under these regulations.

§ 700.117 Criteria for appraisals.

(a) *Appraisal standards.* The Commission's appraisals shall be based upon nationally recognized appraisal

standards and techniques to the extent that such principles are consistent with the concepts of value that the Commission may establish.

(b) *Documentation.* Appraisal reports must contain sufficient documentation, including supporting valuation data and the appraiser's analyses of that data, to demonstrate the reasonableness of the appraiser's opinion(s) of value.

(c) *Conflict of interest.* No appraiser shall have any interest, direct or indirect, in the habitations and/or improvements which he appraisers for the Commission that would in any way conflict with his performance of the appraisal.

§ 700.119 Establishment of fair market value.

(a) *General.* The Commission shall establish the amount of fair market value to be offered to the owner for the habitations and/or improvements. Such amount shall not be less than—

(1) The appraiser's recommendations as to the fair market value of the habitations and/or improvements; or

(2) The fair market value estimate set forth in the agency's approved appraisal, if the property is valued at $2,000 or less.

(b) *Owner retention of improvements.* If the owner of a habitation and/or improvement is permitted to retain it for removal off-site, the amount determined to be just compensation for the interest in habitations and/or improvements to be acquired from him shall not be less than the amount determined by subtracting the salvage value of the improvements he retains for off-site removal from the amount determined to be fair market value for his entire interest in the habitation and improvement. Retention of improvements by the owner shall not change, alter or abrogate the requirement of the Act that the owner must move from land partitioned to the tribe of which he/she is not a member.

§ 700.121 Statement of the basis for the determination of fair market value.

At the time of the initiation of negotiations to acquire the habitations and/or improvements, the Commission shall furnish the owner, along with the initial written purchase offer, a written statement of the basis for the determination of fair market value. To the extent permitted by the Commission, the statement shall include the following—

(a) A description and location identification of the habitations and/or improvements to be acquired.

(b) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the habitations and/or improvements for which the offer of fair market value is made.

(c) A recital of the amount of the offer and a declaration that such amount—

(1) Is the full amount believed by the Commission to be just compensation for the property and is not less than the fair market value of the property as determined on the basis of the appraisal(s);

(2) Does not reflect any relocation payments or other relocation assistance which the owner is entitled to receive.

(d) If only a portion of a habitation and/or improvement is to be acquired, an apportionment of the total estimated just compensation for the partial acquisition will be made. In the event that the Commission determines that partial acquisitions are necessary, all portions so acquired will be acquired simultaneously.

§ 700.123 Expenses incidental to transfer of ownership to the Commission.

Eligible costs. The Commission shall reimburse the owner for reasonable expenses he/she necessarily incurred incidental to the transfer of habitations and/or improvements to the Commission. The Commission is not required to pay costs solely required to perfect the owner's interest in the habitations and/or improvements.

§ 700.125 Disposal of property.

Property acquired by the Commission pursuant to the Act shall be disposed of in one of the following manners:

(a) If the Commission determines that the property acquired constitutes a substantial risk to public health and safety, the Commission may remove or destroy the property.

(b) The Commission may transfer the property acquired by gratuitous conveyance to the tribe exercising jurisdiction over the area. Notice of such transfer shall be in writing and shall be completed within sixty (60) days from the finalization of all property acquisition procedures, unless the tribe notifies the Commission in writing within that time that the property transfer is refused. In the event of a refusal by the tribe, the Commission shall remove the property.

Subpart C—General Relocation Requirements

§ 700.131 Purpose and applicability.

This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this part. The relocation requirements of the regulations in this part apply to the relocation of any displaced person.

§ 700.133 Notice of displacement.

After the Commission's Relocation Report and Plan is in effect pursuant to the Act, the Commission shall issue a preliminary relocation notice to each person identified by the Commission as potentially subject to relocation. This notice shall—

(a) Be published in a newspaper of general circulation in the area of the former Joint Use Area at least two times, and shall be sent to each Chapter House on the former Joint Use Area for posting.

(b) Inform the person that he/she will be required to relocate permanently in the future unless the person has applied for and is determined to be eligible for a Life Estate.

(c) Generally describe the relocation assistance program for which the person may become eligible, including the maximum allowable dollar amounts and basic conditions of eligibility for the payments.

§ 700.135 Relocation assistance advisory services.

(a) *General.* The Commission may carry out a relocation assistance advisory program which offers the services described in paragraph (b) of this section. If the Commission determines that a person occupying habitations and/or improvements adjacent to the habitations and/or improvements acquired pursuant to the Act is caused substantial social, economic cultural or other injury because of such acquisition, it may offer such services to such person.

(b) *Services to be provided.* The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to—

(1) Personally interview where possible each certified eligible head of household to determine his/her relocation needs and preferences, and explain to him/her the relocation payments and other assistance for which he/she may be eligible, the related eligibility requirements, and the procedures for obtaining such payments and assistance;

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of replacement dwellings and commercial and farm properties and locations, as the case may be.

(3) Assure that replacement dwellings are available to all certified eligible heads of households.

(4) Assist any persons displaced from a business or farm operation to obtain and become established in a suitable replacement location;

(5) Supply persons to be displaced with appropriate information concerning Tribal, Federal, State or local housing programs, disaster loans and other programs administered by the Small Business Administration, and other Federal or State programs offering assistance to persons to be displaced;

(6) Endeavor to minimize the adverse social, economic, cultural and other hardships and impacts of relocation on persons involved in adjusting to such relocation.

(c) *Coordination of relocation activities.* The Commission shall, to the maximum extent feasible, coordinate its relocation assistance advisory services activities with existing local, state, federal and Tribal agencies to the extent necessary to enable it to carry out its program. Referrals of displaced persons for services to existing services providers will be utilized whenever possible.

(d) *Policy.* The Commission shall continue to provide assistance to a family, individual, business concern, non-profit organization, or farm operation until relocation has been achieved unless section § 700.139 becomes applicable.

(e) *Reasons for Terminating Assistance.* In general, the circumstances under which the Commission's relocation obligations cease are the following:

(1) Two years have elapsed since the family or individual has moved to a decent, safe and sanitary replacement dwelling and has received all assistance payments to which entitled.

(2) All reasonable efforts to trace a family or individual have failed.

(3) The family or individual on his/her own initiative moves to substandard housing and has refused reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling.

(4) The business concern, farm operation, or non-profit organization has received all assistance and payments to which it is entitles, and has either been successfully relocated or ceased operations.

(5) Other relevant reasons as determined by the Commission.

§ 700.137 Notice to vacate.

(a) *General.* Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable following the fourth year after the effective date of the relocation plan. At such time, the Commission shall—

(1) Request that the head of household choose an available area for relocation, and contract with the Commission for relocation; and

(2) Offer the relocatee suitable housing; and

(3) Offer to purchase from the head of household the habitation and improvements; and

(4) Offer provisions for the head of household and his family to be moved (e.g., moving expenses, etc.).

(b) If a person identified pursuant to § 700.137(a) fails or refuses to move after the actions outlined in this section are taken by the Commission, the Commission will issue a ninety day notice stating the date by which the person will be required to vacate the area partitioned to the Tribe of which he is not a member which date shall be five years after the date of approval of the Report and Plan by the Congress.

(c) Upon expiration of the time period provided and upon failure or refusal of the person to move, the Commission may exercise the referral for action proceedings outlined in § 700.139.

§ 700.139 Referral for action.

Upon the expiration of all notice periods and upon the failure or refusal of any relocatees to make timely arrangements to move, the Commission shall forward the names and addresses of such relocatees to the Secretary of the Interior and to the U.S. Attorney for the District of Arizona for such action as they deem appropriate. The Commission will assure the availability of relocation assistance to which the relocatees may be entitled.

§ 700.141 General requirements—claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment under Subparts D, E, F, G, or H of this part shall be submitted to the Commission on the appropriate Commission form and supported by such documentation as may reasonably be required by the Commission to demonstrate expenses incurred, such as bills and receipts.

(b) *Time for filing.* All claims for a relocation payment shall be filed with the Commission within sixty (60) days after the family occupies the replacement home unless this time period is extended by the Commission.

(c) *Direct payment of claim.* Relocation payments shall be made in accordance with the terms of the Relocation contracts and are not subject to claims of creditors or assignments.

§ 700.147 Eligibility requirements.

(a) To be eligible as a displaced person for benefits provided for under the Act, and these regulations a person must meet one of the following conditions:

(1) The person must be a resident in the area partitioned to the tribe of which he is not a member; or

(2) The person was a resident in the Joint Use Area but moved from there between December 22, 1974, and August 30, 1978; or

(3) The person was a resident of an area which was partitioned to a tribe of which he is not a member but moved therefrom after August 30, 1978.

(b) Moves described in paragraphs (a) (ii) and (a) (iii) of this section are presumed to have been made pursuant to the Act.

(c) Eligibility for certain benefits is further restricted by Sections 14(c) and 15(c) of the Act.

Subpart D—Moving and Related Expenses, Temporary Emergency Moves

§ 700.151 Eligibility.

(a) *General.* All certified eligible heads of household are eligible for moving and related expenses as prescribed in this subpart. A certified eligible head of household who lives on his/her business or farm property may be eligible for both a payment as a dwelling occupant and a payment with respect to the business or farm operation.

(b) *Least costly approach.* The amount of payment for an eligible expense under this subpart shall not exceed the least costly method, as determined by the Commission, of accomplishing the objective of the payment without causing undue hardship to the certified eligible heads of household.

(c) *Prior Approval.* Written approval of the Commission must be obtained for all moving and search expenses in this subpart. Such approval shall be obtained by each certified eligible head of household prior to incurring any expense from the real estate specialist to whom the case is assigned. If prior approval and the amount thereof is not obtained from the Commission, the Commission thereafter will determine:

(1) Whether the travel was required and the expenses reasonable and;

(2) The amount of reimbursement to be paid, if any.

§ 700.153 Actual reasonable moving and related expenses—residential moves.

Subject to the limitations contained in this subpart, a certified eligible head of

household is entitled to actual reasonable expenses for—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules, meals and lodging away from home required by the Commission.

(b) Transportation computed at prevailing federal per diem and mileage allowance schedules of the household and personal property from the acquired site to the replacement site.

(c) Packing, crating, unpacking and uncrating of the personal property.

(d) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances, and other personal property;

(e) Storage of the personal property, not to exceed one year unless extended by the Commission.

(f) Insurance of the personal property in connection with the move and necessary storage; and

(g) Other moving related expenses that are not listed as ineligible under § 700.165, as the Commission determines to be reasonable and necessary.

§ 700.155 Expenses in searching for replacement dwelling—residential move.

(a) A certified eligible head of household is entitled to actual reasonable expenses incurred in the search for a replacement dwelling.

(b) Transportation, meals and lodging when required to be away from home by the Commission, computed at prevailing federal per diem and mileage allowance schedules.

§ 700.157 Actual reasonable moving and related expenses—nonresidential moves.

(a) *Eligible costs.* Subject to the limitations of § 700.151(c) a certified eligible business, farm operation or nonprofit organization is entitled to payment for actual reasonable expenses for:

(1) Transportation of personal property from the acquired site to the replacement site.

(2) Packing, crating, unpacking, and uncrating the personal property.

(3) Disconnecting, dismantling, removing, reassembling and installing relocated and substitute machinery, equipment, and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;

(4) Storage of the personal property;

(5) Insurance of personal property in connection with the move and necessary storage;

(6) Any license, permit or certification required by the displaced person, to the extent such cost is (i) necessary to its re-establishment at the replacement location and (ii) does not exceed either the cost for one year or for the remaining useful life of the existing license, permit, or certification, whichever is less;

(7) Professional services, including architect's, attorney's and engineer's fees, and consultant's charges, necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocation personal property at the replacement location.

(8) Relettering signs and printing replacement stationery made obsolete as a result of the move;

(9) Actual direct loss of personal property;

(10) Purchase of substitute personal property;

(11) Searching for a replacement location;

(12) Other moving-related expenses that are not listed as ineligible under § 700.165.

(b) *Self-move.* If the displaced person self-moves his business, farm operation, or nonprofit organization, the Commission may approve a payment for his moving expenses in an amount not to exceed the lowest acceptable bid or estimate obtained by the Commission, without submission of documentation of moving expenses actually incurred.

(c) *Notification to Commission and inspection.* To be eligible for a payment under this section, the displaced person shall permit the Commission to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

§ 700.159 Payment for direct loss of personal property—nonresidential moves.

(a) *General.* A certified eligible business is entitled to payment for actual direct loss of an item of tangible personal property incurred as a result of moving or discontinuing his business, farm operation, or nonprofit organization. The payment shall consist of the reasonable costs incurred in attempting to sell the item plus the less of—

(1) The fair market value of the item for continued use at the acquired site, less the proceeds from its sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

(2) The estimated cost of moving the item, but with no allowance for storage. (If the business, farm operation or nonprofit organization is discontinued, the estimated cost shall be based on a moving distance of 50 (fifty) miles.)

(b) *Advertising sign.* The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of—

(1) The depreciated reproduction cost of the sign as determined by the Commission, less the proceeds from its sale; or

(2) The estimated cost of moving the sign.

(c) *Sales effort.* To be eligible for payment for direct loss of personal property, the claimant must make good faith effort to sell the personal property, unless the Commission determines that no such effort is necessary.

(d) *Transfer of ownership.* To be eligible for payment for direct loss of personal property, the claimant shall transfer to the Commission ownership of the unsold personal property.

§ 700.161 Substitute personal property—nonresidential moves.

(a) *General.* If an item of personal property, which is used as part of a business, farm operation or nonprofit organization, is not moved but is promptly replaced with a comparable substitute item at the replacement site, the displaced person is entitled to payment of the lesser of—

(1) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item, if any; or

(2) The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate obtained by the Commission for eligible moving and related expenses, but with no allowance for storage.

(b) *Transfer of ownership.* To be eligible for a payment under this section, the claimant shall transfer to the Commission ownership of the personal property that has not been sold or traded in.

§ 700.163 Expenses in searching for replacement location—nonresidential moves.

A displaced business, farm or nonprofit organization is entitled to an amount not to exceed $500 (five-hundred dollars), as determined by the Commission, for actual reasonable expenses incurred in searching for a replacement location, including—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules; meals and lodging away from home;

(b) Time spent searching, based on reasonable earnings;

(c) Fees paid to a real estate agent or broker to locate a replacement site.

§ 700.165 Ineligible moving and related expenses.

A displaced person is not entitled to payment for—

(a) The cost of moving any structure or other improvement in which the displaced person reserved ownership; or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Physical changes at replacement location of business, farm or nonprofit organization, except as provided at § 700.157; or

(g) Any additional expense of a business, farm, or nonprofit organization incurred because of operating in a new location.

§ 700.167 Moving and related expenses—Fixed payment.

A displaced person (other than an outdoor advertising display business who is eligible for a payment for his actual moving and related expenses under Subpart D of these regulations) is entitled to receive a fixed payment in lieu of a payment for such actual moving and related expenses.

§ 700.169 Fixed payment for moving expenses—residential moves.

The fixed payment for moving and related expenses of a certified eligible head of household from a dwelling consists of—

(a) A moving expense allowance not to exceed $300 (three hundred dollars).

(b) A dislocation allowance of $200 (two hundred dollars).

§ 700.171 Fixed payment for moving expenses—nonresidential moves.

(a) *General.* The fixed payment for moving and related expenses of a displaced business or farm operation that meets applicable requirements under this section is an amount equal to its average annual net earnings as computed in accordance with § 700.173, but not less than $2,500 nor more than $10,000. A nonprofit organization which meets the applicable requirements under this section is entitled to a payment of $2,500.

(b) *Business.* A business qualifies for payment under this section if the Commission determines that—

(1) The business cannot be relocated without a substantial loss of its existing patronage.

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Commission, and which is under the same ownership and engaged in the same or similar business activities. For purposes of this rule, no remaining business facility which had average annual gross receipts of less than $1,000 and average annual net earnings of less than $500, during the two taxable years prior to displacement, shall be considered "another establishment"; and

(3) The business had (i) average annual gross receipts of at least $1,000 during the two taxable years prior to displacement, or (ii) average annual net earnings of at least $500 as determined in accordance with § 700.173. However, the Commission may waive this test in any case in which it determines that its use would cause a substantial hardship.

(c) *Determining number of businesses acquired.* In determining whether two or more legal entities, all of which have been acquired, constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which—

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business, and

(4) The same person or closely related persons own, control or manage the affairs of the entities.

(d) *Farm operation.* A farm operation qualifies for a payment under this section if the Commission determines that it meets the criteria set forth in § 700.171(b)(3). In the case of a partial acquisition, the fixed payment shall be made only if the Commission determines that—

(1) The part acquired was a farm operation before the acquisition; or

(2) The partial acquisition caused the operator to be displaced from the farm operation; or

(3) The partial acquisition caused a substantial change in the nature of the farm operation.

(e) *Nonprofit organization.* A nonprofit organization qualifies for a $2,500 payment under this section, if the Commission determines that it—

(1) Cannot be relocated without a substantial loss of existing patronage (membership and clientele). A nonprofit organization is assumed to meet this test, unless the Commission demonstrates otherwise; and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Commission.

§ 700.173 Average net earnings of business or farm.

(a) *Computing net earnings.* For purposes of this subpart, the average annual net earnings of a business or farm operation is one-half of its net earnings before Federal, State and local income taxes, during the two taxable years immediately prior to the taxable year in which it was displaced. However, if the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be computed on the basis of the actual period of operation on the acquired site, projected to an annual rate. Also, average annual net earnings may be based upon a different period of time when the Commission determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents.

(b) *Documentation.* A displaced person who elects to receive a fixed payment in lieu of actual expenses incurred in moving his business or farm shall furnish the Commission proof of his net earnings through income tax returns, certified financial statements or other reasonable evidence.

§ 700.175 Temporary emergency moves.

(a) *General.* An eligible household may be granted temporary relocation resources, at the Commission's discretion, provided:

(1) That the move is for a limited time period not to exceed 12 months unless extended by the Commission.

(2) That permanent relocation resources are not available at the time of displacement.

(3) Prior approval of the Commission is obtained.

(4) That a Relocation Contract providing for permanent relocation has been executed.

(5) The head of household actually remained domiciled on lands partitioned to the tribe of which he is not a member as of December 22, 1974, and continuously thereafter.

(6) The head of household shall vacate all improvements owned by him on lands partitioned to the tribe of which he is not a member and shall transfer title to said improvements to the Commission.

Temporary relocation shall in no way diminish the responsibility of the Commission to offer relocation assistance and services designed to achieve permanent and suitable facilities.

(b) *Conditions Under Which Move to Temporary Housing Accommodations May Be Approved.* The move of a family or individual into temporary housing accommodations may be approved by the Commission only if the following conditions are met.

(1) The move will be undertaken because:

(i) It is necessary because of an emergency as determined by the Commission; or

(ii) The individual or family is subject to conditions hazardous to his or his family's health or safety.

(2) The temporary housing is decent, safe, and sanitary.

(3) The Commission shall have determined that within twelve (12) months of the date of the temporary move, replacement housing meeting Commission-approved standards will be available for occupancy by the persons temporarily rehoused.

(4) Prior to the move, the Commission shall provide in writing assurance to each head of household that:

(i) Replacement housing will be available at the earliest possible time but in any event no later than twelve (12) months from the date of the move to temporary housing.

(ii) Replacement housing will be made available on a priority basis, to the individual or family who has been temporarily rehoused.

(iii) The move to temporary rehousing will not, in any way, affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice or replacement housing units that would have been made available had the temporary move not been made.

(iv) The Commission will pay all costs in connection with the move to temporary housing, including any increased housing costs.

(c) *Agency Documentation.* To request Commission approval for a temporary move of a family, the following information shall be submitted to the Commission (additional information may be required on a case-by-case basis):

(1) An explanation of the necessity for the temporary move, based upon the criteria set forth by the Commission.

(2) The estimated duration of the temporary occupancy.

(3) In the case of the family or individual, (i) a copy of the written assurance which will be provided to the person explaining his rights and the continuing obligation of the agency to provide relocation assistance, and (ii) evidence that the family or individual agrees to make the temporary move.

(d) *Costs in Connection With Temporary Move.* (1) *Costs Included.* Costs included in a temporary move may cover the following:

(i) Actual reasonable moving costs and related expenses for the move to temporary accommodations.

(ii) For the family or individual moved from a rental unit the difference, if any, between the rental cost of the dwelling vacated and the rental cost of the temporary unit.

(iii) For a homeowner who retains ownership of his dwelling the reasonable cost of renting the temporary dwelling.

(iv) For a homeowner whose dwelling has been acquired the difference, if any, between his housing costs for the acquired dwelling and the rental cost of the temporary unit.

(2) *Costs Not a Replacement Home Benefit.* Costs in connection with a move to temporary accommodations are not to be considered as relocation payments under the Act. (See paragraph (e) of this section.)

(e) *Distinguishing Between Cost of Temporary Move and Relocation Payment.* The costs of a temporary move, as decribed in the foregoing subparagraphs, are not to be considered as all or a part of the relocation payment to which a displaced person is entitled under the Act. Thus, when a family is moved to temporary accommodations, a relocation payment is *not* made and the election or choice of type of payments that would ordinarily be made upon displacement must be delayed until the final move is made. When the move out of temporary accommodations is made, the displaced person shall receive the full relocation payments to which he/she is entitled pursuant to Commission regulations.

Subpart E—Replacement Housing Payments

§ 700.181 Eligibility.

(a) *Basic eligibility requirements.* A certified eligible head of household who established his/her residency requirements in the area partitioned to the tribe of which he/she is not a member, is eligible for the replacement housing payment specified at § 700.183(a).

(b) *Other rules and requirements.* A payment under this Subpart E is subject to the other applicable rules and requirements of these regulations.

§ 700.187 Utilization of replacement home benefits.

The Commission shall assure that all eligible heads of household receive a decent, safe and sanitary replacement dwelling in the following manner:

(a) If the eligible head of household owns no dwelling other than that on the area from which he or she must move pursuant to the Act, the Commission will make funds available to the head of household as provided in these regulations for the acquisition of a replacement home in one of the following manners:

(1) Purchase of an existing home, by the head of household,

(2) Construction of a home by the head of household,

(3) Participation or purchase by the head of household in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888, as amended; 42 U.S.C. 1401) or in any other federally assisted housing program.

(b) If the eligible head of household owns or is buying or building a home in an area other than the area from which he or she must move pursuant to the Act, the Commission will expend relocation benefits in one of the following manners:

(1) If the home is decent, safe, and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission will expend replacement housing benefits up to the maximum then existing benefit to accelerate to the maximum extent possible the achievement by that household of debt-free home ownership.

(2) If the home is owned free and clear but does not meet Commission decent, safe, and sanitary standards, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(3) If the home is neither owned free and clear nor decent, safe, and sanitary, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure that the home meets decent, safe, and sanitary standards, and to accelerate to the maximium extent possible the achievement of debt-free home ownership, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(4) If the home is decent, safe, and sanitary, and is owned free and clear,

no replacement home benefits will be paid.

(c) Home improvements shall include the following: General repairs, painting and texturing, fencing—including corrals, landscaping, grading, room additions, re-modeling, roofing, insulating, repair or improvements to the water, sewerage, cooling, heating, or electrical systems, storage buildings, energy conservation measures, and other home improvements as determined and defined by the Commission.

(d) In implementing these regulations the Commission will encourage the use of innovative energy or other technologies in order to achieve the minimum monthly housing cost feasible for each replacement house.

§ 700.189 Expenditure of replacement home benefits.

Replacement home benefits shall be expended or obligated in full at or before the time of original acquisition except as stated below. It is not anticipated that such exceptions would be common and each such instance shall be reviewed and a determination will be made by the Certification Officer.

(a) Under unusual circumstances such as: Unknown (latent) defects in the replacement dwellings, significant change of circumstances and extreme hardship, benefits may be expended after the time of original acquisition up to the the existing maximum replacement home benefit.

(b) All replacement home benefits shall be expended not later than one (1) year after the date of payment of the incentive bonus, except under unusual circumstances as stated above, up to the statutory maximum.

(c) Replacement home benefits shall not be expended for maintenance except under unusual circumstances as stated above, up to the statutory maximum.

(d) For purposes of this paragraph, the time of original acquisition shall be defined as the date of execution of the Commission's relocation contract.

Subpart F—Incidental Expenses

§ 700.195 General.

Incidental expenses are those reasonable expenses, as determined by the Commission, to be incidental to the purchase of the replacement dwelling, but not prepaid.

§ 700.197 Basic eligibility requirements.

A certified eligible head of household is eligible for reimbursement of expenses that are incidental to the purchase of a replacement dwelling, as provided in § 700.199 hereof.

§ 700.199 Incidental expenses.

(a) *Eligible costs.* Subject to the limitations in paragraphs (b) and (c) of this section, the incidental expenses to be paid are those actually incurred by the displaced person incident to the purchase of the replacement dwelling, including—

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing plats, recording fees; and title insurance;

(2) Lender, FHA or VA appraisal fees;

(3) FHA or VA application fee;

(4) Certification of structural soundness when required by the lender;

(5) Credit report;

(6) Owner's and mortgagee's evidence or assurance of title;

(7) Escrow agent's fee;

(8) State revenue or documentary stamps, sales or transfer taxes;

(9) Such administrative costs as are necessary to secure and acquire homesite leases and/or allotments on tribal lands. These costs may include survey fees, appropriate tribal fees and other conveyance instruments as may be appropriate;

(10) Costs, such as advertising charges, incurred incident to the purchase of the improvements owned by the head of household.

(11) Cost related to fee inspector's inspections of the replacement dwelling.

(12) Such other costs as the Commission determines to be incidental to the purchase.

(b) Truth in lending charge. Any expense, which is determined to be part of the debt service or finance charge under 15 U.S.C. 131–1641 and Regulation Z (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, is not eligible for reimbursement as an incidental expense.

Subpart G—Assistance Payments (Incentive Bonus)

§ 700.205 Eligibility requirements.

A certified eligible head of household is eligible for the assistance payment pursuant to Section 14(b) of the Act.

(a) *Amount of Payment.* The amount of payment shall be computed in accordance with the schedule provided for in Section 14(b) of the Act.

(b) *Date for Determination of Amount of Assistance Payment.* The date of completion and filing with the Commission of the Application for Relocation Assistance and Agreement to Relocate shall be the date used for determination of the amount of the assistance payment.

(c) *Time of Payment.* Assistance payments provided for in this section shall only be paid upon actual occupancy of the replacement dwelling and vacation of the acquired habitation and/or improvement, if any, in the area partitioned to the Tribe of which he/she is not a member.

Subpart H—Last Resort Replacement Housing

§ 700.209 Applicability.

The provisions of this subpart apply only when the Commission determines that, unless it acts under the provisions of this subpart, there is a reasonable likelihood that replacement dwelling(s) will not be available on a timely basis to person(s) to be displaced.

§ 700.211 Basic rights and rules.

The provisions of this subpart do not deprive any displaced person of any rights described elsewhere in these regulations. The Commission may meet its obligation to provide persons with reasonable opportunities to relocate to a replacement dwelling by offering such opportunities developed or to be developed under this subpart.

§ 700.213 Methods of providing last resort replacement housing.

(a) *General.* The methods of providing last resort housing include, but are not limited to—

(1) Rehabilitation of, and/or additions to, an existing replacement dwelling;

(2) A replacement housing payment in excess of the limits set forth in Subpart E and F of this part or the provision of direct Commission mortgage financing;

(3) The construction of a new replacement dwelling;

(4) The relocation and, if necessary, rehabilitation of a replacement dwelling;

(5) The purchase of land and/or a replacement dwelling by the Commission and subsequent sale or lease to, or exchange with, a displaced person; and

(6) The removal of barriers to the handicapped as may be necessary.

Subpart I—Commission Operations

§ 700.219 General.

(a) The operation of the Commission shall be governed by a Management Manual passed, amended or repealed by a majority of the Commission at any regular or special meeting. The Management Manual is the prescribed medium for publication of policies, procedures and instructions which are necessary to facilitate the day-to-day operations and administration of the Commission.

(b) *Meetings.* The Commission shall hold a regular monthly meeting on the first Friday of each month at a time and place designated by public notice unless said Friday falls on a legal holiday, in that event, the meeting shall begin on the next regular workday. The monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be recessed from time to time and reconvened at times designated by the Chairperson.

(c) *Special public meetings.* May be called by any Commissioner with ten (10) working days written notice given to the other Commissioners. Written notice may be waived by a release bearing the signatures of all three Commissioners.

(d) *Executive Session.* During a regular or special meeting, any Commissioner may request an Executive Session for purposes of personnel and administrative matters.

(e) *Compliance With Other Laws and Regulations.* As a federal agency, the Commission will conduct its activities in conformance with applicable federal statutes and administrative procedures.

Subpart J—Inspection of Records

§ 700.235 Purpose and scope.

(a) This subpart contains the regulations of the Commission implementing the requirement of subsection (a)(3) of the Freedom of Information Act, 5 U.S.C. 552(a)(3), which provides that the Commission "upon any request for records which (1) Reasonably describes such records and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." This subpart describes the procedures by which records may be obtained from the Commission. The procedures in this subpart are not applicable to requests for records published in the **Federal Register** or opinions in the adjudication of cases, statements of policy and interpretations and administrative staff manuals which have been published or made available under Subpart "A" of this part.

§ 700.237 Definitions.

Act. As used in this subpart, "Act" means the "Freedom of Information Act," 5 U.S.C. 552.

§ 700.239 Records available.

(a) *Commission policy.* It is the policy of the Commission to make the records of the Commission available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) *Statutory disclosure requirement.* The Freedom of Information Act requires that the Commission, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) *Statutory exemptions.* The Act exempts nine categories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempt from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the indentity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(d) *Decisions on requests.* It is the policy of the Commission to withhold information falling within an exemption only if (1) disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of the exemption.

(e) *Deletion of portions of records.* If a requested record contains material within an exemption together with material not within an exemption and it is determined under the regulations in this subpart to withhold the exempt material, any reasonably segregable nonexempt material shall be separated from the exempt material.

(f) *Creation of records.* This subpart applies only to records which exist at the time a request for records is made. Records are not required to be created in response to a request by combining or compiling selected items from the files or by preparing a new computer program, nor are records required to be created to provide the requester with such data as proportions, percentages, frequency distributions, trends, or comparisons.

(g) *Records of concern to other departments and agencies.* (1) If the release of a record would be of concern to both the Commission and another Federal agency, the record will be made available by the Commission only if the interest of the Commission is the primary interest. If the Commission's interest is not the primary interest, the requester shall be referred in writing to the agency having the primary interest. The Commission has the primary interest in a record if the record was developed pursuant to Commission regulations, directives, or request even though the record originated outside of the Commission.

(2) If the release of a record in which the Commission has a primary interest would be of substantial concern to another agency, the official processing the request, should, if administratively feasible and appropriate, consult with that agency before releasing the record.

(h) *Records obtained from the public.* If a requested record was obtained by the Commission from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.

§700.241 Request for records.

(a) *Submission of requests.* A request to inspect or copy records shall be made to the installation where the records are located. If the records are located at more than one installation or if the specific location of the records is not

known to the person wishing to inspect or copy the records, he may direct his request to the head of the appropriate bureau, or the bureau's chief public information officer, if any.

(b) *Form of request.* (1) Requests invoking the Freedom of Information Act shall be in writing.

(2)(i) A request must reasonably describe the records requested. A request reasonably describes the records requested if it will enable an employee of the Commission familiar with the subject area of the request to locate the record with a reasonable amount of effort. If such information is available, the request should identify the subject matter of the record, the date when it was made, the place where it was made, and the person or office that made it, the present custodian of the record, and any other information which will assist in location of the requested records. If the request involves a matter known by the requester to be in litigation, the request should also state the case name and court hearing the case.

(ii) If the description of a record sought is insufficient to allow identification and location of the record, the response denying the request on this ground shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in location of the record.

(3) A request shall state the maximum amount of fees which the requester is willing to pay. Requesters are notified that under § 700.251, the failure to state willingness to pay fees as high as are anticipated by the Commission will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

(4)(i) To insure expeditious handling, requests shall be prominently marked, both on the envelope and on the face of the request, with the legend "FREEDOM OF INFORMATION REQUEST." The failure of a request to bear such a legend will not disqualify a request from processing under the procedures in this subpart if the request otherwise meets the requirments of this section. A request not bearing the legend "FREEDOM OF INFORMATION REQUEST" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.245 until it has been identified by bureau personnel as a Freedom of Information request and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION REQUEST" as a request otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION REQUEST." (B) date the request to reflect the date on which it was identified, and (C) take steps to assure proper processing of the request under the procedures in this subpart.

(d) *Categorical requests.* (1) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (i) it can be determined which particular records are covered by the request and (ii) the records can be searched for, collected and produced without unduly burdening or interfering with Commission operations because of the staff time consumed or the resulting disruption of the files.

(2) If a categorical request is determined under paragraph (d)(1) of this section not to reasonably describe the records requested, the response denying the request on that ground shall specify the reasons why and shall extend to the requester an opportunity to confer with knowledgeable Commission personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

§ 700.243 Action on initial request.

(a) *Granting of requests.* (1) A requested record shall be made available if (i) the record is not exempt from disclosure or (ii) the record is exempt from disclosure, but its withholding is neither required by statute or Executive order nor supported by sound grounds.

(b) *Form of grant.* (1) When a requested record has been determined to be available, the official processing the request shall immediately notify the person requesting the record as to where and when the record is available for inspection or as the case may be, where and when copies will be available. If fees are due under § 700.251, the responsible official shall also state the amount or, if the exact amount cannot be determined, the approximate amount of fees due.

(2) If the record was obtained by the Commission from a person or entity outside of the Government, the responsible official shall, when it is administratively feasible to do so, notify that person or entity that the record has been made available.

(c) *Denial of requests.* (1) A request for a record may be denied only if it is determined that (i) the record is exempt from disclosure and (ii) that withholding of the record is required by statute or Executive order or supported by sound grounds.

(2) A request to inspect or copy a record shall be denied only by the Freedom of Information Act Officer or by an official whom the Executive Director has in writing designated.

(d) *Form of denial.* A reply denying a request shall be in writing and shall include:

(1) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(2) The sound ground for withholding;

(3) A listing of the names and titles or positions of each person responsible for the denial;

(4) A statement that the denial may be appealed to the Commission pursuant to § 700.247 and that such appeal must be in writing and be received by this official within twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the denial, in the case of the denial of an entire request, or within twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) of records being made available, in the case of a partial denial, by writing to the Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

(e) *Exception.* The requirements of paragraphs (c), (d), and (e) of this section do not apply to requests denied under § 2.14 on the ground that the request did not reasonably describe the records requested or to requests for records which do not exist.

(f) *Filing of denials.* Copies of all replies denying, in whole or part, a request for a record which are issued under this section of § 700.243 shall be promptly submitted by the Freedom of Information Act Officer, denials to the Executive Director and the Commission's legal counsel.

§ 700.245 Time limits on processing of initial requests.

(a) *Basic limit.* Requests for records shall be processed promptly. A determination whether to grant or deny a request shall be made within no more than ten (10) days (excepting Saturdays, Sundays, and legal public holidays) after receipt of a request. This determination shall be communicated immediately to the requester.

(b) *Running of basic time limit.* For purposes of paragraph (a) of this section, the time limit commences to run when a request is received at the Commission's office in Flagstaff, Arizona.

(c) *Extensions of time.* In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary to the proper processing of the particular request, but in no case may the time limit be extended for more than ten (10) working days:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

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

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) *Authority to make extensions.* (1) An extension of time under paragraph (c) of this section may be made only by the Freedom of Information Act Officer or such higher authority as the Commission has in writing designated.

(2) The person requesting the records shall be notified in writing of the extension. The written notice shall state the reason for the extension and the date on which a determination on the request is expected to be dispatched.

(3) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

(e) *Treatment of delay as denial.* (1) If no determination has been reached at the end of the ten (10) day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 700.247.

(2) When no determination can be reached within the applicable time limit, the responsible official shall nevertheless continue to process the request. On expiration of the time limit, the responsible official shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial for purposes of appeal to the Commission in accordance with § 700.247. The requester may be asked to consider delaying use of his right to appeal until the date on which the determination is expected to be dispatched. If the requester so agrees, he is deemed not to have treated the failure to respond within the applicable time limit as a denial for purposes of the running of the twenty (20) working-day appeal period set out in § 700.247. If a determination of the request is not issued by the new agreed upon date, or if the request is denied in whole or part, the requester will have available his full right of appeal under § 700.247, including the entire twenty (20) working-day period for filing of the appeal.

§ 700.247 Appeals.

(a) *Right of appeal.* Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the Commission.

(b) *Time for appeal.* An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after records have been made available, in the case of a partial denial.

(c) *Form of appeal.* (1) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and should, in order to expedite the appellate process and give the requester an opportunity to present his arguments, contain a brief statement of the reasons why the requester believes the initial denial to have been in error.

(2) The appeal shall be addressed to Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

(3)(i) Both the envelope containing the notice of appeal and the face of the notice shall bear the legend "FREEDOM OF INFORMATION APPEAL". The failure of an appeal to bear such a legend will not disqualify an appeal from processing under § 2.18 if the appeal otherwise meets the requirements of this section. An appeal not bearing the legend "FREEDOM OF INFORMATION APPEAL" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.249 until it has been identified by Commission personnel as a Freedom of Information appeal and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION APPEAL" as an appeal otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION APPEAL," (B) date the appeal to reflect the date on which it was identified, and (C) take steps to assure proper processing of the appeal under the procedures in this subpart.

(4) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

§ 700.249 Action on appeals.

(a) *Authority.* Appeals from initial denials of requests for records shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(b) *Time limit.* A final determination on any appeal shall be made within twenty (20) days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(c) *Extensions of time.* (1) If the time limit for responding to the initial request for a record was not extended under the provisions of § 700.245 or was extended for fewer than ten (10) working days, the time for processing of the appeal may be extended by the Executive Director to the extent reasonably necessary to the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than ten (10) working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 700.245(c) requires an extension.

(2) The Executive Director shall, in writing, advise the appellant of the reasons for the extension and the date on which a final determination of the appeal is expected to be dispatched.

(3) If no determination on the appeal has been reached at the end of the twenty (20) working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit, the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on

which the determination on his appeal is expected to be dispatched.

(d) *Form of decision.* The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Freedom of Information Act Officer shall immediately make the records available or instruct the appropriate bureau official to make them immediately available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia, and shall set forth the names and titles or positions of each person responsible for the denial.

(e) *Distribution of copies.* Copies of final determinations issued by the Commission shall be provided to the Commission's legal counsel.

§ 700.251 Fees.

(a) *Services for which fees may be charged.* (1) Unless waived pursuant to the provisions of paragraph (c) of this section, user fees shall be charged for document search and duplication costs incurred in responding to requests for records. User fees also shall be charged for the formal certification of verification attached to authenticated copies of records under the seal of the Commission.

(2) Unless waived or reduced pursuant to paragraph (c) of this section, user fees shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual.

(b) *Services for which fees may not be charged.* No fee may be charged for any services required by the Freedom of Information Act to be performed in responding to a request for records other than those services for which fees may be charged under paragraph (a) of this section. Services for which no fees may be charged include, but are not limited to, (1) examining requested records to determine whether they are exempt from mandatory disclosure or whether, even if exempt, they should nevertheless be made available in whole or part, (2) deleting exempt matter from records so that the remaining portions of the records may be made available, (3) monitoring a requester's inspection of agency records made available to him for inspection, and (4) resolving legal and policy issues affecting access to requested records.

(c) *Waiver or reduction of fees.* (1) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests for records may be waived or reduced, as appropriate, if the official making the records available determines that furnishing the records can be considered as primarily benefiting the public as opposed to the requester.

(2) Fees otherwise applicable for document research and duplication costs incurred in responding to requests may be waived and not charged if the request involves:

(i) Furnishing unauthenticated copies of any documents reproduced for gratuitous distribution;

(ii) Furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Commission;

(iii) Furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held.

(3) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests may be waived or reduced if the cost of collecting the fee would exceed the amount of the fee or if the request involves:

(i) Furnishing records to press, radio and television representatives for dissemination through the media to the general public;

(ii) Furnishing records to donors with respect to their gifts;

(iii) Furnishing records to individuals or private non-profit organizations having an official voluntary or cooperative relationship with the Commission to assist the individual or organization in its work with the Commission;

(iv) Furnishing records to state, local and tribal governments and public international organizations when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Commission and to do so will help to accomplish the work of the Commission;

(v) Furnishing records when to do so saves costs and yields income equal to the direct cost of providing the records (e.g., where the Commission's fee for the service would be included in a billing against the Commission);

(vi) Furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Commission employees);

(vii) Furnishing one copy of a record in order to assist the requester to obtain financial benefits to which he is entitled (e.g., veterans or their dependents, employees with Government employee compensation claims or persons insured by the Government).

(d) *Notice of anticipated fees and prepayment.* (1) Where it is anticipated that fees chargeable under this section may amount to more than $25.00 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the request shall be deemed not to have been received for purposes of the time limits established by § 700.245 until the requester is advised of the fees which are anticipated and has agreed to pay these fees. Advice to requesters with respect to anticipated fees shall be provided promptly.

(2) The appropriate cases, advance payment of fees may be required before requested records are made available to the requester.

(3) A notice of anticipated fees or notice of request for advance payment shall extend an offer to the requester to confer with appropriate personnel in an attempt to reformulate the request in a manner which will reduce the anticipated fees and meet the needs of the requester.

(e) *Form of payment.* Payment of fees shall be made by check or money order payable to the Navajo-Hopi Indian Relocation Commission. The term United States or the initials "U.S." shall not be included on the check or money order. Where appropriate, the official responsible for handling a request may require that payment by check be made in the form of a certified check.

Subpart K—Privacy Act

§ 700.255 Purpose and scope.

This subpart contains the regulations of the Navajo and Hopi Indian Relocation Commission implementing Section 3 of the Privacy Act.

§ 700.257 Definitions.

(a) *Act.* As used in this subpart, "Act" means Section 3 of the Privacy Act, 5 U.S.C. 552a.

(b) *Individual.* As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Maintain.* As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(d) *Record.* As used in this subpart, "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission including, but not limited to, education, financial transactions, medical history, and criminal or

employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) *System of records.* As used in this subpart, "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) *Medical records.* As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(g) *Civil Service Commission personnel records.* As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Commission and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(h) *Statistical records.* As used in this subpart, "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(i) *Routine use.* As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(j) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published annually in the Federal Register.

(k) *System manager.* As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(l) *Commission Privacy Act Officer.* As used in the subpart, "Commission Privacy Act Officer" means the official in the Commission charged with responsibility for assisting the Commission in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the divisions of the Commission in carrying out the functions which they are assigned in this subpart.

§ 700.259 Records subject to Privacy Act.

The Privacy Act applies to all "records" as that term is defined in § 700.257(d), which the Commission maintains in a "system of records," as that term is defined in § 700.257(e).

§ 700.261 Standards for maintenance of records subject to the Act.

(a) *Content of records.* Records subject to the Privacy Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy.* Records subject to the Privacy Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information.* (1) Information which may be used in making determination about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individual concerning uses of information.* (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3)(i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 700.263 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 522a(e)(10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the

requirements of § 700.265 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standards booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.108.

§ 700.265 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Commission may disclose records subject to the Privacy Act unless disclosure is permitted under § 700.267 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Commission may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 700.287–700.295 or the decision of a court of competent jurisdiction.

§ 700.267 Disclosure of records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) of this section does not apply where disclosure of the record would be:

(1) To those officers or employees of the Commission who have a need for the record in the performance of their duties; or

(2) Required by the Freedom of Information Act, 5 U.S.C. 522.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) For a routine use as defined in § 700.257(i) which has been described in a systems notice published in the **Federal Register;**

(2) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, United States Code.

(3) To a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) Pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Commission indicating that the record may not be fully accurate, complete, or timely.

§ 700.269 Acounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 700.267(c), an accounting shall be made.

(2) The accounting shall record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made.

(3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 700.267(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 700.277.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 700.267(c)(9) as the result of the order of a court of competent juridiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§ 700.271 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1)(i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 700.273 Request for notification of existence of records: Action on.

(a) *Decisions on Request.* (1) An individual inquiring to determine whether a system of records contains records pertaining to him shall be advised within ten (10) days (excepting Saturdays, Sundays and legal public holidays) whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that his is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision informing an individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Executive Director pursuant to § 700.285 by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 700.275 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him, 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 700.277 Requests for access to records: Submission.

(a) *Submission of requests.* (1) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records. Requesters are further notified that under § 700.279(d) the failure to state willingness to pay fees as high as are anticipated by the Commission will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the request of the deficiency in the request.

§ 700.279 Requests for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 700.279(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Executive Director pursuant to § 700.281 by writing to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 700.271.

(2) Fees for copying a record in response to a request made under § 700.271 shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual, unless the official responsible for processing the request determines that, in his/her opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he/she is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 700.281 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he/she is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record that individual may appeal to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 700.273 and 700.277 shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 700.283 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that disclosure should be made to a medical doctor of the individual's choosing.

(2) If it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect records pertaining to him which have been opened for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§ 700.285 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if be believes the record is not accurate, relevant, timely or complete, 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

§ 700.287 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wishes to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 700.289 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 700.261. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Commission Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the Privacy Act Officer.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holidays excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 700.287, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 700.287.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petitioned for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Executive Director by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official

within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petitioned for amendment is accepted, in whole or part, the appropriate Commission Division maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 700.269 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 700.291 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 700.289(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays, and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 700.289(d) that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 700.293 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002.

§ 700.295 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Navajo and Hopi Indian Relocation Commission. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Navajo and Hopi Indian Relocation Commission shall be transmitted by the Executive Director, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Commission. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 700.297 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Commission, a brief statement by the Commission summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Commission's refusal to amend the record.

(3) If the determination reverses, in whole or in part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 700.297 Statements of disagreement.

(a) *Filing of statements.* If the determination of the Executive Director under § 700.295 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record, a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section occurring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the

Commission for not making the requested amendments may also be provided to recipient.

Roger Lewis,

Chairman.

[FR Doc. 82-801 Filed 1-13-82; 8:45 am]

BILLING CODE 6820-BB-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

Removal of Part; Credit Unions Serving DoD Personnel

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has cancelled the source document of 32 CFR Part 230, "Credit Unions Serving DoD Personnel." This action removes this Part from the CFR since it is no longer valid.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Wright, Office of the Deputy Assistant Secretary of Defense (Management Systems), OASD (Comptroller), Washington, D.C. 20301, Telephone: 202-697-8281.

SUPPLEMENTARY INFORMATION: 32 CFR Part 230 represents DoD Directive 1000.10, subject as above, which was reissued December 23, 1981. Copies may be obtained by writing to U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, attention Code 301.

PART 230—[REMOVED]

Therefore Part 230 of Title 32 is removed.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 11, 1982.

[FR Doc. 82-981 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2016-8]

Arkansas; Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the State of Arkansas' request of April 23, 1981, to revise its State Implementation Plan (SIP) to incorporate by reference the Federal Prevention of Significant Deterioration of Air Quality (PSD) Regulations. This approval will permit Arkansas to carry out all aspects of PSD review.

EFFECTIVE DATE: February 16, 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 Street NW., Washington, D.C., Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street SW., Washington, D.C., Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Air Branch, Air and Waste Management Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518 or (FTS) 729-1518.

SUPPLEMENTARY INFORMATION: In the September 10, 1981 **Federal Register** (46 FR 45157), the Acting Regional Administrator proposed approval of Arkansas' SIP revision to EPA's PSD regulations. No adverse comments were received in response to this notice of proposed rulemaking.

Some subparts of 40 CFR 52.21 were not included in this incorporation and one subpart was expanded in its requirements (See the September 10, 1981, notice for details). Additionally, Section 4(d) of the Arkansas Regulation provides that references in 40 CFR 52.21 to the "Administrator" "shall be deemed to mean the Department of Pollution Control and Ecology, unless the context plainly dictates otherwise." EPA would like to clarify the subparts of 40 CFR 52.21 in which the Administrator will retain responsibility:

(1) Exclusion from increment consumption: (f)(1)(v), (f)(3) and (f)(4)(i).

(2) Redesignation: (g)(1), (g)(2), (g)(4), (g)(5), and (g)(6).

(3) Air Quality Models: (l)(2).

(4) Sources impacting Federal Class I areas—additional requirements: (p)(1) and (p)(2).

The above clarification language was provided to the State agency. No adverse comments were received about its inclusion in the final rulemaking.

Action: EPA has reviewed the submitted material and found it to meet present EPA requirements. Therefore, EPA is today approving the Arkansas submittal as satisfying the requirements of an acceptable plan for implementing PSD.

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 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.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action is not major because it imposes no new burden on sources since it only approves a State action.

Pursuant to the provision of 5 U.S.C. 605(b) I hereby certify that this proposed action will not have a significant economic impact on a substantial number of small entities. The action will only approve State actions and will not impose any new regulatory requirements. See 46 FR 8709, January 27, 1981 for additional justification.

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

(Secs. 110 and 161 *et seq.* of the Clean Air Act, as amended (42 U.S.C. 7410 and 7471 *et seq.*))

Dated: January 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is revised to read as follows:

Subpart E—Arkansas

1. Section 52.170 is amended by adding new paragraph (c)(15) to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(15) On April 23, 1981, the Governor submitted revisions to the plan to incorporate Federal Prevention of Significant Deterioration (PSD) Regulations 40 CFR 52.21 by reference.

2. Section 52.181 is revised to read as follows:

§ 52.181 Significant deterioration of air quality.

(a) The Arkansas plan, as submitted, is approved as meeting the

Requirements of Part C, Title I, of the Clean Air Act.

(b) Regulations for prevention of significant deterioration of air quality. The provisions of § 52.21 (b) through (r) are hereby incorporated by reference and made a part of the State Implementation Plan for the State of Arkansas.

[FR Doc. 82-918 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-6-FRL-2014-5]

Approval and Promulgation of Implementation Plans: Approval of Arkansas State Variance

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves Arkansas' request to revise its State Implementation Plan (SIP) to include a variance for Weyerhaeuser Gypsum Plant. The variance will allow Weyerhaeuser until August 30, 1982 to come into compliance with Regulation 8 for the control of total suspended particulate (TSP). The variance is approved on the basis that the State has shown that the National Ambient Air Quality Standard (NAAQS) for TSP will not be exceeded during the period of the variance. This action will be effective on March 15, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 15, 1982.

ADDRESSES: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Arkansas 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.

Library, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

Dept. of Pollution Control & Ecology, Air Pollution Control Division, 8001 National Drive, Little Rock, Arkansas 72209.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth at the EPA Region VI address above or call 214/767-1518 (FTS 729-1518).

SUPPLEMENTARY INFORMATION: Section 110(a)(3)(A) of the Clean Air Act, amended in 1977, directs the Administrator to approve revisions to State Implementation Plans if the revision has been adopted by the State after reasonable notice and public hearings, and it includes emission limitations, schedules and timetables for compliance with such limitations and such other measures as may be necessary to insure attainment and maintenance of the applicable air quality standard. The regulations which EPA promulgated to implement this portion of the Air Act are set forth at 40 CFR 51.

The variance being approved today applies to the Weyerhaeuser Gypsum Plant located in Nashville, Arkansas. On June 29, 1981, the Arkansas Department of Pollution Control and Ecology adopted, after adequate notice and public hearing, a variance request which will allow Weyerhaeuser from June 15, 1980 until August 30, 1982 to come into compliance with Arkansas Regulation 8 for the control of particulate matter. During the period of the variance, Weyerhaeuser will install three electrostatic precipitators at its Nashville Gypsum Plant.

The variance was officially submitted to EPA on June 29, 1981. EPA reviewed [1] the variance and supporting documentation, and finds that the State's submittal contains a compliance schedule with legally enforceable increments of progress and a technical analysis which indicates that no violations of the ambient standard for particulate matter will occur during the period of the variance. Based upon these findings, EPA is today approving the variance requests as a revision to the Arkansas State Implementation Plan.

EPA's review of the materials submitted has shown that it is a noncontroversial nonmajor SIP revision. Because EPA does not anticipate that this rulemaking will generate adverse public comments, the variance for Weyerhaeuser is being approved today without a prior prosposed rulemaking. The public should be advised that this action will be effective 60 days from January 14, 1982. However, if notice is received within 30-days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

[1] EPA Evaluation Report of Weyerhaeuser Request for Variance for Weyerhaeuser, dated November 81. This report is availabe for public inspection during normal business hours at the EPA libraries listed in the addresses section of this notice.

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

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely approves a state action. It imposes no regulatory requirements.

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 within 60 days of today.

Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject to today's notice may not be challenged later in civil or criminal proceeding brought by EPA to enforce these requirements.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart E of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 52.170 *Identification of plan* is amended by adding a new paragraph (c)(14).

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(14) A variance to Regulation 8 for Weyerhaeuser Gypsum Plant in Nashville, Arkansas was submitted by the Governor on June 29, 1981.

[FR Doc. 82-1026 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-8-FRL 1967-1b]

Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces the redesignation of a portion of Pueblo 3–C urbanized area to attainment for total suspended particulates (TSP) under section 107 of the Clean Air Act. The redesignation was requested by the Governor of Colorado.

DATES: This action will be effective March 15, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

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

FOR FURTHER INFORMATION, CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–6131.

SUPPLEMENTARY INFORMATION: On September 29, 1981, the Governor of Colorado requested that EPA redesignate the outlying portion of the Pueblo 3–C urbanized area to attainment for total suspended particulates under Section 107 of the Clean Air Act. The area for which attainment status was requested includes all the area within the said 3–C boundary except for the following "core area":

S½ Sec. 19, T20S, R64W; S½ Sec. 20, T20S, R64W; NW¼ and S½ Sec. 28, T20S, R64W; Sec. 30, T20S, R64W; Sec. 31, T20S, R64W; Sec. 32, T20S, R64W; Sec. 33, T20S, R64W; Sec. 34, T20S, R64W; SW¼ Sec. 35, T20S, R64W; W½ Sec. 2, T21S, R64W; Sec. 3, T21S, R64W; Sec. 4, T21S, R64W; Sec. 5, T21S, R64W; Sec. 6, T21S, R64W; Sec. 7, T21S, R64W; Sec. 8, T21S, R64W; Sec. 9, T21S, R64W; Sec. 10, T21S, R64W; W½ Sec. 11, T21S, R64W; N½ Sec. 15, T21S, R64W; N½ Sec. 16, T21S, R64W; Sec. 17, T21S, R64W; Sec. 18, T21S, R64W; Sec. 19, T21S, R64W; NW¼ Sec. 20, T21S, R64W; SE¼ Sec. 23, T20S, R65W; S½ Sec. 24, T20S, R65W; Sec. 25, T20S, R65W; Sec. 26, T20S, R65W; Sec. 35, T20S, R65W; Sec. 36, T20S, R65W; Sec. 1, T21S, R65W; Sec. 2, T21S, R65W; E½ Sec. 10, T21S, R65W; Sec. 11, T21S, R65W; Sec. 12, T21S, R65W; Sec. 13, T21S, R65W; Sec. 14, T21S, R65W; E½ Sec. 15, T21S, R65W; N½ Sec. 23, T21S, R65W; Sec. 24, T21S, R65W.

EPA is basing approval of this boundary change on air quality modeling data demonstrating attainment of the total suspended particulate standard outside the "core area." The boundary line for the attainment area was established through a modeling effort based on an updated emissions inventory. The model results were validated by monitoring data representative of actual ambient concentrations in the outlying area. EPA believes the new modeling and monitoring data support redesignation of the outlying area to attainment. In addition, at the September 17, 1981, hearing before the Colorado Air Quality Hearings Board, no comments or testimony were presented opposing redesignation to attainment.

The public should be advised that this action will be effective March 15, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published 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.

Today's action also constitutes a partial response to three petitions for reconsideration and stay of EPA's April 15, 1981 action denying the Governor's request to redesignate the entire Pueblo 3–C urbanized area to unclassified. Among the grounds advanced for reconsideration was the decision of the Colorado Air Quality Commission to consider new evidence on TSP levels in the Pueblo area. On June 15, 1981, the Administrator notified the petitioners that EPA had decided to grant the petitions for reconsideration of the April 15, 1981 denial based on the State's decision to consider new evidence. The Administrator also informed the petitioners that EPA would stay the April 15, 1981 denial of the State's request for redesignation pending the completion of the State's new proceedings. Today's redesignation for the outlying areas terminates any need to stay the April 15 denial for these areas.

However, today's redesignation does not address the inner "core" portion of the Pueblo area. EPA is still evaluating the air quality status of the core area. EPA has received a request for an additional opportunity to comment on the designation for the core area. EPA is publishing a notice announcing a new 30-day comment period for the core portion of the Pueblo area elsewhere in today's **Federal Register.**

Pursuant to the provisions of the Regulatory Flexibility Act [5 U.S.C. 605(b)], I hereby certify that this action 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.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely reduces the boundary of a nonattainment area and imposes no regulatory requirements on anyone. It only proposes to approve requirements adopted by the State.

(Sec. 107 of the Clean Air Act [42 U.S.C. 7407])

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

1. In § 81.306, the entry for AQCR 7 for TSP is revised to read as follows:

* * * * *

§ 81.306 [Amended]

COLORADO TSP

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than standard
* * *	*	*	*	*
AQCR 7:				
Pueblo 3–C urbanized area except "core area" [1]				X
Pueblo "core area" [2]	X	X		
* * *	*	*	*	*

[1] For a description of the core area, see FR cite for today's action.
[2] Designation of "core area" is based on actions published at 43 FR 8964 (March 3, 1970) and 43 FR 4022 (Sept. 11, 1978).

[FR Doc. 82–958 Filed 1–13–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 81

[A-6-FRL-2012-8]

State of Texas; Designation of Area for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status redesignation in the State of Texas for the Houston 2 area with respect to total suspended particulate matter (TSP). The area is being redesignated from nonattainment of the TSP National Ambient Air Quality Standard (NAAQS) to unclassified. When an adequate amount of TSP monitoring data is available for the Houston 2 area, EPA will publish a rulemaking which designates the area as either attainment or nonattainment for TSP as appropriate.

The State of Texas submitted to EPA on April 6, 1979 a request that the area be redesignated to unclassified. This revision was proposed in a Notice of Proposed Rulemaking published on October 12, 1979 (44 FR 58922).

As a result of this redesignation, the requirements of Title I, Part D of the Act, no longer apply in the redesignated area. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518, FTS, 729-1518.

SUPPLEMENTARY INFORMATION:

I. Background

The State of Texas has submitted to EPA a request to redesignate the Houston 2 area in Harris County from nonattainment of the TSP NAAQS to unclassified. The Texas Air Control Board (TACB) submitted its request on April 6, 1979, in TACB Resolution R79-2. EPA published a notice of proposed rulemaking on October 12, 1979 which proposed to grant the State's request for redesignation of the Houston 2 (TSP) areas in Harris County, and for redesignation of 10 other TSP area in Texas. No public comments were received regarding these redesignations.

EPA approved the redesignation of the 10 other TSP areas in Texas in the **Federal Register** on November 25, 1980 (45 FR 78122). Approval of the State's request for redesignation of the Houston 2 (TSP) area was delayed due to the need for EPA to review the monitoring information and the location and adequacy of the monitoring site for the Houston 2 area. In today's action, EPA is approving the TACB request for redesignation of the Houston 2 (TSP) area.

II. Approval of Redesignation Request

As allowed by Sections 107(d)(5) and 107(e)(1) of the Clean Air Act, a State may revise the designation of air quality control regions in the State if recent monitoring data shows that air quality has changed or that previous monitoring data is found to be invalid. As explained in the proposal on October 22, 1979, the State has requested that the designation be changed for Houston 2 (TSP) area on the basis that the monitoring site was found to be improperly sited. EPA has reviewed the history of the monitoring site for Houston 2 (TSP), and EPA agrees with the State that the site did not fully meet EPA's siting criteria for monitoring of TSP prior to 1980 because the monitor was located at ground level from 1976 to 1977 and located too close to an obstruction from 1978 to 1980. The monitor has been properly sited as of December 1980 but only a partial year of data is available presently. Since the previous data from the improperly sited monitor may not be used for attainment/nonattainment designations, EPA's action today will change the Houston 2 area designation from "Does Not Meet Primary Standards" for TSP, to "Cannot Be Classified." When an adequate amount of TSP monitoring data is available for the Houston 2 area, EPA will publish a rulemaking which designates the area as either attainment or nonattainment for TSP as appropriate.

EPA's Action

EPA is approving the revision to the attainment status designation for TSP for the Houston 2 area as submitted by the State of Texas under TACB Resolution R79-2.

As a result of this redesignation, the requirements of Title I, Part D of the Act, no longer apply in the redesignated area. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

This redesignation is being made immediately effective in order to lift growth restrictions which have been in place for this nonattainment area. The growth restrictions apply in nonattainment areas for which SIP revisions required by Part D of the Clean Air Act have not been submitted by the State and approved by EPA.

Under Sèction 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking notice 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 the date of publication. 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 notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a State action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely approves a State action which redesignates an area of the State from nonattainment to unclassified for air quality planning purposes.

Dated: January 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.344 [Amended]

1. In § 81.344—Texas, the attainment status designation table for TSP is amended by revising AQCR 216 to read as set forth below:

TEXAS—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • • • • • •				
AQCR 216:				
1 limited area in Harris Co. (Houston 1)	X			
1 limited area in Harris Co. (Houston 2)			X	
1 limited area in Harris Co. (Adline)		X		
1 limited area in Harris Co.			X	
1 limited area in Galveston Co.			X	

TEXAS—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of AQCR				X
* * *	*	*	*	*

[FR Doc. 82-910 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-514; RM-3826]

FM Broadcast Station in Redding, California; Changes Made in Table of Assignments

AGENCY: Federal Communication Commissions.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 247 to Redding, California, in response to a petition filed by Waterland Group. The assignment could provide a third local FM service to Redding.

DATE: Effective February 16, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Redding, California), BC Docket No. 81-514, RM-3826.

Report and Order—Proceeding Terminated

Adopted: December 24, 1981.

Released: January 5, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 42477, published August 21, 1981, proposing the assignment of Class C FM Channel 247 to Redding, California, as its third FM assignment. The Notice was issued in response to a petition filed by Waterland Group ("petitioner"). Supporting comments were filed by the petitioner. Comments in opposition to the proposal were filed by Redding FM,[1] to which petitioner responded.

2. Redding (population 41,955),[2] seat of Shasta County (population 115,715), is located approximately 304 kilometers (190 miles) north of San Francisco, California. It is served locally by two daytime-only AM stations (KCLM and KVIP), three fulltime AM stations (KQMS, KRDG, and KSXO), and by two FM stations (KVIP, Channel 251, and KSHA (CP), Channel 282).

3. In its comments, petitioner incorporates by reference the information presented in the petition for rule making and reiterates its intent to apply for the channel, if assigned. Petitioner also noted that it previously established the substantial growth pattern at Redding and its regional importance. It is the opinion of the petitioner that the population of Redding will exceed the Commission's 50,000 person threshold for a third channel in the relatively near future. Additionally, the petitioner contends that the Commission's population criteria are flexible benchmarks and not immutable standards,[3] and that the Commission has generally made channel assignments not falling within its traditional population criteria when preclusion is insignificant and an interest has been expressed for the channel.

4. Redding FM, in opposition to the proposal, restated its earlier opposition regarding a departure from the Commission's population criteria for FM assignments, and the preclusive effects of the proposed assignment of Channel 247 to Redding. Redding FM also argues that there are no transmitter sites available for use by the station operating on Channel 247 that would not be short-spaced to Station KKBC(FM), Carson City, Nevada. Although the Notice proposed a site of 10.6 miles northeast of Redding, Shasta Bally Mountain cannot reasonably be assumed to be available for use as a transmitter site for a new station, according to an engineering statement submitted on behalf of Redding FM. Thus, Redding FM contends that the proposal should be rejected in the absence of a showing that a properly spaced transmitter site is available.

5. Petitioner, in reply comments, argues that Redding FM reiterated its earlier opposition but raised no arguments of substance against the proposal to assign Channel 247 to Redding, and inasmuch as it has adequately demonstrated the growth pattern, the central role of Redding in the region and the preclusive effects of the proposed assignment, no purpose would be served by further discussing them. The opposition's only new argument is the alleged unavailability of a suitable site for a station operating on Channel 247 at Redding (based on the statement of Redding FM's engineer). Petitioner argues that there are no technical (or other) reasons why the Shasta Bally site would not be available for use (as indicated in its engineering study) and it retained an engineer to study the use of Shasta Bally. The engineer states that he knows of no technical, legal or procedural limitations preventing the use of this site. Rather, Redding FM's experience was based on the occupant's (Station KRCR-TV) refusal to share the site. Thus, it urges the Commission to adopt the proposal.

6. The assignment of Channel 247 to Redding would cause preclusion on Channel 244A within 65 miles, Channel 246 within 150 miles, Channel 247 within 180 miles, Channel 248 within 150 miles, and Channel 249A within 65 miles. The Notice requested the petitioner to submit a list of alternate channels available to the precluded communities. Petitioner states that the preclusion impact will be minimal as several channels are available to the precluded communities currently without local service. The Notice also requested the petitioner to submit a Roanoke Rapids/Anamosa study, if it wished such information in support of the proposal. Since the petitioner did not respond to the request, we shall assume that no first or second service will be provided by the assignment of Channel 247 to Redding.

7. After careful consideration of the proposal and comments, we believe that the public interest would be served by the proposed assignment of Channel 247 to Redding, California. As stated in the Notice and discussed in the opposition's comments, a third assignment to Redding exceeds current population guidelines. However, where, as here, the preclusion impact is considered to be insignificant due to the availability of channels to the precluded areas, the guidelines are applied with flexibility and assignments are made in excess of the population criteria. See Waycross, Georgia, 47 R.R. 2d 319 (1980). The transmitter site is restricted to 17

[1] Redding FM is the premittee of FM Station KSHA, Redding, California.

[2] Population figures are taken from the 1980 U.S. Census.

[3] See Wausau, Wisconsin, 49 R.R. 2d 1113, 1115 (1981).

kilometers (10.6 miles) northwest of the city to avoid short-spacing to Station KKBC(FM), Carson City, Nevada. Our decision is based on the assumed availability of Shasta Bally as an available site. Of course, another non-short-spaced site would be acceptable. But if it turns out that no non-short-spaced site is available, it would not be warranted to seek a waiver on the basis of nonavailability. Rather, the deletion of this channel from Redding may be the ultimate recourse. See Pinckneyville, Illinois, 41 R.R. 2d 69 (1977).

8. In view of the above and pursuant to authority contained in Sections 4(i), 5(d)(1) and 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 16, 1982, the FM Table of Assignments, § 73.202(b) of the Commmission's rules, is amended with respect to the community listed below:

City and Channel No.
Redding, California—247, 251, 282

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Montose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–971 Filed 1–13–82; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1136

[Ex Parte No. MC–122 (Sub-No. 3)]

Interpretation—Intercorporate Hauling; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of interpretative rule change; correction.

SUMMARY: At 46 FR 62462, December 24, 1981, the Commission modified its rules at 49 CFR 1136.1 by adding language to its regulations regarding compensated intercorporate hauling operations (CIH) for motor carriers. The interpretation made clear the determination that there is no prohibition against a transportation firm using an affiliated CIH carrier for the transportation of company traffic. It found, conversely, that the CIH exemption does not extend to the for-hire transportation of traffic tendered the carrier by nonaffiliates.

The authority citation at the end of that notice incorrectly stated the statutory authority as "49 U.S.C. 103231." That authority should be corrected to read "49 U.S.C. 10321."

FOR FURTHER INFORMATION CONTACT: Edward E. Guthrie, (202) 275–7691.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–920 Filed 1–13–82; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat Taken in the 1981–1982 Season

Correction

In FR Doc. 82–766, appearing on page 1294, in the issue of Tuesday, January 12, 1982, make the following change:

On page 1294, in the middle column, in the "DATE" paragraph, in the fourth line, change "immediately upon publication", to read "January 12, 1982".

BILLING CODE 1505–01–M

Proposed Rules

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides changes in the Middle Atlantic milk order based on industry proposals considered at a public hearing in September 1981. These changes would reduce for part of the year the proportion of receipts at a distributing plant which must be disposed of as Class I milk, while increasing the percentage of producer milk which may be diverted to nonpool plants. Also, plants that process the market's reserve milk supplies and meet pool performance requirements during certain months of the year will continue to be automatically qualified for pooling for the remaining months. The changes are necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic order area.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued August 18, 1981; published August 21, 1981 (46 FR 42486).

Order Suspending Certain Provisions: Issued September 30, 1981; published October 6, 1981 (46 FR 49102).

Recommended Decision: Issued November 25, 1981; published December 1, 1981 (46 FR 58337).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900) at Philadelphia, Pennsylvania, on September 15, 1981. Notice of such hearing was issued on August 18, 1981 (46 FR 42486).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on November 25, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. However, no participants at the hearing testified about any potentially adverse impacts of the proposals on small businesses. Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that the amendments adopted herein, which are based on the hearing record, would not have a significant economic impact on a substantial number of small entities. The amendments will lessen the regulatory impact of the order on certain milk handlers and will tend to ensure that dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Performance standards for pool distributing plants.

2. Application of the automatic pool plant qualification provision to pool plants other than supply plants.

3. Allowable diversions of producer milk to nonpool plants.

(a) Allowable diversions of individual producers' milk.

(b) Allowable diversions of all producer milk handled by a cooperative association or proprietary handler.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for pool distributing plants.*

The percentage of receipts disposed of as Class I milk that is now required of pool distributing plants should be changed from 40 percent each month of the year to 30 percent for each month of March through August, with the performance standard remaining at 40 percent for the months of September through February.

A proprietary handler receiving milk from nonmember producers proposed that the Class I disposition standard for pool distributing plants be reduced to 30 percent of the plant's receipts for each month of the year. The handler's representative claimed that without such a reduction the handler would be unable to meet the pooling requirements since his Class I utilization percentage is expected to fall short of 40 percent. He asserted that failure of the handler to maintain pooled status would force him to cease his fluid milk operations. The witness pointed out that this handler's declining percentage of Class I use follows the same trend observable in the market as a whole, although admittedly to a greater degree. The frequent suspensions in recent years of distributing plant performance standards for the Middle Atlantic order to facilitate the continued pooling of the milk of producers normally associated with the market were cited as evidence that those standards are too high. A reduction of those standards, he claimed, would obviate the need for continued suspensions.

A representative of a federation of cooperatives supplying over 60 percent of the milk priced under Order 4 testified in opposition to any reduction of the distributing plant performance requirements. This witness stated that

the marketwide Class I utilization is adequate to accommodate the pooling of reserve supplies associated with the market's fluid needs under the present 40 percent performance standard during the months of September through February. Pooling of the seasonal increase in production in the months of March through August, the witness explained, could be accommodated by adoption of the proposal to include all types of plants in the provision for automatic pooling during those months if such plants were pool plants in each of the previous months of September through February. A principal objection voiced in opposition to the proposed reduction of pooling standards was the possible association with the market of additional supplies of milk not needed as reserve supplies. Such additional supplies, it was feared, would reduce overall returns to producers already associated with the market.

This decision takes official notice of the commercial fact that the proponent of reduced distributing plant performance standards discontinued operating a distributing plant a short time after the hearing. However, the problem addressed by the handler's proposal is reflective of market conditions in general, and still may serve as a valid basis for re-examining pool plant performance standards.

Before October 1978, the performance standard required of pool distributing plants was that 50 percent of receipts be used as Class I milk during each month of the year. It was found necessary to suspend those standards for June and July 1976 and May through August 1977, as some handlers experienced difficulty in meeting the 50 percent requirement. A hearing was held in October 1977 at which testimony was given to the effect that producer receipts had been increasing significantly since a marketing area expansion in June 1975, while Class I utilization remained relatively unchanged. As a result, the percentage of producer milk used in Class I had declined from 61 percent in June 1975 to 54 percent in June 1977. No problems had been encountered in operating within the 50 percent performance requirement during the months of September through February, and the Class I utilization percentage had remained above 60 percent for those months. As a result of the October 1977 hearing, performance standards for pool distributing plants were reduced for the months of March through August from 50 percent to 40 percent. The 50 percent standard for September through February was left unchanged.

By October 1978, when the amendments resulting from the previous hearing became effective, some distributing plant operators were encountering difficulty in maintaining their Class I dispositions at 50 percent of their receipts during the months of September through February. The largest distributing plant regulated under Order 4 had become regulated under Order 2, and as a result Class I utilization by Order 4 handlers had declined considerably without a proportionate decline in production. From September–October 1977 to September–October 1978, Class I use as a percent of producer receipts fell from 61 percent to 57 percent. These developments had necessitated the suspension of the 50 percent performance standard for September 1978 through February 1979, and caused handlers to propose a reduction in the performance requirement for September through February from 50 percent to 40 percent. The proposal was adopted on the basis of reduced Class I use, and in May 1979 a 40 percent performance standard for all months became effective. An additional proposal at the October 1978 hearing requested the reduction of the 40 percent standard for March through August to 30 percent. It was determined that such a reduction was not necessary at that time.

After the most recent amendment to distributing plant performance standards in May 1979, handlers continued to experience difficulty in meeting pooling qualifications. Performance standards were suspended for May through August 1980, and for March through August 1981. As a result of a request for emergency suspension at this hearing, pooling requirements were further suspended for September 1981 through February 1982. Although the expected inability of distributing plants to meet pooling standards can be relieved by suspension of those requirements, such suspensions are emergency actions which should be minimized by providing lower pooling standards.

For the months of September through February, it appears that a 40 percent performance standard is liberal enough to assure continued inclusion in the marketwide pool of producers normally associated with the market. For the September 1977 through February 1978 period, when handlers found it possible to operate without suspension of the 50 percent performance standard, Class I utilization averaged 60 percent, with a low of 59 percent. The reduction to a 40 percent standard for those months was requested a year later when Class I use dipped to 55 percent in December 1978. Class I use during September 1980 through February 1981 averaged 52 percent with a low of 50 percent. As in the 1977–78 period, this spread of 10 percentage points between the performance standard and the lowest marketwide Class I utilization experienced in the period should cause distributing plant operators no difficulty in maintaining their pool status.

Since the proceeding in which performance standards for March through August were reduced from 50 to 40 percent, the Class I utilization percentage for that period has fallen from 55 percent in 1977 to 46 percent in 1981. In view of these changes, a 40 percent requirement for the months of March through August is too high for distributing plant operators to operate within consistently. Such a requirement most likely would make it necessary for some handlers to request frequent suspension of the standard in order to remain pooled.

The proposal to include distributing plants in the provision allowing supply plants meeting pool qualifications during the months of September through February to be automatically qualified for the months of March through August is not adopted in this decision. Furthermore, the opportunity for handlers to attach additional supplies of surplus milk to the market because of a reduction in March through August performance standards would be minimal in view of the fact that standards for September through February are to remain at 40 percent. Accordingly, the proposal to reduce the performance standard for pool distributing plants to 30 percent should be adopted for the months of March through August.

2. *Application of the automatic pool plant qualification provision to pool plants other than supply plants.*

Application of the order provision which allows a supply plant meeting pooling qualifications for the months of September through February to remain pooled during the following March through August period should be expanded to include reserve processing plants, but not distributing plants. A proprietary handler proposed that the provision be amended to include all pool plants which meet performance standards for the months of September through February, and that proposal was supported by a federation of cooperative associations. Witnesses for both parties testified that inclusion of all types of plants in this provision would assure that all producers normally associated with the market would continue to have

their milk pooled. The market's declining Class I use and increased volume of milk production were cited as the principal factors which might be expected to prevent handlers from meeting performance requirements in the months of seasonally heavy milk production.

The rationale for the inclusion of the automatic pooling provision in the Middle Atlantic order is the reduced demand for supply plant milk during the generally flush production months of the year. The reserve milk handled by supply plants is an integral part of the market's supply for Class I use during the short production months. During the months of flush production, however, the direct farm supply received at a pool distributing plant is more likely to be sufficient to supply its Class I requirements. At that time, requiring qualifying shipments from supply plants may force handlers to resort to uneconomic movements of milk in order to remain pooled. The automated pooling provision is designed to make such uneconomic movements unnecessary.

A major proportion of the reserve milk supply for the market is processed at the reserve processing plants pooled under the order. A reserve processing plant operated by a proprietary handler, a cooperative association, or a federation of cooperatives which does not meet performance standards as a pool distributing or pool supply plant may be a pool plant if a specified percentage of the milk handled by the plant operator or cooperative is delivered to pool distributing plants. By balancing surplus milk supplies and requirements for fluid milk, reserve processing plants perform much the same function as supply plants in this market. Therefore, the provision that allows plants performing a substantial reserve supply role to be automatically qualified during the flush production months should be made applicable to them as well as to supply plants.

Application of the automatic pooling provision to distributing plants should not be necessary. Distributing plants generally do not carry reserve supplies of milk for the market and thus are not affected as greatly by seasonal fluctuations of production as are supply plants and reserve processing plants. The reduction in distributing plant performance standards for the months of March through August should be adequate to solve any problems caused by fluctuations in production which are encountered by distributing plants in their role as handlers of producer milk.

3. *Diversion provisions.*

The order should be amended to increase allowable diversions of producer milk to nonpool plants to 30 percent of a handler's milk supply which is received at all pool plants during any months of September through February. A proposal to increase the number of days' production for each producer that may be diverted to nonpool plants during those months should not be adopted.

The order now provides that a handler's total monthly diversions to nonpool plants during September through February may not exceed 25 percent of the producer milk delivered by the handler to pool plants during the month. Alternatively, up to 18 days' production of each dairy farmer may be diverted during the month to nonpool plants. No diversion limitations apply during the months of March through August.

The increased percentage of allowable diversions was proposed by a cooperative association and supported by the federation of cooperatives of which it is a member and by another cooperative association. The witness testifying on behalf of the proposal stated that as production has expanded and the number of plants processing Class I milk has declined, it has been necessary to place more reliance on nonpool plants for handling the reserve supplies of the market. Estimated deliveries by this cooperative association for August 1981–July 1982 to three nonpool plants in Pennsylvania were projected at 24 percent over deliveries to those plants in 1977. Due to these factors, the cooperative claims it is necessary to modify the diversion limit in order to accommodate efficient handling and pooling of milk production of its members, which is an important part of the necessary reserve milk supply for the market. There was no testimony in opposition to the requested increase of allowable diversions to nonpool plants.

Testimony given at the hearing relating to current levels of production, Class I use, and the capacity of the market's reserve processing plants to handle surplus milk indicates that failure to increase the diversion allowance is likely to result in uneconomic movements of milk during the September through February period in order to qualify it for pooling. Since 1971 when the present diversion allowances were determined, production in the Middle Atlantic market has increased more than 25 percent, while the amount of producer milk used in Class I has increased just over 1 percent. As a result, from 1971 to 1980 Class I utilization of producer milk in the market declined from 63.6 percent to 51.5 percent. During this same period, handlers have followed a trend of bottling milk on fewer days of the week. Most bottling plants have tended to require milk only on those days that they are bottling due to demand patterns of schools and supermarkets. Consequently, a large proportion of the milk received on heavy bottling days may be required to meet the demand for fluid needs while milk received from farms on other days of the week is almost entirely surplus. In view of these facts, it is hardly surprising that provisions for disposing of surplus milk considered appropriate in 1971 have since become inadequate. The allowance for diversions to nonpool plants in September through February should therefore be increased from 25 to 30 percent of a handler's milk received at pool plants.

The proposal to increase a producer's allowable days of production diverted to a nonpool plant from 18 to 21 was made by the same proprietary handler who proposed reducing distributing plant performance standards to 30 percent for all months of the year. Twenty-one days' diverted production would correspond to the 70 percent of receipts supplemental to the 30 percent Class I disposition required by the proposal. The cooperative federation opposed this proposal as they did the 30 percent performance standard with which it correlates. Because the 30 percent pool qualification has not been adopted for the months of September through February to which the diversion allowances apply, there should be no change in the days' production of each producer's milk which may be diverted to nonpool plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings On Exceptions

No exceptions were filed.

Marketing Agreement And Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on January 8, 1982

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[1] amending the order, regulating the handling of milk in the Middle Atlantic marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the miminum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on November 25, 1981, and published in the **Federal Register** on December 1, 1981 (46 FR 58337), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA.

1. In § 1004.7 paragraphs (a) and (e) introductory texts are revised to read as follows:

§ 1004.7 Pool plant.

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August, of its receipts described in paragraph (a) (1) or (2) of this section is disposed of a Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

* * * * *

(e) Subject to the conditions of paragraph (e)(1) of this section, a plant that was qualified pursuant to paragraphs (b), (c), or (d) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pursuant to said paragraphs (b), (c), or (d) of this section:

* * * * *

2. In § 1004.12 paragraphs (d)(2) (i) and (ii) are revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

* * * * *

[FR Doc. 82-1023 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 1007

[Docket No. AO-366-A18]

Milk in the Georgia Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Correction

In FR Doc. 82-532 appearing on page 962 in the issue of Friday, January 8, 1982, second column, § 1007.7(a), fifth line, "* * * fully * * *" should read "* * * duly * * *".

BILLING CODE 1505-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

[IRPS 81-8]

Full and Fair Disclosure Required; Proposed Interpretive Ruling and Policy Statement

[Editorial Note.—An incorrect version of this document, FR Doc. 82-296, appears in the issue of January 6, 1982 at 47 FR 633. The correct text is reprinted in full below.]

AGENCY: National Credit Union Administration (NCUA).

ACTION: Extension of the comment period.

SUMMARY: Because of delays in distribution of the revised Accounting Manual, the NCUA Board is extending the comment period on proposed IRPS 81-8.

DATE: Comments must be received on or before April 15, 1982.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street, NW., Washingtoin, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Jospeh Visconti, Surveillance Systems Officer, or Henry Moore, Accounting Officer, Office of Examination and Insurance, Telephone (202) 357-1065.

SUPPLEMENTARY INFORMATION: On October 13, 1981 (46 FR 50387), the National Credit Union Administration published for public comment a proposed Interpretive Ruling and Policy Statement (IRPS) 81-8. The IRPS advises that by adhering to the accounting principles and standards in Section 2000 of the Accounting Manual, credit unions would be in compliance with the full and fair disclosure provisions of 12 CFR Part 702.

IRPS 81-8 was issued as a companion action to the proposed deregulation of the Accounting Manual for Federal Credit Unions (46 FR 48940, October 5, 1981). The proposal removes the Accounting Manual from the incorporation by reference provisions of 12 CFR 701.2 and 12 CFR 701.14.

Because of problems encountered in distribution, some credit unions did not receive the recently revised version of the Accounting Manual in sufficient time to review that document and comment on the proposed IRPS and deregulation. Therefore, the comment periods on both proposals are extended for an additional period of time.

December 30, 1981.

Rosemary Brady,

Secretary of the Board.

December 30, 1981.

BILLING CODE 1505-02-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

Amendment to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations in order to obtain statistical data on movements of merchandise into and out of U.S. Foreign Trade Zones.

The statistics obtained from this revised system of handling U.S. Foreign Trade Zone admissions and exportations will have the capacity to reflect in a timely fashion the full range of information on the movement of merchandise into and out of U.S. Foreign Trade Zones while keeping the reporting burden to a minimum.

DATE: Comments should be submitted on or before March 15, 1982.

ADDRESS: Send comments to the Director, Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-5342.

SUPPLEMENTARY INFORMATION: At the present time, the official U.S. import and export statistics reflect the movement of merchandise into and out of the Customs territory of the United States, and thus exclude merchandise admitted to U.S. Foreign Trade Zones and reexported, having never been entered into U.S. Customs territory. At the time that the present U.S. Foreign Trade Zone procedures were established (during the 1950's), there were about a half dozen Foreign Trade Zones in the United States with a very low volume of activity. This number has now increased to over 50 U.S. Foreign Trade Zones, some with related subzones. In addition, the nature of the activities taking place in U.S. Foreign Trade Zones has undergone substantial change. In the earlier years, the activities of U.S. Foreign Trade Zones were confined largely to sorting, grading, marking, and repackaging of merchandise. Current activities are expanding to include major manufacturing, assembling, testing, and other merchandise processing functions. Accordingly, notification was given to members of the ad hoc Interagency Committee on Foreign Trade Statistical Matters, Customs, the Foreign Trade Zone Board, and the Foreign Trade Zone Operators of the Bureau of the Census intention to expand the coverage of its foreign trade statistics to include the movement of merchandise into and out of U.S. Foreign Trade Zones.

The information collected in association with this rule will be

obtained from Customs Form 214 (O.M.B. No. 1515–0086). Customs requires this form for Zone tenants use in applying for admission of merchandise into a U.S. Foreign Trade Zone. Thus, their action does not require any new forms or the collection of any additional information. These documents will serve as the basic source for including in the general import statistics foreign merchandise admitted into U.S. Foreign Trade Zones in terms of the condition of such merchandise when admitted. If such merchandise enters the Customs territory of the United States from U.S. Foreign Trade Zones, it will be included in the import for consumption statistics in terms of its condition when entering the U.S. Customs territory. The procedures will also afford information on movements of domestic merchandise out of the U.S. Customs territory into U.S. Foreign Trade Zones.

Presently, Form 7513, Shipper's Export Declaration for Intransit Goods, is used for exports of foreign merchandise from U.S. Foreign Trade Zones but is not included in the regular export statistics. The inclusion of exports of merchandise from U.S. Foreign Trade Zones in the regular export statistics will simply require that Form 7525–V instead of Form 7513 be used to reflect such movements. If foreign merchandise is exported from the U.S. Foreign Trade Zone in the same condition as when admitted, it will be included in the export statistics as an export of foreign merchandise. If the merchandise has been subjected to processing while in the Zone, such as refining, assembling, manufacturing, and so forth, it will be reflected in the export statistics as an export of domestic merchandise.

This is not a major rule in accordance with the criteria set forth in Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Moreover, the amendment imposes no additional reporting burden on the public, thus satisfying the requirements of the Paperwork Reduction Act of 1980.

PART 30—FOREIGN TRADE STATISTICS

To effect these changes, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

1. Section 30.3(a)(2) is hereby amended by removing the words "or from Foreign Trade Zones" so that as amended the initial sentence reads as follows:

§ 30.3 Shipper's export declaration form.

(a) * * *

(2) For merchandise shipped in transit through the United States, Puerto Rico, or the Virgin Islands of the United States from one foreign country or area to another, including such merchandise destined from one foreign place to another and transshipped in ports of the United States, Puerto Rico, or the Virgin Islands of the United States, and for foreign merchandise exported from General Order Warehouses, the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) shall be filed. * * *

* * * * *

2. Section 30.7(a) is hereby revised by adding immediately succeeding the final sentence the statement "For merchandise exported after having been in a U.S. Foreign Trade Zone, the letters 'FTZ' followed by the Foreign Trade Zone number shall be inserted in lieu of the U.S. port of export." As revised § 30.7(a) reads as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(a) *Port of export.* The name of the U.S. Customs port of exportation shall be entered in terms of Schedule D, Classification of Customs Districts and Ports. (See § 30.20(c) for definition of port of exportation.) (The boxes for District and Port codes in the upper portion of the form are to be completed by Customs except where the Customs Director requests that they be completed by the person preparing the declaration.) For shipments by mail, the name of the Post Office where the package is mailed shall be inserted in the space for U.S. port of export. For merchandise exported after having been in a U.S. Foreign Trade Zone, the letters "FTZ" followed by the Foreign Trade Zone number shall be inserted in lieu of the U.S. port of export.

* * * * *

3. Section 30.7(p)(1) and (2) are hereby revised by inserting the phrase "including U.S. Foreign Trade Zones" immediately following "United States" in all four places in which it appears so that as revised § 30.7(p)(1) and (2) read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(p) *"D" (Domestic) or "F" (Foreign).* (1) The export declaration covering exports to foreign countries shall show foreign goods separately from goods of domestic production. Exports of foreign merchandise include those commodities which are the growth, produce, or manufacture of foreign countries which entered the United States, including U.S. Foreign Trade Zones, as imports and which at the time of exportation have undergone no change in form or condition or enhancement in value by further manufacture in the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions.

(2) Exports of domestic merchandise include those commodities which are the growth, produce, or manufacture of the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions (including commodities incorporating foreign components), and those articles of foreign origin which have been enhanced in value or changed from the form in which imported by further manufacture or processing in the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions.

* * * * * *

4. The heading for § 30.70(b) is hereby revised by adding the parenthetical note "(Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)" so that as revised the heading for § 30.70(b) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(b) *Importing vessel or carrier.* (Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)

* * * * *

5. Section 30.70(c)(1) is hereby revised by inserting between the first and second sentences, the statement "This information is not required for merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone." As revised, § 30.70(c)(1) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(c) * * *

(1) (Customs Forms 7501, 7502, 7512

and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft that carried the merchandise to the United States is required. This information is not required for merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone. For shipments originating in either Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, supply the name of the province (Canada) or state (Mexico) where the merchandise was first loaded for exportation to the United States.

* * * * *

6. A new § 30.70(c)(3) is hereby added immediately following § 30.70(c)(2) to read as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(c) * * *

(3) For merchandise entering the U. S. Customs territory from a U.S. Foreign Trade Zone, the number of the Foreign Trade Zone, preceded by the letters "FTZ" shall be shown in this space.

* * * * *

7. The heading for § 30.70(d) is hereby revised by adding the parenthetical note "(Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)" so that as revised the heading for § 30.70(d) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(d) *U.S. port of unlading.* (Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)

§ 30.80 [Reserved]

8. Section 30.80 is hereby removed in its entirety and that section number is reserved for future use.

(Title 13, U.S.C., section 302; and title 5, United States Code, section 301; Reorganization Plan No. 5 of 1950; Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765)

Bruce Chapman,

Director, Bureau of the Census.

I concur:

John R. Simpson,

Acting Assistant Secretary, Department of the Treasury.

November 25, 1981.

[FR Doc. 82-889 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-07-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18397; File No. S7-787]

Designation of National Market System Securities; Deferral of Proposed Amendments and Request for Comments

Cross Reference

For a document announcing that the Commission is deferring action and accepting comments on certain proposed amendments to the rule governing the designation of national market system securities, See FR Doc. 82-916 published in the Rules section of this issue. Refer to the table of contents for the appropriate page number.

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

Generalized System of Preferences; Evidence of the Country of Origin

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: For all shipments of imported merchandise valued in excess of $250, a claim for an exemption from duty under the Generalized System of Preferences ("GSP"), must be supported by the production of a GSP Certificate of Origin Form A.

This document proposes to amend the Customs Regulations by giving the district directors of Customs discretion to waive production of the Form A as evidence of the country of origin in all cases when the district director is satisfied that the articles qualify for duty-free entry under GSP. This amendment would remove the burden on importers of acquiring a Form A from foreign governments when, through no fault of the importer, one cannot be obtained and the merchandise qualifies for duty-free treatment in all other aspects.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Benjamin Mahoney, Entry Procedures and Penalties Division (202-566-5765); Operational Aspects: Fred McGreevy, Duty Assessment Division (202-566-2957).

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465) (the "Trade Act"), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free entry for eligible articles arriving directly from designated "beneficiary developing countries." Section 503(b) of the Trade Act (19 U.S.C. 2463(b)), relating to the requirements which must be met for eligible articles to receive duty-free treatment, authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary to carry out the provisions of that subsection.

Sections 10.171 through 10.178, Customs Regulations (19 CFR 10.171-10.178), set forth the requirements and procedures for the entry of eligible merchandise from "beneficiary developing countries" under GSP. Section 10.173(a), Customs Regulations, requires that except as provided in paragraph (a)(5) of that section, the importer or consignee of a shipment of eligible merchandise, valued in excess of $250, claiming duty-free treatment under GSP shall file with the district director in connection with the entry a Form A, as evidence of the country of origin. Paragraph (a)(2) permits the district director to accept a duplicate Form A in the event of loss, theft, or destruction of the original certificate. Further, paragraph (a)(3) permits the district director to accept the entry and release the merchandise under bond where the Form A, or a duplicate, is unavailable at the time of entry. Under this procedure, the importer has 60 days from the date of entry, or such additional period of time as the district director may allow, to file the Form A with Customs and still obtain duty-free treatment. If the Form A is not delivered, the district director would treat the entry as dutiable and could cancel the bond or the charge against the bond, as he deems appropriate. Section 10.173(a)(5)(i) provides that the district director may waive the production of a Form A *only* in the case of articles for personal or household use which are not intended for resale or brought in for the account of others, when the district director is otherwise satisfied that the merchandise qualifies for duty-free entry under GSP. Section 10.173(a)(5)(ii) provides that until March 31, 1976, the district director may waive production of a Certificate of Origin when he is

otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

This document proposes to amend § 10.173(a) to give the district director the discretion to waive production of the Form A for *all* entries of merchandise, regardless of value, when he is satisfied that the merchandise qualifies for duty-free entry under GSP. The proposed change would remove the regulatory burden on importers of acquiring a Form A from foreign governments when, through no fault of their own, one cannot be obtained, and the merchandise qualifies for duty-free treatment in all other aspects. This would be of benefit to the importing public in that a significant amount of money spent in communicating back and forth between the United States and foreign countries would be saved. This proposed amendment also would benefit Customs by eliminating the need for withholding appraisement on relatively insignificant shipments; the considerable time spent in the process of filing GSP entries; the charging of bonds for missing documents (namely the Form A); and in the follow-up process relating to the production of the missing documents.

It also is proposed to remove § 10.173(a)(5)(ii) which is no longer needed.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Proposed Amendment

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to revise § 10.173(a)(5), Customs Regulations (19 CFR 10.173(a)(5)), to read as follows:

§ 10.173 Evidence of the country of origin.

(a) *Shipments valued in excess of $250.* * * *

(5) *Waiver of Certificate of Origin.* The district director may waive production of a Certificate of Origin when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

* * * * *

Authority

This amendment is proposed under the authority of R.S. 251, as amended, sections 304, 624, 46 Stat. 759, section 503(b), 88 Stat. 2069, (19 U.S.C. 66, 1624, 2463(b)).

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that if promulgated, the regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, this regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

The proposed amendment would remove a regulatory burden on the part of importers. The economic impact, if any, on a number of small entities would be an economic benefit in that a significant amount of money would be saved by the importer in communicating between the U.S. and the foreign country to obtain the certificate. Further, an additional benefit would inure to the importer in that there would be a substantial economic gain derived from the time saved in the processing of entries where a Form A is missing.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

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

A. R. DeAngelus,

Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1030 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 18

Entry of Merchandise Transported In-Bond

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: Upon arrival of imported merchandise transported in-bond at the port of destination, the delivering carrier is required to promptly furnish Customs appropriate documentation as a notice of arrival of the merchandise. Thus, Customs can inspect and appraise the merchandise and collect duty, if applicable.

If there is a shortage of one or more packages or nondelivery of an entire shipment and an inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry may be accepted by Customs if the merchandise is recovered intact without any of the packages having been opened. However, if the merchandise cannot be recovered intact, entry cannot be accepted. As a result of not accepting entry, no trade statistics are collected on the merchandise. Effective administration by Customs of quotas, orderly marketing agreements, and import monitoring may be jeopardized as well as trade data used for international trade negotiations. Accordingly, this document proposes to amend the Customs Regulations to authorize acceptance of an entry of the merchandise even though the merchandise cannot be recovered intact.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: William Marchi, Duty Assessment Division (202–566–2957); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Under sections 552 and 553, Tariff Act of 1930 (19 U.S.C. 1552, 1553), any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States, may be entered without appraisement or payment of Customs duty for: (1) Transportation in-bond to any other port of entry; or (2) transportation in-bond through the United States for exportation. Either transportation must be made under regulations prescribed by the Secretary of the Treasury, most of which are set forth in Part 18, Customs Regulations (19 CFR Part 18).

Under § 18.2(d), Customs Regulations (19 CFR 18.2(d)), upon arrival of the merchandise at the port of destination, the delivering carrier is required to promptly furnish Customs with the in-bond manifest and other appropriate documentation as a notice of arrival of the merchandise. Thus, Customs can inspect and appraise the merchandise and collect duty, if applicable.

Section 18.6, Customs Regulations (19 CFR 18.6), sets forth the procedures to be used at the port of destination in the event of nondelivery to Customs of an entire shipment or if there is a shortage of one or more packages in a shipment.

Under § 18.6(b), Customs Regulations, if there is a shortage of one or more packages or nondelivery of an entire shipment and an inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry may be accepted by Customs if the merchandise is recovered intact without any of the packages having been opened.

However, under § 18.6(c), Customs Regulations, if the merchandise cannot be recovered intact, under the circumstances specified in § 18.6(b), entry cannot be accepted. In that event, a demand for liquidated damages under the bond is sent to the initial bonded carrier. As a result of not accepting entry, no trade statistics are collected on the merchandise.

It is believed that the reason for not accepting entry, which has been adhered to since 1936, is that Customs officers could not appraise what they could not see. In addition, it was believed that the penalties assessed against the carrier as liquidated damages under its bond would deter the carrier from violating the regulations. However, Customs has found that the penalties are no longer a deterrent and that vital import statistics are not being collected.

Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act of 1978," made numerous changes in laws administered by Customs relating to the entry of imported merchandise. Section 102 of Pub. L. 95–410 amended 19 U.S.C. 1484(a) by providing that entry shall be made by filing the documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provided that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation. Furthermore, that section provided for the issuance of regulations to ensure the accuracy and timeliness of statistics under the new entry procedures, particularly statistics with regard to the classification and value of imports.

However, under the circumstances set forth in §18.6(c), if no entry is made, no trade statistics are being collected. Effective administration by Customs of quotas, orderly marketing agreements, and import monitoring may be jeopardized as well as trade data used for international trade negotiations.

Therefore, this document proposes to amend § 18.6(c) to authorize acceptance of an entry of merchandise even though the merchandise cannot be recovered intact. In accordance with § 141.4, Customs Regulations, an entry is required for imported merchandise, unless such entry requirement is specifically exempt by law or regulations. The net effect of this proposal would be to require the filing of an entry for merchandise which cannot be recovered intact. A demand for liquidated damages under the bond would still be sent to the initial bonded carrier.

Authority

This amendment is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 484, 552, 553, 624, 46 Stat. 722, as amended, 742, as amended, 759 (19 U.S.C. 1484, 1552, 1553, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commmissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

E.O. 12291

The proposed amendments do not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared for this regulatory project.

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601, et seq.), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

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

Proposed Amendments

PART 18—TRANSPORTATION IN-BOND AND MERCHANDISE IN TRANSIT

It is proposed to amend § 18.6(c), Customs Regulations (19 CFR 18.6(c)), by revising it to read as follows:

§ 18.6 Short shipments; shortages; entry and allowance.

* * * * *

(c) If the merchandise cannot be recovered intact, as specified above, entry may be accepted for the full manifested quantity unless a lesser amount is otherwise permitted in accordance with Subpart A of Part 158. Except as provided in paragraph (d) of this section, there shall be sent to the initial bonded carrier a demand for liquidated damages on Customs Form 5955–A, in the case of nondelivery of an entire shipment or on Customs Form 5931, in the case of a partial shortage.

* * * * *

George C. Corcoran,
Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 82–1037 Filed 1–13–82; 8:45 am]
BILLING CODE 4820–02–M

---

19 CFR Part 177

Tariff Classification: Garments With Simulated Features

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing its current uniform and established practice of classifying certain garments with simulated features as not ornamented wearing apparel. To assist in the review, public comments are invited as to whether Customs should change its practice and consider such simulated features as ornamentation for tariff purposes.

DATE: Comments (preferably in triplicate) must be received on or before March 15, 1982.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Philip Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

In classifying imported wearing apparel for Customs purposes, the question often arises whether or not such apparel is ornamented or not ornamented. Generally, ornamented wearing apparel is subject to a higher rate of duty than not ornamented wearing apparel.

Under an existing uniform and established practice Customs has classified certain garments with simulated features as not ornamented if those simulated features (1) simulate functional features normally found on the subject garment; (2) are located where those functional features would usually be found; and (3) are no more decorative than the functional features they simulate.

The tariff classification of ornamented and not ornamented wearing apparel was the subject of a recent notice published in the **Federal Register** on August 21, 1981 (T.D. 81–214, 46 FR 42446). In that notice Customs discussed, at some length, the applicability of the decision of the U.S. Court of Customs and Patent Appeals in *The Ferriswheel* v. *United States*, C.A.D. 1260, to the classification of certain garments, not including garments with simulated features. At this time, and in view of the principles expressed in the *Ferriswheel* decision, and in prior judicial decisions (*e.g., Blairmoor* v. *United States*, 60 Cust. Ct. 388, C.D. 3396 (1968); *Colonial Corp.* v. *United States*, 62 Cust. Ct. 502, C.D. 3815 (1969)), Customs believes its practice with respect to the classification of garments with simulated features is in error.

The court held in *Ferriswheel* that garments having clearly ornamental features are not classifiable as not ornamented solely because the ornamentation is necessary to make those garments authentic. In the case of simulated features, those simulations have no functional capability, even though they may be appropriate to the garment and serve to visually enhance the appearance of the garment. Following the reasoning in *Ferriswheel*, and other judicial precedents, because a simulated feature adds to the visual effect of a garment or article, that garment or article must be judged by the same standards as other garments or articles (i.e., whether the simulation is primarily functional or primarily decorative).

Proposed Change of Practice

In view of the above, Customs believes that simulations on wearing apparel such as false pocket flaps, simulated belts or belt segments, simulated pocket openings, and simulated garment openings, among other simulations, if primarily decorative, should constitute ornamentation for tariff classification purposes.

Accordingly, comments are invited as to whether Customs should change its practice and consider such simulated features as ornamentation for tariff purposes.

Authority

Inasmuch as the proposed change of practice would affect the assessed duties on garments subject to such change, Customs is giving this notice and opportunity for comment in accordance with section 315 (d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

Consideration will be given to any written comments submitted in writing to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business hours at the Regulations Control Branch, Headquarters, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this notice was Robert Joseph Pisani, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices within Customs participated in its development.

Dated: December 28, 1981.

William T. Archey,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–1040 Filed 1–13–82; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 4, 16]

Determination of Certain Impairment-Related Work Expenses for Substantial Gainful Activity Purposes and for Purposes of Determining Countable Earned Income

Correction

In FR Doc. 81–215 appearing on page 642 in the issue of Wednesday, January 6, 1982, make the following correction:

On page 647, third column, the heading reading *Part 2—Supplemental Security Income for the Aged, Blind, and Disabled* should have read *Part 416—Supplemental Security Income for the Aged, Blind and Disabled.*

BILLING CODE: 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 58

[ORD–FRL–1962–2]

National Ambient Air Quality Measurement Methodology Ambient Air Quality Surveillance; Proposed Minor Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Current EPA regulations in 40 CFR Parts 50 and 58 require that pollutant concentration standards used to calibrate and audit air monitoring instruments be traceable to National Bureau of Standards (NBS) Standard Reference Materials (SRM). This requirement has created a substantial demand for SRM's which NBS has found difficult to fulfill in a timely manner.

To help alleviate this problem, NBS and EPA have jointly established a program to allow gas manufacturers to produce and sell high quality gas standards called Certified Reference Materials (CRM). These CRM's are prepared and certified according to NBS/EPA CRM procedures (described in EPA publication No. EPA–600/7–81–010), and they are considered equivalent to SRM's for purposes of establishing traceability of working standards used for calibrations and audits. The amendments proposed below will revise appropriate paragraphs of Parts 50 and

58 to specifically allow CRM's in lieu of SRM's for those purposes. Also, the term "traceable" is formally defined to refer to either a direct certification against the SRM or CRM or a direct certification against a local primary standard that must be certified directly against the SRM or CRM, unless the Administrator or a Regional Administrator approves an alternate certification.

DATES: Comments should be received no later than February 16, 1982.

ADDRESS: Comments (in duplicate, if possible) should be sent to Public Docket No. A–81–35, U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. This docket may be inspected at this address between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Darryl J. von Lehmden, Senior Scientific Advisor (MD–77), Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–2415.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed rule is not a major regulation because it would result in no increased costs to state and local air monitoring agencies.

This proposed rule has been submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule, if promulgated, would impose no new regulatory requirements; it would merely revise existing air monitoring regulations to specifically allow the use of commercially available Certified Reference Materials in lieu of Standards Reference Materials to establish the traceability of pollutant concentration standards used to calibrate and audit air monitoring instruments.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

For the reason cited above, it is proposed to amend 40 CFR Parts 50 and 58 as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. By amending § 50.1 to include an additional definition by adding paragraph (h) to read as follows:

§ 50.1 Definitions.

* * * * *

(h) "Traceable" means a gas cylinder or other pollutant standard that has been certified directly against either (1) a specified primary standard (e.g., National Bureau of Standards or equivalent) or (2) a local primary standard that has been certified directly against the specified primary standard, unless an alternate certification is specifically approved in writing by the Administrator or by a Regional Administrator.

2. By revising paragraphs 1.3.1, 2.3.1, 2.3.1.1 and 2.3.1.2 in the *Calibration* section of Appendix F, "Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)," to read as follows:

* * * * *

1.3.1 *No concentration standard.* Gas cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_2. The assay of the cylinder must be traceable to a National Bureau of Standards (NBS) NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684), an NBS NO_2 Standard Reference Material (SRM 1629), or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 14, and a list of CRM sources is avaiable from the address shown for Reference 14. A recommended protocol for certifying NO gas cylinders against either an NO SRM or CRM is given in section 2.0.7 of Reference 15. Reference 13 gives procedures for certifying an NO gas cylinder against an NBS NO_2 SRM and for determining the amount NO_2 impurity in an NO cylinder.

* * * * *

2.3.1 *Calibration Standards.* Calibration standards are required for both NO and NO_2. The reference standard for the calibration may be either an NO or NO_2 standard, and must be traceable to a National Bureau of Standards (NBS) NO in NO_2 Standard Reference Material (SRM 1683 or SRM 1604), an NBS NO_2 Standard Reference Material (SRM 1629), or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 14, and a list of CRM sources is available from the address shown for Reference 14. Reference 15 gives recommended procedures for certifiying an NO gas cylinder against an NO SRM or CRM and for certifying an NO_2 permeation device against an NO_2 SRM. Reference 13 contains procedures for certifying an NO gas cylinder against an NO_2 SRM and for certifying an NO_2 permeation device against an NO SRM or CRM. A procedure for determining the amount NO_2 impurity in an NO cylinder is also contained in Reference 13. The NO or NO_2 standard selected as the reference standard must be used to certify the other standard to ensure consistency between the two standards.

2.3.1.1 *NO_2 Concentration Standard.* A permeation device suitable for generating NO_2 concentrations at the required flow-rates over the required concentration range. If the permeation device is used as the reference standard, it must be traceable to an SRM or CRM as specified in 2.3.1. If an NO cylinder is used as the reference standard, the NO_2 permeation device must be certified against the NO standard according to the procedure given in Reference 13. The use of the permeation device should be in strict accordance with the instructions supplied with the device. Additional information regarding the use of permeation devices is given by Scaringelli et al. (11) and Rook et al. (12).

2.3.1.2 *NO Concentration Standard.* Gas cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_2/. If the cylinder is used as the reference standard, the assay of the cylinder must be traceable to an SRM or CRM as specified in 2.3.1. If an NO_2 permeation device is used as the reference standard, the NO cylinder must be certified against the NO_2 standard according to the procedure given in Reference 13.

3. By adding the following references to Appendix F:

References

* * * * *

14. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

15. Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods. EPA–600/4–77–027a, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina 27711, July, 1979.

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

4. By amending § 58.1 to include an additional definition by adding paragraph (r) to read as follows:

§ 58.1 Definitions.

* * * * *

(r) "Traceable" means a gas cylinder or other pollutant standard that has been certified directly against either (1) a specified primary standard (e.g., National Bureau of Standards or equivalent) or (2) a local primary standard that has been certified directly against the specified primary standard, unless an alternate certification is specifically approved in writing by the

Administrator or by a Regional Administrator.

5. By revising paragraph 2.3.1 of Appendix A, "Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)," to read as follows:

2.3.1 Gaseous standards (permeation tubes, permeation devices or cylinders of compressed gas) used to obtain test concentrations for CO, SO_2, and NO_2 must be traceable to either a National Bureau of Standards (NBS) gaseous Standard Reference Material (SRM) or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 7, and a list of CRM sources is available from the address shown for Reference 7. A recommended protocol for certifying gaseous standards against an SRM or CRM is given in References 2 and 3. Direct use of a CRM as a working standard is acceptable, but direct use of an NBS SRM as a working standard is discouraged because of the limited supply and expense of SRM's.

6. By adding "CRM," to the third sentence of the fourth paragraph of section 3.1.2 of Appendix A to read: * * * The auditing standards and calibration standards may be referenced to the same NBS SRM, CRM, or primary UV photometer. * * *

7. By adding the following reference to Appendix A:

References

* * * * *

7. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January, 1981.

8. By revising paragraph 2.3.1 of Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring," to read as follows:

2.3.1 Gaseous standards (permeation tubes, permeation devices or cylinders of compressed gas) used to obtain test concentrations for CO, SO_2, and NO_2 must be traceable to either a National Bureau of Standards (NBS) gaseous Standard Reference Material (SRM) or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 7, and a list of CRM sources is available from the address shown for Reference 7. A recommended protocol for certifying gaseous standards against an SRM or CRM is given in References 2 and 3. Direct use of a CRM as a working standard is acceptable, but direct use of an NBS SRM as a working standard is discouraged because of the limited supply and expense of SRM's.

9. By adding, "CRM," to the third sentence of the second paragraph of section 3.2 of Appendix B to read: * * * The auditing standards and calibration standards may be referenced to the same NBS SRM, CRM, or primary UV photometer. * * *

10. By adding the following reference to Appendix B:

References

* * * * *

7. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials.

EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

[FR Doc. 82–1025 Filed 1–13–82; 8:45 am]

BILLING CODE 6560–35–M

---

40 CFR Part 52

[A–1–FRL 2003–8]

Approval and Promulgation of Implementation Plans; Rhode Island; Group II CTGs and Revisions To Existing SIP Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to announce EPA's proposed action on Rhode Island's January 9 and July 23, 1981 submittals of Group II regulations and other revisions to their existing state implementation plan (SIP) regulations which were submitted to EPA on August 17, 1981. EPA is proposing to approve Regulation 11, Petroleum Liquids Marketing and Storage; Regulation 12, Incinerators; and Regulation 18, Control of Solvent Metal Cleaning Emissions; and conditionally to approve Regulation 21, Graphic Art Printing Operations. EPA is taking no action at this time on the portion of the SIP applicable to sources covered by the control technique guideline (CTG) for Synthesized Pharmaceutical Products.

DATES: Comments should be sent to Harley F. Laing, Chief Air Branch, Room 1903, JFK Federal Building, Boston, Mass. 02203 on or before February 16, 1982.

ADDRESSES: Copies of the Rhode Island submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; and the Department of Environmental Management (DEM), Division of Air and Hazardous Materials, Cannon Building, 75 Davis Street, Providence, Rhode Island 02908.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203. (617) 223–5631.

SUPPLEMENTARY INFORMATION: Pursuant to Part D of the Clean Air Act, EPA approved the ozone portion of Rhode Island's SIP in the May 7, 1981 **Federal Register** (46 FR 25446) which committed the state to adopt and submit reasonably available control technology (RACT) requirements by January 1, 1981 for the sources covered by the CTGs Group II, published between January 1978 and January 1979. The recommended emission limitation contained in the CTGs are a "presumptive norm"—that is, they are emission limitations which EPA believes may be attained by applying RACT. EPA acknowledges that what is RACT for a general source category may not be reasonably available for a particular source or even several sources within a source category. It is EPA policy to accept, as part of a state's VOC control strategy, emission limitations for particular sources or source categories which are different from the EPA recommended numbers, if such new emission limitations are based upon documented evaluations of what is RACT for each source or group of sources within the source category.

I. Group II CTG Regulations

On January 9, 1981, Rhode Island submitted regulations to EPA for Storage of Petroleum Liquids: External Floating Roof Vessels holding gasoline and Graphic Art Printing Operations, and justifications for not regulating the four categories of Synthesized Pharmaceutical Products, Perchloroethylene Dry Cleaning Systems, Miscellaneous Metal Coatings, and Leaks from Gasoline Tank Trucks and Vapor Collection Systems. On July 23, 1981, Rhoide Island submitted a letter certifying that there are no sources in the state in the three Group II categories of Surface Coating of Flatwood Paneling, Manufacture of Pneumatic Rubber Tires, and Leaks from Petroleum Refinery Equipment.

A. Storage of Petroleum Liquids: External Floating Roof Vessels Section (11.6)

Rhode Island's Regulation 11 Section 11.6 for Storage of Petroleum Liquids: External Floating Roof Vessels is consistent with EPA's guidance as referenced in the CTG: *Control of*

Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks, except that Rhode Island's regulation only controls external floating roof tanks storing gasoline. Rhode Island certified in a letter dated July 23, 1981 that there are no external floating roof tank sources in the state storing any petroleum liquids other than gasoline.

Proposed action: EPA is proposing to approve this regulation as a revision to Rhode Island's SIP.

B. Graphic Art Printing Operations (21)

Rhode Island's Regulation 21 for Graphic Arts Printing Operations is consistent with EPA's guidance as referenced in the CTG: *Graphic Arts—Rotogravure and Flexography* except that it does not regulate specialty printing defined as "* * * all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing" (EPA policy memo December 2, 1980, "RACT for Specialty Printing Operations" available at locations cited in the Addresses section of this Notice), nor does it regulate for overall reductions in volatile organic compounds (VOC) according to the different processes (75 percent for publication rotogravure, 65 percent for packaging rotogravure, and 60 percent for flexographic printing). In a letter dated July 23, 1981, Rhode Island DEM informed EPA that it is revising certain sections of Regulation 21 to be consistent with the above referenced CTG. Therefore, EPA proposes to approve this regulation pending submission of a regulation including specialty printing and including EPA recommended overall reduction efficiencies.

Proposed action: EPA is proposing to approve Rhode Island's Regulation 21 conditioned upon the submittal of a revised regulation which includes specialty printing and EPA recommended overall reduction efficiencies by July 1, 1982.

C. Synthesized Pharmaceutical Products

Rhode Island did not submit a regulation for synthesized pharmaceutical products on January 1, 1981 and has suggested that EPA agree to accept construction permits for the only two sources in the state in this source category in lieu of a regulation. EPA will review the control requirements in the two construction permits and determine whether they incorporate RACT for these synthesized pharmaceutical product sources. If they contain federally enforceable and approvable control requirements which are consistent with EPA policy for this source category, EPA will propose to approve them.

Proposed action: EPA will take no action to approve this portion of the SIP until the state submits either federally approvable construction permits or a regulation as a SIP revision.

D. Perchloroethylene Dry Cleaning Systems

Rhode Island did not submit a regulation for perchloroethylene dry cleaning systems. In its submission on January 9, 1981 Rhode Island claimed that the emission reductions to be gained by implementing a regulation for this source category would be small and burdensome to enforce. Present EPA policy requires that Rhode Island submit a regulation for this source category. However, EPA is in the process of reviewing new control techniques for this source category and will defer a final decision on the need for controls until the new control techniques have been made available for Rhode Island's review. EPA will examine Rhode Island's need for a regulation for this source category during the 1982 SIP review.

Proposed action: EPA is proposing to take no action at this time.

E. Miscellaneous Metal Coatings

Rhode Island did not submit a regulation for miscellaneous metal coatings. The state claims that regulating their 18 sources in this category would yield negligible emission reductions and would be resource intensive. Rhode Island is required by present EPA policy to submit a regulation of Miscellaneous Metal Parts and Products that is consistent with EPA guidance, or submit adequate justification for not regulating this source category. EPA will take no action at this time, and will reexamine Rhode Island's need for a regulation for this source category during the 1982 SIP review.

Proposed action: EPA is proposing to take no action at this time.

F. Leaks From Gasoline Tank Trucks and Vapor Collection Systems

Rhode Island did not submit a regulation for leaks from gasoline tank trucks and vapor collection systems. Northeast States for Coordinated Air Use Management (NESCAUM), which includes the six states in Region I plus New York and New Jersey, have identified several problems associated with developing regulations in a highly urbanized area such as the Northeast where the states are small enough that there is a significant amount of interstate transport of gasoline by tank trucks. The problems include: the need for regulatory consistency, lack of resources, procedures for enforcing the programs, readily available inventory of tank trucks, and self-certification for independents. NESCAUM believes that the solutions to these problems should be consistent throughout the region, and the states are therefore working collectively with EPA to develop a suitable control strategy which will be consistent regionwide.

Proposed action: EPA is proposing to take no action on leaks from gasoline tank trucks and vapor collection systems at this time, but has made a commitment to continue to work with the NESCAUM states to develop a satisfactory regulation.

II. Revisions to Existing SIP Regulations

On August 17, 1981 Rhode Island submitted amendments to Regulation 11, Petroleum Liquids Marketing and Storage, and 18, Control of Solvent Metal Cleaning Emissions, which were approved as part of the SIP on May 7, 1981, (46 FR 25448); and an amendment to Regulation 12, Incinerators approved as part of the SIP on March 2, 1976, (41 FR 8965).

A. Petroleum Liquids Marketing and Storage, Section 11.5 Stage I Vapor Controls

The state has amended Regulation 11 by changing Section 11.5 to allow small gasoline dispensing facilities with annual throughputs of 120,000 gallons or less of gasoline to be exempt from the requirements of Stage I Vapor Controls. The state cites that it is necessary to make this amendment because of Rhode Island's limited enforcement resources, and the economic burden placed on these low throughput stations. EPA proposes to approve this amendment because the exemption of these low throughput stations makes no substantive difference, that is, there is less than a 5% difference in the allowable emissions in this source category.

Action: EPA is proposing to approve the amendment to the Stage I Vapor Controls Regulation section 11.5.

B. Incinerators (12)

The amendment made to Regulation 12, Subsection 12.7.1, transfers the control of hazardous waste incineration from the air pollution regulations to the hazardous waste regulations.

Proposed action: EPA is proposing to

approve this transfer of hazardous waste incineration control to the hazardous waste regulations.

C. Control of Solvent Metal Cleaning Emissions (18)

The amendment to Regulation 18 includes solvent dryers under solvent degreasing equipment, and makes language changes to clarify the regulation. Solvent dryers will now be controlled by the same requirements as vapor degreasing equipment. EPA proposes to approve these changes as they incorporate a part of the solvent cleaning process, previously uncontrolled, into the control strategy.

Action: EPA is proposing to approve the amendment to Rhode Island's Regulation 18, Control of Solvent Metal Cleaning Emissions.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action will impose no new requirements, and will only approve state-determined control levels. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Rhode Island state actions enabling sources to meet state-determined control levels and adds no new requirements.

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

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: November 10, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 82-1027 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-8-FRL-1967-1a]

Designation of Areas for Air Quality Planning Purposes; Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Notice of additional comment period.

SUMMARY: Elsewhere in today's **Federal Register** EPA is announcing the redesignation of certain outlying portions of the Pueblo 3–C Urbanized Area from nonattainment to attainment for total suspended particulates. This notice announces an additional opportunity to comment on the nonattainment designation for the inner core of the Pueblo Area which is not affected by the redesignation of the outer area.

DATE: Comments must be submitted by February 16, 1982.

ADDRESSES: Materials relating to the designation of the core portions of the Pueblo area are available for public inspection at: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, CO 80295.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, CO 80295, (303) 837–6131.

SUPPLEMENTARY INFORMATION: On March 3, 1978 EPA designated the Pueblo 3–C urbanized area as nonattainment for the total suspended particulates (TSP) standard (43 FR 8962). EPA reaffirmed this designation on September 11, 1978 (43 FR 40412).

On September 27, 1979, the State of Colorado requested that EPA redesignate the entire Pueblo 3–C urbanized area from nonattainment to unclassified for the TSP standard. On April 15, 1981 EPA took final action denying this request (46 FR 21997). The entire Pueblo area remained designated nonattainment for TSP.

EPA received three petitions for reconsideration and stay of its April 15 decision. Among the grounds advanced for reconsideration was the decision of the Colorado Air Quality Control Commission to consider new evidence on TSP levels in the Pueblo area. On June 15, 1981, the Administrator sent letters informing the petitioners that EPA had decided to grant the petitions for reconsideration of the April 15, 1981 denial based on the State's decision to consider new evidence. This letter also informed the petitioners that the Administrator would stay the April 15, 1981 denial of the State's request for redesignation pending the completion of the new State proceedings.

As a result of these proceedings, the Air Quality Control Commission determined that certain outlying portions of the Pueblo area should be redesignated as attainment for TSP. EPA has reviewed the Commission's recommendations and agrees that the outlying areas should be redesignated as attainment for TSP. Elsewhere in today's **Federal Register** EPA is taking final action on this redesignation request. This final action constitutes a partial grant of the petitions for reconsideration of the April 15, 1981 denial. However, for the core portion of the Pueblo area the petitions for reconsideration are still open. EPA has received a request for additional opportunity to comment on the designation for this portion of the Pueblo nonattainment area. To satisfy this request, EPA is providing a 30-day comment period on the question of the appropriate designation for the core area. The stay announced on June 15 remains in effect for this core area.[1]

Documents relating to the State's 1979 redesignation request and EPA's April 15, 1981 denial are available at EPA's Region VIII office in Denver at the address given above.

(Secs. 107(d) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601)

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-770 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 69

[CGD 81-032]

Optional Simplified Admeasurement Method for Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would implement the Tonnage Measurement Simplification Act of 1980 (Pub. L. 96–594) which provides vessel owners with an optional simplified admeasurement method for self-propelled vessels of less than 24 meters

[1] The stay of the April 15 denial has no regulatory effect on the Pueblo area. Pueblo remains designated nonattainment for TSP under EPA's original designation of March 3, 1978 (43 FR 8964).

(79.0 feet) in length which are not engaged or intended to engage in international voyages by sea. It also provides a simplifed admeasurement method to be applied to non-self-propelled vessels of all sizes which are not engaged or intended to engage in international voyages by sea. The Coast Guard is presently admeasuring all commercial vessels under a formal, labor intensive, time consuming process. This document will provide an option to the public permitting vessel owners to submit the necessary admeasurement dimensions to the Coast Guard resulting in rapid admeasurement and eliminating prior delays. Government cost to the public will cease for vessels qualifying under these proposed regulations. These proposed regulations are an optional alternative to the systems employed in 46 CFR 69.03 through 69.15.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44), (CGD 81-032), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James V. Higgins, Office of Merchant Marine Safety, Admeasurement Branch, (G-MMT-6), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2192, between 7 a.m. and 5:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 81-032) and the specific section of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if it is requested in writing by an interested person who is raising a genuine issue and desiring to comment orally at the public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Mr. James V. Higgins, Project Manager, Office of Merchant Marine Safety, and Lt. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Background

The measurement of a vessel's tonnage, technically known as "admeasurement," is actually a reflection of the volume of a vessel rather than of its weight or cargo capacity. Tonnage measurement is used to determine the applicability of international conventions, treaties, domestic laws and regulations. It is also used as the basis for computing limits of liability, tonnage duties, port and pilotage fees, and similar charges. The original admeasurement law for commercial vessels was enacted in 1789 and has been virtually unchanged since 1873.

This law (46 U.S.C. 71) requires the physical on-scene measurement of all spaces within a vessel. This intricate system of measurement (known as "formal admeasurement") is done in accordance with complex statutory and regulatory requirements and requires complicated measurements and calculations using integral calculus. Admeasurement is, therefore, a relatively expensive and time-consuming process.

Recognizing the need for a simplified admeasurement procedure for pleasure vessels, Congress in 1966 enacted Pub. L. 89-476 which permits the optional use of a mathematical formula using the length, breadth, and depth of the vessel to yield gross and net tonnages. These tonnages reasonably approximate the tonnages derived from the formal admeasurement method. This simplified method has proven to be effective by reducing time and cost to the public and the government. This led to Pub. L. 96-594 (Tonnage Admeasurement Simplification Act) which was signed into law on 24 December 1980.

Pub. L. 96-594 permits the admeasurement of self-propelled commercial vessels under 24 meters (79 feet) and barges of any size, provided they do not engage in international voyages by sea, by either formal admeasurement or a simplified method similar to that presently applicable to pleasure vessels.

The law provides for a more efficient method for admeasuring small commercial vessels and will permit more timely admeasurement of larger vessels. It is anticipated that the owners of over 4,700 vessels will be able to take advantage of the simplified method each year. The Coast Guard expects savings in cost and work hours by the use of this new admeasurement system.

Discussion of the Proposed Rule

Proposed § 69.19-1 sets forth the purpose of proposed Part 69.

Proposed § 69.19-3 sets forth the scope and the types of commercial vessels eligible for optional simplified admeasurement.

Proposed § 69.19-5 defines terms used in this Part.

Proposed § 69.19-7 explains the dimensions and measurements required for single hull vessels.

Proposed § 69.19-9 explains the dimensions and measurements required for catamaran (or multi-hull) vessels.

Proposed § 69.19-11 describes the application requirements for admeasurement.

Proposed § 69.19-13 describes the formulas used to calculate gross and net tonnages of all vessels measured in this subpart.

Proposed § 69.19-15 describes the conditions which will require remeasurement of vessels subject to this subpart.

Proposed § 69.19-17 discusses the assignment of like tonnages to like vessels.

Regulatory Evaluation

The proposed regulations have been evaluated under Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 22 May 1980, and have been determined to be neither significant nor major.

Before a vessel may be documented as a vessel of the United States, it must be admeasured. Admeasurement is the process by which an officer of the Coast Guard visits a vessel to take dimensions which are used to calculate the gross and net tonnages. Thousands of commercial vessels are documented each year. Because admeasurement is labor-intensive and requires taking hundreds of dimensions to establish a vessel's tonnage, undue delays often result.

This proposed rule enables vessel owners to provide to the United States Coast Guard the required dimensions necessary to complete the admeasurement of commercial vessels. The Coast Guard considered using professional admeasurers to obtain the required dimensions but determined that it would not be cost effective to either vessel owners or the government. Although it is admitted that professional admeasurers may produce more precise measurements and accurate tonnages, it was determined that tonnages assigned to vessels subject to this subpart

generally are not critical. However, if the tonnage assignment is determined to be critical, the regulation provides the option for formal admeasurement. Therefore, the Coast Guard believes that this optional simplified admeasurement method will be as effective for commercial vessel owners as 46 CFR 69.17 has been for owners of pleasure vessels. Statistics of 1980 indicate that approximately 3,000 self-propelled vessels under 24 meters (79.0 feet) and 1,700 barges were formally admeasured at a cost of $250,000 to the Coast Guard. If the optional procedures are utilized to the extent anticipated this regulation will reduce the cost to the Coast Guard to $32,000 saving the taxpayers an estimated $218,000 annually. Selection of the optional method will result in some direct cost to the vessel owner. The Coast Guard estimates that the average cost of performing the simplified admeasurement will be $40.00 per vessel, which is insignificant when compared to the cost of the vessel involved and will be outweighed by eliminating delay in the documentation process. The total estimated cost to all vessel owners electing to use this option will be $120,000.00.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under Public Law 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. As discussed above, the proposed regulations permit the optional use of a simplified admeasurement methodology calculated to save time and costs, both to the public and to the government. The use of this methodology is permissive, not mandatory. The systems currently employed in 46 CFR 69.03 through 69.15 will still be available for optional usage.

Environmental Statement

The Coast Guard has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that this action is categorically excluded from further environmental documentation.

PART 69—MEASUREMENT OF VESSELS

In consideration of the foregoing, it is proposed to amend 46 CFR Part 69 as follows:

1. The authority citation to Part 69 would be revised to read as follows:

Authority: Secs. 2, 3, 23, Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4150, as amended, 4153, as amended, sec. 12, 79 Stat. 893, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 2, 3, 71, as amended, 74, 83h, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) (35 FR 4959).

2. In Part 69, Subpart 19 would be added to read as follows:

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

Sec.

69.19-1 Purpose of this subpart.
69.19-3 (Scope) Vessels eligible for optional simplified admeasurement.
69.19-5 Definition of terms used in this subpart.
69.19-7 Explanation of dimensions and measurements for single hull vessels.
69.19-9 Explanation of dimensions and measurements for catamaran (multi-hull) vessels.
69.19-11 Application for admeasurement under this subpart.
69.19-13 Calculation of gross and net tonnages.
69.19-15 Readmeasurement of vessels admeasured under this subpart.
69.19-17 Assignment of like tonnages to like vessels.

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

§ 69.19-1 Purpose of this subpart.

These regulations are a result of the Tonnage Measurement Simplification Act of 1980 which provides vessel owners an option, in lieu of the formal systems employed in 46 CFR 69.03 through 69.15, to have a simplified admeasurement method applied to self-propelled vessels, if they are less than 24 meters (79.0 feet) in length and are not engaged or intended to engage in international voyages by sea. It also provides a simplified admeasurement method to be applied to non-self-propelled vessels of all sizes which are not engaged or intended to engage in international voyages by sea.

§ 69.19-3 (SCOPE) Vessels eligible for optional simplified admeasurement.

The regulations in this subpart apply to:

(a) Self-propelled commercial vessels of less than 24 meters (79 feet) overall length which are not engaged or intended to engage in international voyages by sea; and

(b) Barges of any length which are not engaged or intended to engage in international voyages by sea.

§ 69.19-5 Definition of terms used in this subpart.

"Barge" means any vessel without internal means of propulsion.

"Barge-shaped Vessel, Self-propelled" means any vessel which is propelled by any type of engine or motor located within the hull, and has a blunt or square-shaped bow as seen in plan view.

"Catamaran vessel" means any vessel which has two or more hulls.

"International voyage by sea" means a sea voyage of any U.S. vessel from a port in the United States to a port outside the United States, or from a port outside the United States to the United States.

"Sailing Vessel" means any vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

"Ship-shaped Vessel, Self-propelled" means any vessel which is propelled by any type of engine or motor located within the hull, and has a sharp bow as seen in plan view.

§ 69.19-7 Explanation of dimensions and measurements for single hull vessels.

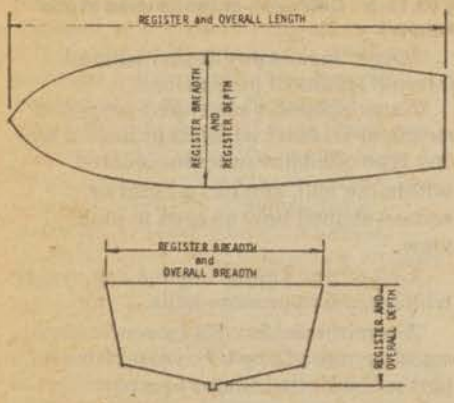
(a) The *"Register length," "Register breadth,"* and *"Register depth,"* are defined in this subpart as the vessel's overall length (L), overall breadth (B), and overall depth (D). The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure No. 1)

(b) *"Overall length"* is the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(c) *"Overall breadth"* is the horizontal distance, excluding rub rails, from the outside of the hull (outside planking or plating) on one side to the outside of the hull on the other, taken at the widest part of the hull.

(d) *"Overall depth"* is the vertical distance taken at or near midships (midpoint of the length) from a line drawn horizontally through the uppermost edges of the sides of the hull (excluding the caprail, trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull.

(1) Overall depth of a sailing vessel constructed of a plastic material, the keel of which is covered by the skin will be limited to 75% of the overall depth.



DETAILS OF REGISTER AND OVERALL DIMENSIONS
Figure 1.

§ 69.19–9 Explanation of dimensions and measurements for catamaran (multi-hull) vessels.

(a) Register Length of a catamaran (multi-hulled) vessel in this subpart is the overall length of the vessel's longest hull. The dimensions as measured are rounded off to the nearest tenth of a foot.

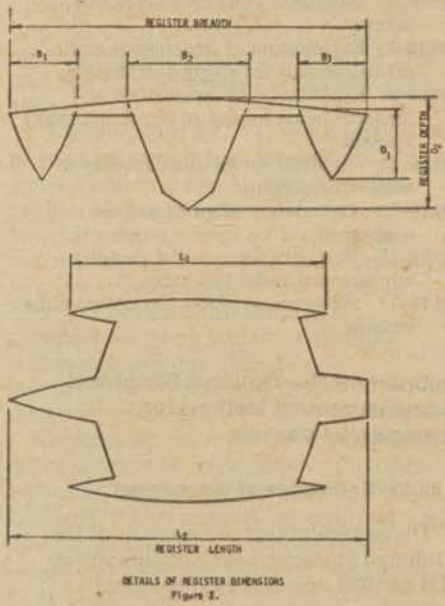
(1) An overall length is required for each hull for tonnage computation purposes in accordance with criteria for single hull vessels in § 69.19–7(a). (See figure No. 2)

(b) Register breadth of a catamaran (multi-hulled) vessel in this subpart is the total breadth of the vessel at its widest point (excluding rubrails, etc.). This breadth is measured transversely from the outer side of the outboard hull on one side to the outer side on the outboard hull on the opposite side. The dimensions as measured are rounded off to the nearest tenth of a foot.

(1) Overall breadths for each hull of multi-hulled vessels must be separately measured in accordance with criteria for single-hulled vessels in § 69.19–7(c). Where the inboard sheer of the outer hull is obscured by the deck, the line of the inboard side of that hull is projected to a point on the deck and the breadth is taken between the point and the outboard sheer at the widest part of the hull. If both sheer lines are obscured, then the lines of both hull sides will be projected to the deck and a breadth will be taken between those points. The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure no. 2)

(c) Register Depth of a catamaran (multi-hulled) vessel will be the overall depth of the deepest hull (excluding trunks, cabins, or deckhouses). The dimensions as measured will be rounded off to the nearest tenth of a foot.

(1) An "Overall depth" must be measured for each hull. This dimension is the vertical distance taken at or near midships of that hull from a line drawn horizontally through the uppermost edges of the hull or at the sheer on the deck to the outboard face of the bottom skin of the hull (excluding the caprail, trunks, cabins, or deckhouses). (See figure no. 2)



DETAILS OF REGISTER DIMENSIONS
Figure 2.

§ 69.19–11 Application for admeasurement under this subpart.

(a) An owner, master or agent of a vessel which meets the requirements of section 69.19–3 of this subpart may apply by letter to the nearest Coast Guard Marine Inspection Office or Marine Safety Office for admeasurement. The letter application must include the following information:

(1) Vessel name;

(2) Means of propulsion (oil, gas, steam, etc.), and specify inboard, outboard or none;

(3) Name and location of builder;

(4) Date of build;

(5) Type of vessel (towboat, barge, trawler, etc.);

(6) Vessel hull number, serial number, or model number, if any;

(7) Official number, state or Coast Guard number, if any;

(8) Overall length, overall breadth, and overall depth (Dimensions will be stated on the application in feet and inches or in feet and decimal fractions of feet to the nearest tenth of a foot.);

(9) Sketches of the hull (not necessarily to scale) in plan, profile, and cross section views, showing the required dimensions;

(10) Location of the vessel documentation office where the vessel will be documented; and

(11) Name and address of owner.

(b) The letter must contain a statement that the information and dimensions are true and accurate. The letter must be signed by the owner, master or agent.

Note.—Under the provisions of 18 U.S.C. 1001, any person making a false or fraudulent statement in an application may be fined up to $10,000 or imprisoned for up to five years, or both.

(c) After the application has been processed, a notice of approval or disapproval of the application will be forwarded to the owner, master or agent.

§ 69.19–13 Calculation of gross and net tonnages.

(a) The following formulae will be used to calculate gross and net tonnages of all vessels measured under this subpart.

Vessel type	Formulae for gross tonnage (GT)	Formulae for net tonnage (NT)
(1) Sailing vessel, internally powered.	(LBD)/100×.50=GT	GT×.90=NT.
(2) Ship-shaped, self-propelled.	(LBD)/100×.70=GT	GT×.80=NT.
(3) Barge-shaped, self-propelled.	(LBD)/100×.83=GT	GT×.80=NT.
(4) Catamaran:*.		
a. Sail, with internal power.	$\frac{(\text{Sum of hulls}) \times .50 = GT}{100}$	GT×.90=NT.
b. Internally powered no sail.	$\frac{(\text{Sum of hulls}) \times .70 = Gr}{100}$	GT×.80=NT.
(5) Barges.....	(LBD)/100×.84=GT	GT=NT.

*To compute the gross tonnage of a catamaran, the block volumes (L×B×D) of all hulls are added together, the sum of which is divided by 100 and then multiplied by the proper coefficient.

(b) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

(c) Vessels which employ outboard power units or which have no internal power for propulsion will have the same gross tonnage and net tonnages.

§ 69.19-15 Readmeasurement of vessels admeasured under this subpart.

(a) A vessel admeasured under this subpart may be readmeasured under the formal admeasurement systems in subparts 69.03 through 69.15 upon application by the owner, master or agent.

(b) Admeasurement under this subpart will not support an application for a registry and a vessel must be admeasured or readmeasured under the formal systems of subparts 69.03 through 69.15 if a registry is required.

(c) A vessel shall be readmeasured if it is physically altered so that its gross or net tonnage is affected;

(d) A vessel admeasured under this subpart which is subsequently to be documented as a pleasure vessel may be readmeasured under subpart 69.17 or under subparts 69.03 through 69.15.

(e) A vessel admeasured under the formal measurement systems (subparts 69.03 through 69.15), which meets the requirements of 69.19-3 may be readmeasured under this subpart at the request of the owner, master or agent.

(f) A vessel previously admeasured under subparts 69.03 through 69.15 is not required to be readmeasured under this subpart to obtain another document.

(g) In cases of dispute the Coast Guard reserves the right to verify the dimensions of vessels measured under this subpart.

§ 69.19-17 Assignment of like tonnages to like vessels.

(a) When one vessel which is representative of a designated class, model, or type has been admeasured under the optional simplified method, the resulting tonnages may be assigned to identical vessels of the same designated class, model or type.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-1024 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-873; RM-4003]

FM Broadcast Stations in Dyersville, Iowa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 257A to Dyersville, Iowa, in response to a petition filed by Dyersville Broadcasting Service, Inc. the assignment could provide Dyersville with a first local FM service.

DATES: Comments must be filed on or before February 16, 1982, and reply comments on or before March 3, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Dyersville, Iowa), BC Docket No. 81-873, RM-4003.

Adopted: December 14, 1981.

Released: December 29, 1981.

1. A petition for rulemaking was filed by Dyersville Broadcasting Service, Inc. ("petitioner") seeking assignment of Channel 257A to Dyersville, Iowa, as that community's first FM assignment. The assignment can be made with a site restriction, as noted *infra*, to conform with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. Petitioner states that it will apply for the channel, if assigned.

2. Dyersville (population 3,825) [1] is located along the border between the Counties of Delaware (population 18,933) and Dubuque (population 93,745), approximately 72 kilometers (45 miles) northeast of Cedar Rapids, Iowa. It presently has no local aural service.

3. Petitioner states that during the period 1960-1970, Dyersville's population increased 22 percent, and further increased by 11.3 percent during the last decade. According to petitioner, this trend is expected to continue due largely to the industrial expansion in the area. Further, it asserts that Dyersville has its own government unit, municipal services, a library, educational and financial institutions, health care accommodations, social organizations, and recreational facilities. Additionally, it advises that the community is well-served by a multiplicity of transportation services and indicates the availability of one weekly newspaper, providing the only source of local media to its residents. Petitioner asserts that the community's economy is largely supported by several manufacturing industries and commercial employers, although agricultural activities also add to its economic base.

4. Petitioner notes that the closest broadcast facility to Dyersville is a 10-watt FM translator station located approximately 20 miles away in Manchester, Iowa, rebroadcasting the signal of an Independence, Iowa, station, some 40 miles distant. It adds that the signal of the translator station is not receivable at Dyersville, and reception of the parent station is difficult at best. Further, it adds that the nearest community with broadcast service is Dubuque, Iowa, approximately 40 kilometers (25 miles) away. However, it advises that signal reception therefrom is frequently marginal in its community due to the hilly terrain between the two areas.

5. Petitioner submitted an engineering study indicating that the proposed assignment of Channel 257A to Dyersville, Iowa, would not cause unacceptable preclusion in the area. However, we need not consider the preclusive impact for a first Class A channel allocation request. See, Policy Statement to Govern Requests for Additional Assignments, 8 F.C.C. 2d 79 (1967). As petitioner acknowledges, this proposal will require a transmitter site restriction of approximately 11 kilometers (6.6 miles) southwest of Dyersville to avoid short-spacing on the co-channel to Station WDMP, Dodgeville, Wisconsin.

6. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows for the community listed:

[1] Population figures herein are extracted from the 1980 U.S. Census, unless otherwise noted.

City	Channel No.	
	Present	Proposed
Dyersville, Iowa		257A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before February 16, 1982, and reply comments on or before March 3, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making, to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154,303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-873 RM-4003]

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever question are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule-making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply of comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be availble for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 82-970 Filed 1-13-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-917; RM-3838]

FM Broadcast Station in Brewer, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 293 to Brewer, Maine, and modify the license of Station WGUY-FM to specify operation on Channel 293. This action is taken at the request of Stone Communications, Inc., the licensee of Station WGUY-FM. If adopted, the channel could provide first FM service to a substantial population in central Maine.

DATES: Comments must be filed on or before February 19, 1982, and reply comments must be filed on or before March 8, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Brewer, Maine) BC Docket No. 81-917, RM-3838.

Adopted: December 24, 1981.

Released: January 5, 1982.

1. A petition for rule making,[1] submitted by Stone Communications, Inc. ("petitioner"), requests the substitution of Channel 293 for Channel 265A at Brewer, Maine, and modification of the license of Station WGUY-FM, Brewer, to specify operation at Channel 293.[2] Oppositions to the petition were submitted by Penobscot Broadcasting Corporation ("Penobscot"), and Tanist Broadcasting Corporation ("Tanist")[3] to which petitioner replied.

[1] *Public Notice* of the petition was given February 10, 1981, Report No. 1269.

[2] Petitioner also requests two channel substitutions at Ellsworth, Maine. However, because of actions taken in BC Docket No. 81-168, regarding channel assignments to Lewiston and Ellsworth, Maine, the channel substitutions requested by petitioner are no longer necessary. *See,* Further Notice of Proposed Rule Making in Docket No. 81-168, adopted December 14, 1981.

[3] A "conditional" opposition to the petition was submitted by Robert Harris, proponent of an assignment to Skowhegan, Maine, in Docket 81-168. By our action in the First Report and Order in Docket No. 81-168, adopted November 2, 1981, we assigned Channel 261A to Skowhegan. Therefore, Harris' conditional opposition to the Brewer proposal is moot.

2. Brewer (population 9,300) [4] in Penobscot County (population 125,393), is located approximately 96 kilometers (60 miles) northeast of Augusta, Maine, and is adjacent to Bangor, Maine. Brewer is presently served by FM Station WGUY–FM, which is licensed to petitioner.

3. In support of its proposal, petitioner asserts that the assignment of a Class C channel [5] to Brewer is necessary to provide a much needed service to all of Penobscot County. Petitioner states that if Station WGUY–FM is allowed to operate on Channel 293, it would result in additional aural service to 129,542 persons in an area of 5,223 square miles. Petitioner avers that if the Commission assigns Channel 293 to Brewer and modifies Station WGUY–FM's license, as requested, Station WGUY–FM will commence operation on Channel 293 as soon as possible. Finally, petitioner states that granting the petition would not create any prohibited contour overlap with its stations in Rumford, Maine, because the Rumford stations have been sold—subject to Commission approval.

4. Penobscot, licensee of Station WPBC–FM, Bangor, Maine, opposed the petition as a "blatant attempt to achieve the same result that the Commission explicitly rejected less than three years ago" in *Brewer, Maine,* 40 R.R. 2d 1123 (Broadcast Bureau 1977) (refusing to assign a Class B channel to Brewer), and 42 R.R. 2d 1148 (Broadcast Bureau 1978) (assigning Channel 265A to Brewer). Penobscot charges that the assignment of a Class C channel to Brewer no more complies with the Commission's assignment policies than did the assignment of a Class B channel in 1978. Penobscot notes that Class C channels are traditionally reserved for assignment to cities larger than Brewer, and that petitioner has presented no special considerations which would persuade the Commission to depart from its traditional policy. In this regard, Penobscot observes that petitioner has not provided any Roanoke Rapids [6] data to show whether the proposed assignment would provide new first and second service to unserved and underserved areas. Penobscot also points out that this proposal is but another effort by petitioner to serve the city of Bangor, Maine, instead of Brewer. According to Penobscot, petitioner currently operates Station WGUY–AM from its main studio in Bangor, not Brewer. Also, Penobscot notes that petitioner's pending applications for renewal of its licenses for Station WGUY–FM, Bangor, and WGUY–FM, Brewer, contain "absolutely identical" ascertainment studies for both communities. Finally, Penobscot states that petitioner has presented no information indicating that its present Class A operation is inadequate to serve Brewer or that the proposed Class C station is necessary to improve service to Brewer.

5. Tanist also states in its opposition that petitioner has made no showing of special considerations which would justify assigning a Class C channel to a community the size of Brewer. Citing Mountain Home, Arkansas, 47 R.R. 2d 762, 763 (Broadcast Bureau 1980), Tanist avers that to move a Class C channel to a city the size of Brewer, it is essential that a petitioner show that it would provide a significant first and second FM service. In this instance, Tanist points out that petitioner has merely provided figures with respect to additional populations which would receive service. Tanist also questions whether petitioner can implement its proposal to construct a 500 foot guyed tower due to FAA and environmental impact considerations. For these reasons, Tanist concludes that the petition should be denied.

6. In reply to the oppositions of Penobscot and Tanist, petitioner submits an engineering statement which purports to show that its proposed Class C operation would provide a first nighttime service to 7,364 persons in a 1,004 square mile area, and a second nighttime service to 20,247 persons in a 2,015 square mile area Petitioner's reply comments fail to address the additional issues raised by Penobscot and Tanist.

7. Preclusion Study—The assignment of Channel 293 to Brewer will cause preclusion on Channels 292A, 293, 294, and 296A. Petitioner submitted a preclusion study which indicates that only three communities with populations over 2,500, currently without an FM assignment, are located within the area of preclusion.[7] According to the petitioner, alternative channel assignments are available for those three commmunities.

8. Although we have serious misgivings about the proposal, we have determined that it should be presented for further comments. As both Penobscot and Tanist correctly note, the Commission generally does not assign a Class C channel to a community the size of Brewer absent some countervailing factor. In this case, petitioner indicates that assigning the Class C channel would provide first nighttime service to over 7,000 persons, and second nighttime service to over 20,000 persons. Such a showing in the past has been sufficient justification for making a Class C assignment to a small community. However, our review of petitioner's study shows that petitioner did not take into account the full effect of Station WTOS (Channel 286) in Skowhegan, Maine. Station WTOS has operating parameters of 50 kW at 2420 feet. According to the Commission's F (50,50) curves, WTOS' 60 dBu contour should extend approximately 56 miles. This factor could drastically reduce petitioner's service figures. Petitioner should therefore recompute its first and second service showings based on the authorized facilities of Station WTOS.

9. Several other issues deserve further explanation by petitioner. In its preclusion study, petitioner lists only those communities having a population over 2,500. Although the Commission occasionally accepts preclusion information based on the assignment's effects on cities having a population greater than 2,500, the normal practice is to consider the preclusive impact of an assignment on all communities with populations over 1,000. We feel this more inclusive procedure is particularly appropriate in this instance due to the other concerns we have with the proposed assignment. Therefore, in its comments, petitioner should submit additional preclusion information with respect to affected communities with populations over 1,000. Finally, petitioner should address the contentions made by Penobscot that it is seeking the Class C channel to serve the larger city of Bangor rather than Brewer.

10. Presently, no other party has expressed an interest in the proposed Class C channel at Brewer. Therefore, as requested by petitioner, we are proposing to modify the license of Station WGUY–FM to specify operation on Channel 293. However, in accordance with Commission policy as expressed in Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976), should another interest in the assignment be expressed, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

11. An Order To Show Cause to the petitioner is not necessary because consent to the modification of its license

[4] Population figures are taken from the 1980 U.S. Census.

[5] The city of Brewer itself is located in an area of the country to which Class C channels may not be assigned. However, petitioner specifies a transmitter site approximately 25 miles north of Brewer, which is an area in which Class C stations may operate. *See* §§ 73.202(a) and 73.205 of the Commission's rules.

[6] 9 F.C.C. 2d 672 (1967).

[7] The listed communities are Dexter Center, Orono Center, and Old Town City.

is indicated by its request for the Class C channel.

12. Because Brewer is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment requires coordination with the Canadian Government.

13. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Brewer, Maine	265A	293

14. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

15. Interested parties may file comments on or before February 19, 1982 and reply comments on or before March 8, 1982.

16. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See*, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

17. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-917, RM-3838]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-909 Filed 1-13-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection Act Violations; Notice of Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, who had been charged with violations of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

1.Dwayne Elliott, Marion, North Carolina.

Dwayne Elliott has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year running from November 24, 1981, through November 23, 1982.

2. Tommy Lyle, Knoxville, Tennessee.

Tommy Lyle has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 15 months running from December 1, 1981, through February 28, 1983.

3. Earlene Lyle, Knoxville, Tennessee.

Earlene Lyle has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 15 months running from December 1, 1981, through February 28, 1983.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states that a person may be disqualified from "showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to civil penalty of not more than $3,000 for each violation * * *"

This will serve as notification to the general public and the horse industry that Dwayne Elliott, Tommy Lyle, and Earlene Lyle have been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act which would subject the violator to the penalties indicated therein.

Done at Washington, DC, this 8th day of January 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-963 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on February 26, 1982, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on February 27, 1982, in the Conference Room of the Forest Supervisor's Office, Carson National Forest, Cruz Alta Road, Taos, New Mexico.

The purpose of the meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meetings will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758-2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or during the meetings.

Dated: December 23, 1981.

William B. Clarke,

Acting Forest Supervisor.

[FR Doc. 82-929 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-11-M

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 1:00 p.m., February 8, 1982, at the U.S. Forest Service Office, 2517 S. W. Hailey Avenue in Pendleton, Oregon. The purpose of the meeting is to develop the Forest's 1983 Range Improvement Program and review the progress on the 1982 program.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office at 2517 S. W. Hailey Avenue, Pendleton, Oregon, 97801, or call 276-3811, ext. 415. Written statements may be filed with the Forest Service before or after the meeting.

The established rules for public participation are that a time period will be set up for the public to participate. Time limits may be set on individual public participation.

John E. Lowe,

Forest Supervisor.

January 4, 1982.

[FR Doc. 82-972 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-11-M

CIVIL RIGHTS COMMISSION

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on February 9, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to discuss affirmative action in the private sector; civil rights developments in Massachusetts in 1981; and fair housing in Boston.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-940 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on January 28, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to plan for the study of affirmative action in the private sector.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusets, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-941 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m., and will end at 9:00 p.m., on January 21, 1982, at the Howard Johnson Downtown, 231 Michigan Avenue, Detroit, Michigan, 48226. The purpose of this meeting is to review the status of current projects, and discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Howard Rienstra, 1225 Thomas, S.E., Grand Rapids, Michigan, 49506, (616) 949–4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-944 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m., and will end at 8:30 p.m., on January 27, 1982, at the Norris McGaughlan, 1081 Route 22, Sommerville, New Jersey. The purpose of this meeting is to discuss program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey, 07060, (212) 572–7577 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, New York 10278, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-942 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 3:30 p.m., on January 27, 1982 at the Edgar Brown State Office Building, 1205 Pendleton Street, Room 415, Columbia, South Carolina, 29201. The purpose of this meeting is to orientate the new members; review draft SAC report on Voting Rights Act; and discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the committee, should contact the Chairperson, Oscar P. Butler, P.O. Box 1702, South Carolina State College, Orangeburg, South Carolina, 29117, (803) 536–7040 or the Southern Regional Office, Citizens Trust Bank Building, 74 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-943 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 4:00 p.m., on January 22, 1982, at the Kings Inn Motel, in the Tower Room, 220 South Pierre, Pierre, South Dakota, 57501. The purpose of this meeting is to orientate new members, and to review the status of current Committe activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marvin Amiotte, Oglala Sioux Tribe, Box 1053, Pine Ridge, South Dakota, 57770, (605) 867-5140 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the rules and Regulations of the Commission.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-945 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01--M

DEPARTMENT OF COMMERCE

International Trade Administration

Prestressed Concrete Steel Wire Strand From Spain; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination of prestressed concrete steel wire strand (PC strand) from Spain is being postponed, and we intend to issue it not later than April 2, 1982.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377–1279.

SUPPLEMENTARY INFORMATION: On December 2, 1981, we announced our initiation of a countervailing duty investigation to determine whether the government of Spain is giving its producers and exporters of PC strand certain benefits that are bounties or grants (46 FR 58543). The notice stated that we would issue a preliminary determination by January 29, 1982.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges various subsidy programs that the government of Spain provides to producers and exporters of PC strand. The alleged subsidy practices are numerous and raise complex issues. Moreover, it is difficult to determine the extent of utilization of the programs by the various firms. We have determined that the Spanish government and the other parties concerned are cooperating and that additional time is necessary to make the preliminary determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1) (B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue a preliminary determination not later than April 2, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

January 8, 1982.

[FR Doc. 82-964 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committe Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: February 1, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: January 11, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-991 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-25-M

Advisory Committee on East-West Trade; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the Communist countries.

TIME AND PLACE: January 28, 1982, 9:30 A.M.—3:30 P.M., U.S. Department of Commerce, Washington, D.C.

AGENDA: (Entire Meeting in Executive Session)

(1) Review of U.S.–PRC Economic/Political Relations.

(2) Review of Political/Economic/Financial Situation in Poland and Implications for East-West Trade.

(3) Committee Views on U.S. Policy on Trade with the Soviet Union and Eastern Europe.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 7, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the January 28, 1982 meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the agenda items to be discussed will be concerned with matters in 5 U.S.C. 552b (c)(1) and (9)(B); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 C.F.R. 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to

significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determiniation to close the aforementioned portion of the January 28, 1982 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377–4217.

FOR FURTHER INFORMATION CONTACT:

Ronald G. Oechsler, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–5896.

Dated: January 11, 1982.

Eugene K. Lawson,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 82-1033 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Statement of Organization, Practices and Procedures

Pursuant to Section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The North Pacific Fishery Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 11858 on March 1, 1977. The revised document is published below.

Dated: January 11, 1982.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

National Oceanic and Atmospheric Administration North Pacific Fishery Management Council; Statement of Organization, Practices, and Procedures

The North Pacific Fishery Management Council, created by section 302(a)(7) of the Magnuson Fishery Conservation and Management Act (the Act), hereby publishes a revised Statement of Organization, Practices, and Procedures (SOPP), as required by section 302(f)(6) of the Act. This is the first revision of the SOPP published in the **Federal Register** March 1, 1977 (11858–11862). This revised SOPP for carrying out the Council's functions under the Act was adopted by the Council during its public meeting held on April 23–24, 1981. Copies may be obtained by writing the Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, AK 99510. The Council's permanent offices are in Suite 32, Post Office Mall Building, 333 West Fourth Avenue, Anchorage, Alaska; telephone (907) 274–4563.

The Council's geographic area of authority includes the fisheries in the Fishery Conservation Zone (FCZ) of the Arctic Ocean, Bering and Chukchi Seas, and Pacific Ocean seaward of Alaska. The states of Alaska, Washington, and Oregon are represented on the Council.

Purpose

1. The Council will prepare and submit to the Secretary of Commerce (Secretary) or his delegate a fishery management plan with respect to each fishery requiring conservation and management within its geographic area of authority and, from time to time, such plan amendments as are necessary.

2. The Council will prepare comments on any application for foreign fishing transmitted to it under a governing international fishery agreement by the Secretary of State under the terms of the Act.

3. The Council will prepare comments on any fishery management plan or amendments thereto prepared by the Secretary which are transmitted to it under section 304(c)(2) of the Act.

4. The Council will conduct public hearings, at appropriate times and in appropriate locations in the Council's membership area to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments thereto, and with respect to the administration and implementation of the provisions of the Act;

5. The Council will submit to the Secretary to a report before February 1 of each year on the Council's activities during the preceding year, and shall submit such other periodic and relevant reports as the Council or the Secretary deem appropriate.

6. The Council will review on a continuing basis, and revise as appropriate, the assessments and specifications contained in each fishery management plan for each fishery within its geographical area with regard to:

a. The present and probable future conditions of the fishery;

b. The maximum sustainable yield from the fishery;

c. The optimum yield from the fishery;

d. The capacity and the extent to which fishing vessels of the United States will harvest the optimum yield on an annual basis;

e. The portion of such optimum yield on an annual basis which will not be harvested by fishing vessels of the United States and can be made available for foreign fishing.

7. The Council will conduct any other activities which are required by or provided for in the Act or which are necessary and appropriate to the foregoing functions.

8. The Council expects to participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters, including the allocation of fishery resources to other nations within its area of authority.

Council Composition

The North Pacific Council has 11 voting members and four non-voting members.

The voting members of the Council shall be:

1. The principal state officials with marine fishery management responsibility in the states of Alaska, Washington, and Oregon, or the designee of such officials;

2. The Regional Director, Alaska Region, of the National Marine Fisheries Service, or his designee; and

3. Five members shall be appointed by the Secretary from the State of Alaska and two from the state of Washington.

The non-voting members of the Council shall be:

1. The Regional Director of the U.S. Fish and Wildlife Service, Alaska Region, or his designee;

2. The Commander, Seventeenth Coast Guard District, or his designee;

3. The Executive Director of the Pacific Marine Fisheries Commission, or his designee;

4. A representative of the Department of State.

Officers and Terms of Office

A Chairman and a Vice-Chairman are elected from the voting members of the North Pacific Council; both officers serve for a period of one year and may succeed themselves.

Staff

1. *Composition.* The staff of the Council shall be comprised of an

Executive Director, Deputy Director, Administrative Officer, Plan Coordinators, Economist, Executive Secretary, and other staff as necessary.

2. *Function.* The staff is responsible for administration and execution of Council operations. Functions include coordination of fishery management plan development and maintenance; preparation of Council reports, statements, and correspondence; financial management, budget preparation, and procurement; record keeping; meeting logistics; and other administrative activities.

Employment Practices

The Council is an equal opportunity employer in full compliance with federal requirements for non-discrimination. Council staff positions are filled solely on the basis of merit, fitness, competence, and qualifications.

1. In setting rates of pay for Council staff, the principle of equal pay for substantially equal work shall be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

2. Employees of the Council shall be granted paid leave for holidays, vacations or exigencies, sickness, and civic duties (jury, military reserve obligations) as determined by the Council.

3. The Council shall provide its employees group health insurance, life insurance, and retirement plan under the State of Alaska Public Employee System.

4. *Development*—Employees will be entitled to promotions and associated pay raises solely on the basis of merit and performance. The Executive Director, acting for the Council, shall conduct performance reviews at least once a year with each Council employee and will approve promotions and raises based on the employee's performance, length of service, or special accomplishments. Pay raises for the Executive Director are to be established by the Council upon recommendation of the Finance Committee. Career development, including formal training, will be supported by the Council when directly beneficial to both the employee and the Council staff.

5. *Conditions of Employment.* All staff employees serve at the pleasure of the Council. The Executive Director may be dismissed by the Council and other staff employees may be dismissed by the Executive Director acting for the Council.

Standards of Conduct

The Council and its staff shall maintain high standards of ethical conduct. These standards include the following principles:

1. No employee of the Council shall use his or her official authority or act in the name of the Council for the purpose of influencing the result of an election to or a nomination for any public elective office.

2. No employee of the Council shall be deprived of employment, position, work, or compensation made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

3. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining a Council decision or for any person, any appointive office, place or employment under the Council.

4. No employee of the Council or member of Plan Development or Maintenance Teams shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties. Council members with a direct or indirect financial interest shall insure that it not conflict with the fair and impartial conduct of his or her Council duties.

5. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council employment which has not been made available to the general public.

6. No Council member or employee of the Council shall use Council property improperly or on other than official business.

Standing Committees of Council Members

The North Pacific Council has established one standing committee of Council members.

Inter-Council Salmon Coordinating Committee. The Inter-Council Salmon Coordinating Committee has been established to coordinate salmon management plan development in the North Pacific and Pacific Council areas of jurisdiction. It consists of three representatives from each Council with the members from the North Pacific Council appointed by the Chairman and serving at his pleasure. The Committee shall meeet as required at the request of either Council Chairman.

Meetings

The North Pacific Council shall meet in the State of Alaska at the call of the chairman or upon the request of the majority of its voting members. Meetings will normally be held during the fourth week of the month.

1. *Location.* Council meetings will be held in various communities in Alaska and the locations and dates of meetings will be advertised well in advance in state-wide and local news media.

2. Agendas for Council meetings will be published in the **Federal Register.** Draft agendas shall be furnished to all Council, Committee, and Panel members at least three weeks prior to regular meetings and will be available to the general public for two weeks prior to a regular meeting.

Minutes

Detailed minutes will be taken for all Council meetings. Council meetings will also be tape recorded. The Council will distribute as soon as possible after adjournment a newsletter summarizing Coucil meeting actions. Meeting minutes, tape recordings, summaries of Advisory Panel and Scientific and Statistical Committee meetings, and written material distributed at the meetings will be available for study at the Council headquarters.

General Rules of Procedure

Generally, parlimentary procedure will be used in the conduct of the meetings. Agreement among Council members can be reached by consensus and non-voting members are expected to take part in all discussions and indicate their opinions on all specific issues. Those matters pertaining to the approval or disapproval of a fishery management plan or amendment, including proposed regulations, or comments for the Secretary on foreign fishing applications, or Secretarially-prepared management plans, require a vote.

Closed sessions of the Council will be held only when the Council is discussing personnel matters not properly conducted in public or discussing matters of a confidential nature requiring a formal security clearance.

1. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more voting members designated by the Council Chairman may hold hearings.

2. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

3. The Council shall conduct all meetings within Alaska, except meetings with other Councils when inter-Council resources are concerned. Hearings may be held in any of the member states.

4. Members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

Authority of the Chair

The Chairman, or in his absence the Vice-Chairman, of the North Pacific Council has authority to convene and adjourn meetings and public hearings and designate members of the Council, Scientific and Statistical Committee, and Advisory Panel to attend meetings and public hearings. He will control meetings and hearings by recognizing speakers, establishing the order of business, and designating members of the Council and its Advisory bodies as members of committees and working groups. The Chairman certifies the minutes of the meeting as complete and accurate before they are available to general distribution.

Hearings

Public hearings will be held in communities of the member states of the Council. They will be advertised in advance in the **Federal Register** and local news media. Agenda and subject matter will be available at the Council office in Anchorage at least one week prior to the hearings.

Advisory Bodies

The North Pacific Fishery Management Council has established a Scientific and Statistical Committee comprised of 11 members from the fields of biology, economics, statistics, and the social sciences appointed by the Council and serving at the pleasure of the Council, and an Advisory Panel of 25 members from the full spectrum of the fisheries field including fishermen and others based on a diversity of interests from the standpoint of geography, association with specific fisheries, etc.

Scientific and Statistical Committee

The Committee shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director.

Function. At the direction and with the approval of the Council designates the members and structure of management plan development teams, reviews management plans and other material at the request of the Council and advises the Council on them, identifies areas for the Council where further data is needed to complete or improve management plans. Advises the Council on ways to proceed in areas relevant to the scientific and statistical matters or in areas in the bio-socio-economic fields, prepares specific statements for the Council in response to questions or requests from them.

Advisory Panel

The Advisory Panel shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director.

Function. The Advisory Panel offers to the Council on a continuing basis advice on the assessments and specifications contained in each fishery management plan for each fishery within the Council's geographic area of concern. The Panel's major expertise concerns the capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in fishery management plans, the effect of such fishery plans on local economies and social structures, and potential conflicts between user groups of a given fishery resource.

Advisory Panel members serve for two years with the terms beginning at the December Council meeting of even years. Members may succeed themselves. Panel members are chosen by the Council from a list of nominees submitted by all interested persons and groups on the basis of their experience and expertise in various facets of fisheries in the North Pacific. The Council will attempt to appoint as broad a spectrum of interests as is possible, including the various fisheries around Alaska, commercial, sport, and subsistence, catching, processing, sales, consumerism, and general interest.

Persons wishing to serve on the Advisory Panel may submit their names with a short resume through the Executive Director. A list of nominees will be kept in the Council headquarters. The Council Chairman shall have authority to fill interim vacancies on the Advisory Panel from the list of nomines subject to confirmation by the Council at the next regular meeting.

The Advisory Panel meets as a body at the call of the Council Chairman, usually one day before regular Council meetings. Members may attend Council meetings to advise the Council with particular reference to the socioeconomic implications of management plans. Panel members may attend all public hearings on fishery management plans and amendments in which they have an interest with the approval of the Chairman or Executive Director prior to travel to attend a public hearing.

The Council will reimburse Advisory Panel members for expenses incurred by attendance at meetings and hearings to the normal limit for official travel.

The Panel will set up such workgroups as the Chairman of the Panel and the Council deem necessary to carry out the Panel's duties. All members of such workgroups will be appointed from the membership of the Advisory Panel.

Plan Development Teams (PDT)

Management plan teams will be organized for each fishery management unit identified by the Council. Team members will be selected from State and Federal conservation agencies, universities, and private institutions or individuals known to possess specific knowledge or expertise considered desirable in the preparation of management plans. The Scientific and Statistical Committee will submit to the Council a list of recommended members, participating agencies, or institutions. The Council will confirm the composition of the team. Following guidance from the Council concerning the general objectives and scheduling of plan preparation, the team will organize the plan and its contents in accordance with a standard outline. Scientific inputs to the plan will be drawn from any relevant data source, including oral testimony. The Team Chairman will insure that the best available data are analyzed and used in draft plans.

The Chairman will distribute tasks among its members and, through the Council plan coordinator, will be responsible for scheduling meetings, typing and reproducing preliminary drafts, and coordinating the activities of the Team. The draft plan should reflect a consensus view of the Team members. During plan development the Team may seek assistance from other sources and the Scientific and Statistical Committee will propose a list of specialists the Team may contact. The Team Chairman is also free to contact any other outside sources that may be helpful in plan preparation.

Conduct of Plan Development Team Meetings

The Executive Director, on the advice and recommendation of the Plan Development Team leader, may schedule Team meetings as closed sessions to be attended only by members of the Team, or as open sessions which any interested person may attend. At the discretion of the

Chairman, the PDT may allow testimony or invite participation by attendees at open meetings.

It is expected that closed sessions will only be necessary in the first stages of plan or amendment preparation; and that as soon as practical thereafter open sessions will be held in participation with the appropriate plan subgroups from the Council, Advisory Panel, and SSC to discuss the rationale and need for the Team proposals, the data base from which they are derived, and the expected results of those proposals. Those open sessions will also serve as a forum for the aforementioned subgroups, interested user groups, and public to recommend possible alternatives to the proposals and submit additional data and recommendations to the PDT.

Open Plan Development Team meetings will be advertised through the Council's mailing list and, where appropriate, in the local news media.

Plan Maintenance and Management Teams

Actual plan maintenance and management will be accomplished through the agencies, Council advisory bodies, the Council, and Board of Fisheries with input from the affected public. A Plan Maintenance Team (PMT) will be formed primarily to identify individuals responsible for coordinating the needed input to the Council at the appropriate times. One member will be designated as leader to provide a primary contact.

The PMT will accept responsibility for coordinating the FMP process once the Plan has been implemented. This will be smaller and consist primarily of NMFS, Council and State scientists.

The PMT will, for example, coordinate the following tasks: fishery and resource status updates; review of management objectives; appraisals of management regimes' effectiveness in achieving the objectives; FMP amendments; introduction of agency-proposed management changes with rationales and potential impacts; evaluation of proposals introduced by the public; screening of proposals and documents for relevance to appropriate bodies; and so on.

The PMT is a coordinating body which cannot be expected to actually perform all of the tasks associated with FMP maintenance. The PMT will be dependent on agencies' commitments of resources to accomplish their tasks, often on a case by case basis.

Administrative Management System

Office of Management and Budget Circular No. A–110 provides uniform administrative requirements applicable to the North Pacific Fishery Management Council, including standards for financial management, financial reporting, property management, and procurement. The Council will operate in full compliance with these standards.

Financial Management System

Procurement/Property Management System—Management of this system will be a direct responsibility of the Staff Administrative Officer.

1. *Contracts*—Negotiated and advertised contracts will be administered under the same principles of equality and integrity outlined under the section "Employment Practices," and will generally follow the specifications normally characteristic of contracts with public entities, (e.g., public announcement, emphasis on competition, change orders, etc.).

2. *Purchases*—Commodities and services will be procured by means of a document-oriented system, with a receipt, check, or purchase order type document maintained on all transactions. Typical suspense systems will be maintained for any partial and undelivered procurements. Equipment and supplies available in the General Services Administration will usually be given primary consideration, except where cost-effectiveness and efficiency dictate otherwise. A petty cash fund for over-the-counter purchases will be maintained as necessary in the Council staff office.

3. *Property*—An accountability system of all durable or capitalized personal property will be maintained by means of an inventory system.

4. *Real Property*—The leasing, renting, and acquisition of real property and space will be effected in a manner consistent with customary practices related to contracts with public entities. Real property files will be maintained on all transactions, including litigation, connected therewith.

Fiscal Management system

The finance and budget control systems will be a direct responsibility of the Administrative Officer, who will maintain full cognizance of, and compliance with, all Department of Commerce requirements, pursuant to the Act, Treasury Department (IRS) regulations as well as any applicable local requirements (state, municipal, etc.).

1. Financial control will be effected by means of a basic document-oriented accrual accounting system, which will include provisions for ar least the following: direct labor (salary); indirect labor (emloyer contributions for FICA, life and health insurance, retirement, and unemployment taxes), travel expenses (transportation and subsistence), transportation of things, rent and utilities, taxes (non-employment), printing, communications, supplies, equipment, contracts, and any appropriate contra-accounts (contract accruals, etc.).

2. A general ledger, supported by appropriate journals, will be maintained on all obligations and expenses, including appropriate accruals, and will be used to prepare periodic reports for review by the Executive director, the Council, or Department of Commerce representatives. As a minimum, a complete financial status report should be completed on a monthly basis. The financial management system will be coordinated with the budget management system so that current and projected fund usage can be determined at any time.

3. A separate payroll register, indicating all applicable expenses and accruals, will be maintained on each member of the Council and the Council staff.

4. All financial records will be kept until audited or approved for disposal by the appropriate Department of Commerce representative.

5. Specific details related to implementing the above will, in general, correspond to the NMFS 1977 model accounting system for Regional Councils.

[FR Doc. 82–1035 Filed 1–13–82; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Western Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law. 94–265, 16 U.S.C. 1852), to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDA: (Open Meeting)—review the status of spiny lobster, billfish, and precious corals fishery management plans and review progress of a bottomfish planning document. (Closed Session)—The Council will

discuss personnel matters concerning the salaries of Council staff members and also discuss the selection of individuals to fill an economist vacancy on the Council staff.

DATES: (Open Meeting)—January 26–28, 1982 (10:30 a.m. to 5 p.m., on January 26; 1:30 p.m., to 5:30 p.m., on January 27; 9 a.m. to 2 p.m. on January 28). (Closed Session)—January 26, 1982 (8 a.m. to 10 a.m.)

ADDRESS: On January 26, 1982, the meeting will take place at the Saipan Grand Hotel, Saipan, Commonwealth of the North Mariana Islands. On January 27–28, 1982, the meeting will continue at the Pacific Islands Hotel, Tumon Bay, Guam. The meeting is open to the public.

FOR FURTHER INFORMATION: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on January 7, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. 552b(b)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: January 11, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-1034 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Electromagnetic Calibration Services; Finding of Need

AGENCY: Assistant Secretary for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of a final finding of need to accredit laboratories that provide electromagnetic calibration services.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Parts 7a, 7b, and 7c), this notice announces the Department of Commerce's final finding of need to accredit testing laboratories that provide electromagnetic calibration services. It also announces the Department's intent to develop a voluntary laboratory accreditation program (LAP) to accredit those laboratories. The basis for the final finding of need is described.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Locke, NVLAP Coordinator, Office of Product Standards Policy, Room 4709, U.S. Department of Commerce, Washington, D.C. 20230; phone: (202) 377–2054.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 1980, the U.S. Department of Commerce (DOC) published in the **Federal Register** a preliminary finding of need to accredit laboratories that provide electromagnetic calibration services (preliminary finding) (45 FR 52326–52329) based on the formal request of Dr. Bruno O. Weinschel of Weinschel Engineering, Gaithersburg, Maryland. Written comments on the preliminary finding were due on or before October 6, 1980. The Department held an informal public hearing on September 25, 1980. Eight individuals presented their views at that hearing. Besides these oral comments, 13 written statements were filed in response to the preliminary finding. The written statements and the transcript of the public hearing are available for inspection and copying in DOC's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street, between Constitution Avenue and E Street NW., Washington, D.C.

These oral and written comments have been carefully considered and analyzed. In addition, DOC reviewed the preliminary finding and the basis on which it was issued. The result of this analysis and review is a document entitled, "Summary and Analysis of Comments on the Preliminary Finding of Need to Accredit Laboratories That Provide Electromagnetic Calibration Services and Recommendations for a Final Finding of Need" ("Summary and Analysis Document"). That document, which lists the members of the public who provided oral and written comments, is available for inspection and copying at DOC's Central Reference and Records Inspection Facility mentioned above.

An analysis of the comments and the position taken by DOC on major issues raised by the comments is presented below.

Summary of Analysis of Comments on Major Issues

Scope of LAP. Sixteen respondents indicated support for a LAP covering calibration services beyond that of electromagnetic calibration services, as proposed in the preliminary finding. Their comments are summarized in the "Summary and Analysis Document."

On balance, the comments favor a calibration services LAP which is broader in scope than the LAP proposed in the preliminary finding. Some of the respondents recognized the problems of resource limitations and agreed that priorities need to be set before implementing a broader-based LAP. Considering these factors and taking into account the substantial complexity of the laboratory evaluation procedures in this particular area, DOC has decided that this LAP should remain within the scope of calibrations for electromagnetic power and attenuation measurements as proposed in the preliminary finding.

Benefit to the Public. Twelve respondents addressed some aspects of the benefits to the public that such a LAP would create. One respondent stated that participation by a laboratory in the LAP would provide an excellent form of quality control and incentive to keep up with the state-of-the-art. Another respondent stated that calibration LAPs would standardize terminology as well as insure that equipment is being calibrated to recognized national standards. Four respondents indicated that a LAP would help identify reputable calibration laboratories and help eliminate the "unscrupulous operations" which provide marginal services that, in turn, depress the fair market value of more reputable services. Three respondents indicated that a LAP would improve the quality of calibration services being offered. One respondent indicated that quality calibration services are essential to U.S. industry, productivity, and product competitiveness, and that a LAP would enhance international acceptance of U.S. products. Another respondent indicated that the Air Force has found it necessary to provide in-house audit systems (assumed by NVLAP staff to be equivalent to accreditation systems) to monitor its calibration laboratories. One respondent expressed skepticism that this LAP would help calibration laboratories keep and get new business

or help reduce the number of audits that they currently undergo.

On balance, the comments support the statements in the preliminary finding on benefits to the public. Furthermore, information provided by the respondents and identified subsequent to the preliminary finding supports the following statements which have been added to the final finding:

(1) Recognizing competent vendors of calibration services, thereby promoting equity and fair market value for these services;

(2) Reducing the number of incompetent vendors of calibration services; and,

(3) Fostering international acceptance of test results and calibrations produced by United States laboratories.

With regard to the international acceptance of test results and calibrations, discussions with laboratory accreditation system managers from other countries at the International Laboratory Accreditation Conference (ILAC) in Paris on October 27–31, 1980, indicated that rapid progress is being made by European countries to develop procedures for recognizing calibration service laboratories across national borders. In addition, representatives from India, Indonesia, Brazil, and Mexico spoke of their efforts to develop agreements for bilateral and multilateral recognition of each other's national calibration programs and ultimately of product test results. This trend could form the basis for negotiations leading to the international acceptance of test results produced by an accredited laboratory in any one of the participating countries.

NVLAP staff has held periodic discussions with representatives of other laboratory accreditation systems such as NATA (Australia's system) and TELARC (New Zealand's system) on the significance of calibration in a laboratory accreditation system. Based on these discussions DOC believes that this electromagnetic calibration services LAP will play an important role in fostering international acceptance of U.S. test data in this area.

As this LAP matures and becomes more widely recognized, more organizations should opt to use NVLAP. This is already happening with the three existing LAPs. Additionally, a number of accreditation agencies have decided to eliminate their own programs and rely on NVLAP. Further, DOD appears willing to cooperate with NVLAP and support a calibration services LAP. It is hoped that mutual recognition of the DOD and DOC programs can be arranged at some later date.

Valid Testing Methodology. Three respondents addressed the appropriateness of the two IEEE standards identified in the preliminary finding as the applicable standards and test methods to be included initially in the LAP. Discussions were held with experts at the NBS concerning the test methods to be included in this LAP. It was argued that since the state-of-the-art in microwave power and attenuation measurements is evolving rapidly and that since many valid test methods are now being used, the LAP should have the ability to recognize other test methods which can be shown to be technically suitable. DOC concurs with this view, and has added to the final finding of need an explanation that it will be receptive to changes in the existing methods, or to requests for additions to the test methods for this LAP.

The new material also explains that since the NBS enabling legislation assigns to it responsibility for the integrity of the nation's measurement system, and since NBS provides the basic reference calibrations for the nation, DOC believes that it is appropriate for NBS to review and recognize evolutionary calibration test methods (e.g., as may be identified by applicant laboratories) which are found to be adequate for NVLAP purposes in the same areas as those described in the IEEE standards for electromagnetic calibration services. Similarly, changes in the methods of test specified in those standards will be recognized if judged to be adequate by NBS persons responsible for electromagnetic calibrations. Full documentation of these evolutionary test methods or changes in the existing methods would be necessary in order to judge their acceptability. This is consistent with NVLAP's accreditation criteria addressing evidence of conformance, namely, "The laboratory shall maintain documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought." (15 CFR 7a.28(e)).

Other Considerations. Other matters required by NVLAP Procedures to be considered in determining whether to make a final finding of need are covered in general terms in the accompanying finding. A more detailed description of the comments and DOC's analysis of them appears in the "Summary and Analysis Document."

Administration of the LAP. Nine respondents provided suggestions on how a LAP for calibration services should be developed and administered. The suggestions made by these respondents will be considered by the NVLAP staff in administering the LAP. Additional details regarding these comments are addressed in the "Summary and Analysis Document."

Conlusions

In reviewing the record as a whole, DOC finds general support for this LAP on electromagnetic calibration services. The final finding of need for the LAP follows.

The next step to be taken in implementing the LAP will be to organize one or more public workshops at which the technical issues relevant to each test method will be addressed and resolved. Supplementary information will then be prepared, describing how the NVLAP criteria will be interpreted for each test method. Only when this step is completed will laboratories be invited to seek accreditation in response to a **Federal Register** notice announcing the formal establishment of the LAP.

Dated: January 11, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

Final Finding of Need

The request of Weinschel Engineering that the Department of Commerce (DOC) find that there is a need to accredit testing laboratories which provide electromagnetic calibration services has been carefully considered. Moreover, the preliminary finding issued on August 6, 1980, together with the written and oral comments submitted by interested parties in response thereto, have been carefully reviewed and analyzed. On the basis of that review and analysis, it is hereby found that a need exists to accredit testing laboratories that provide electromagnetic calibration services.

Identification of the Product

The scope of a laboratory accreditation program (LAP) established under the National Voluntary Laboratory Accreditation Program (NVLAP) is defined by the product area of the LAP. According to § 7a.3(b) of the NVLAP procedures, the term "product" means "a type or a category of manufactured goods, constructions, installations and natural and processed materials or *those associated services* whose characterization, classification or functional performance determination is specified by standards." The product for this LAP is identified as "electromagnetic calibration services"

covering calibrations of electromagnetic power and attenuation measurements.

Applicable Standards and Test Methods

NVLAP procedures require that applicable standards be identified when a LAP is established. Accordingly, the two standards and test methods of the Institute for Electrical and Electronic Engineers (IEEE) identified in the Weinschel request, entitled "IEEE Standard Application Guide for Bolometric Power Meters (IEEE Std 474–1973)" and "IEEE Standard Specifications and Test Methods for Fixed and Variable Attenuators, DC to 40 GHz (IEEE Std 470–1972)," are identified as the applicable standards in establishing this LAP.

Basis of Need

Benefit to the Public. Criteria and other requirements for accrediting laboratories under this LAP would benefit the public interest by:

(a) Providing a common basis for quantitative measures of conformance with accepted standards;

(b) Providing a mechanism and calibrations by which private sector laboratories can obtain recognition of their calibration programs equivalent to those provided to DOD laboratories;

(c) Supporting legislative requirements for tracing the accuracy of test equipment measurement in certain consumer product, worker safety, and environmental areas;

(d) Recognizing competent vendors of calibration services, thereby promoting equity and fair market value for these services;

(e) Reducing the number of incompetent vendors of calibration services; and,

(f) Fostering international acceptance of test results and calibrations produced by United States laboratories.

In order to assure the quality of its own calibration services, DOD has found it necessary to provide in-house audit systems (assumed to be equivalent to accreditation systems) for its calibration laboratories. It is apparent that DOD believes that the benefits of its audit systems outweigh the costs. There are no similar audit or accreditation systems available for both private users and for other government users of calibration laboratories. The smaller private sector users, who require infrequent and limited use of calibration services, have little guidance in selecting an appropriate calibration laboratory to meet their needs. This LAP will identify competent calibration laboratories on which smaller users can rely. DOC believes that benefits similar to those obtained by users of the DOD calibration audit systems can be secured for United States private sector calibration service users with the establishment of this LAP.

National Need. Proper calibration of measurement apparatus is the cornerstone on which the accuracy of many important measurements rest. Without properly calibrated measurement apparatus, consistently high quality test data cannot be produced. The validity and reliability of the calibration chain (i.e., traceability to national standards) must be affirmed. Thus, there is a need for a formal means of developing and recognizing competent laboratories that provide certain types of calibration services.

There are a number of organizations interested in using accredited electromagnetic calibration services. DOC believes a LAP in this area is warranted. It is estimated that there may be as many as 40 calibration laboratories which would desire accreditation in this LAP.

The National Association of Testing Authorities (NATA) of Australia considers its formal accreditation program, which covers a full range of calibration services, to be a major factor in improving the quality of testing provided by Australia's laboratories. In announcing the establishment of the British Calibration Service (BCS), the British Government stated:

> The state of measurement science and practice in a country is one of the surest signs of its technical efficiency. Modern industrial technology depends on accurate measurement. The country requires both a comprehensive system of national standards of measurement, tied to the recognized international standards, and also facilities for checking, or calibrating measuring instruments and other test gear against such standards so that their accuracy can be authenticated.

The BCS system is serving as a model for other countries' systems for accrediting calibration services. This trend toward the development of national calibration accreditation systems could form the basis for bilateral and multilateral recognition of calibration results and, ultimately, of product test results. Based on the experience of these systems, a system of accrediting laboratories to perform calibration services in this country is needed to facilitate U.S. participation in international arrangements involving recognition of national calibration systems.

DOC knows of no existing United States programs which offer to examine and accredit both public and private sector laboratories which provide calibration services. As mentioned earlier, NBS does offer Measurement Assurance Programs (MAPs), but these programs do not include assessment of a laboratory against specified criteria. MAPs relate only to an assessment of results obtained by the laboratories when actually measuring reference materials, devices, or artifacts. Further, participation in a MAP does not provide formal recognition of the laboratory's competence. However, a MAP may be used as an evaluation tool under this LAP as a way of evaluating the proficiency of the accredited laboratories on a regular basis.

Importance of Standards

Many standards requiring electromagnetic calibration services are important to commerce, consumer well-being, and the public health and safety, such as standards developed by the Federal Communications Commission (FCC) and the Occupational Safety and Health Administration (OSHA). Specific parts of FCC regulations require power and attentuation measurements for radio frequency devices to assure compliance with FCC standards. OSHA regulations identify radio frequency and microwave radiation levels that should not be exceeded. Both FCC and OSHA regulations indicate that the IEEE standards are acceptable for use in power and attenuation measurements. DOD recognizes the importance of reliable electromagnetic measurements to the nation's defense by the resources devoted to its own calibration laboratory evaluation systems to assure reliable electromagnetic measurements. Thus, assuring the quality of measurements in these areas is deemed important to commerce, consumer well-being, and the public health and safety.

Valid Testing Methodology

The IEEE standards identified in the section entitled *"Applicable Standards and Test Methods"* provide test methods (i.e., calibration procedures) which are deemed valid. To the extent that calibration laboratories have found it necessary to modify or supplement these standards in the performance of electromagnetic power and attenuation measurements to maintain the state-of-the-art, two alternative approaches are available under NVLAP Procedures. Both require the development of full documentation, and a complete description of the test method as used by the laboratory, to enable technical review by NBS. The documentation must include system schematic diagrams, procedures used, equipment descriptions, ranges of measurements made via the method, the degree of

uncertainty expected, and the basis for the determination of this uncertainty.

The NVLAP accreditation criteria contain a provision on deviations from test methods as follows: "The laboratory shall maintain documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought," (15 CFR 7a.28(e)). Thus, a laboratory which has modified one or both of the standards cited above may still be accredited under them, if it has adequate documentation.

Alternatively, any additional standards and test methods which are suitable and technically viable for providing electromagnetic power and attenuation calibration services, or which might supersede either or both of the standards cited above, may be added to this LAP under section 7a.4(i) of the NVLAP procedures, in title 15 of the Code of Federal Regulations. A request for the addition of a test method to this LAP must be accompanied by the documentation described above. Before accreditations may be granted for such test methods, they must be formally added to the LAP through NVLAP procedures. Because of its specifically mandated authority in the area of calibration, NBS will decide whether or not additional standards or test methods for this particular LAP will be proposed under the NVLAP procedures. All standards or test methods and their ranges and uncertainties must be within NBS verification capabiltiy for this LAP.

It is essential that an accredited calibration services laboratory maintain reference standards which are traceable to appropriate national standards. In this context, traceability normally means that each such reference standard has been calibrated directly to corresponding standards maintained at NBS on a schedule acceptable to NBS. An alternatively mechanism may be acceptable wherein a reference standard is characterized using a Measurement Assurance Program (MAP) offered by NBS or using an acceptable test method based on reference standards for the primary SI (International System) units which are adequately verified by direct NBS calibrations or MSPs.

Feasibility and Practicality. The experiences of the DOD, other Federal agencies, and foreign laboratory accreditation systems in the accreditation of laboratories providing calibration services and experiences of NVLAP with its existing LAPs support the feasibility and practicality of a LAP for electromagnetic calibration services.

Criteria

During the period of response to the preliminary finding of need, no one suggested a need to modify or add to the general and specific criteria which were being used in the three existing LAPs, and which now have been added to the NVLAP procedures (15 CFR 7a.20–7a.30; 46 FR 37029 (July 17, 1981)). DOC intends to use these criteria in implementing this new LAP on electromagnetic calibration services. Supplemental information will be prepared for each test method which describes how the criteria apply. However, since comments on the preliminary finding of need were due before the criteria were made part of the procedures, DOC will consider appropriate written requests for changes to the criteria before the formal establishment of the LAP is announced, if received by the NVLAP Coordinator (identified above under the heading "For Further Information Contact") on or before March 15, 1982. Any appropriate change to the criteria would be published in the **Federal Register** as a proposed rule for comment before any action is taken to change the criteria.

[FR Doc. 82-983 Filed 1-13-82; 8:45 am]
BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report (October 1–December 31, 1981)

AGENCY: Assistant Secretary for Productivity, Technology and Innovation, Commerce.

ACTION: Publication of the NVLAP quarterly report.

SUMMARY: The Department of Commerce announces accreditation actions for the fourth quarter of 1981. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, NVLAP Coordinator, Room 4709, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–2054. Those interested in using the services of a NVLAP accredited laboratory may obtain the latest copy of the list of test methods for which it is accredited either from the individual laboratory itself or from the NVLAP Coordinator. Also available from the NVLAP Coordinator is a complete listing of NVLAP accredited laboratories with a corresponding list of the test methods for which they are accredited.

SUPPLEMENTARY INFORMATION:

Background

This report has been prepared in accordance with §§ 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts 7a, 7b, and 7c). In addition, to fulfill NVLAP requirements for monthly reporting of accreditation actions, notice of such actions taken under NVLAP for the month of December is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. However, before it expires, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in §§ 7a.19–7a.30 of the NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c).

New Accreditations Granted

Three laboratories were newly accredited during December 1981. The name and address of each laboratory and the test methods for which accreditation was granted (for one year beginning January 1, 1982) are listed below:

Conrock Co., Testing Laboratory
Attn: Richard H. Campbell
P.O. Box 2950, Terminal Annex Los Angeles, CA 90051
Phone: (213) 258–2777

Test Method and Short Title

ASTM C31—Making and Curing Concrete Test Specimens in the Field
ASTM C172—Sampling Fresh Concrete
ASTM C143—Slump of Portland Cement Concrete
ASTM C138—Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
ASTM C231—Air Content of Freshly Mixed Concrete by the Pressure Method
ASTM C39—Compressive Strength of Cylindrical Concrete Specimens

Walter Carpet Mills
Attn: Xavier Castro
14641 East Don Julian Road
P.O. Box 1252
City of Industry, CA 91749
Phone: (213) 968–1464

Test Method and Short Title

AATCC 16E—Colorfastness to Light (Xenon Arc)

AATCC 8—Colorfastness to Crocking
ASTM D418—Methods of Testing Woven and Tufted Pile Floor Coverings: Pile Weight—Uncoated (Para. 10–19); Pile Weight—Coated (Para. 20–29) as modified by UM 44C; Pile Thickness— (Para. 30–36);Tuft Height—(Para. 37–45) as modified by UM 44C
DDD–C–95A—Shrinkage
ASTM D1335—Tuft Bind of Floor Coverings, Federal Test Method Standards: 191–5100 Textile Test Method—Breaking Strength; 191–5950 Textile Test Method—Delamination
DoC FF1–70—Methenamine Pill Test

Insta-Foam Products, Inc.
Attn: Ronald L. Smith
1500 Cedarwood Drive
Joliet, IL 60435
Phone: (815) 741–6904

Test Method and Short Title

ASTM C302—Density; Performed pipe insulation
ASTM C303—Density; Performed block insulation
ASTM C355—Water vapor transmission; Thick materials; Desiccant method
ASTM C411—Hot-surface performance; High temperature insulation
ASTM D756—Weight and shape changes; Accelerated service (proc. A); Plastics
ASTM D756—Weight and shape changes; Accelerated service (proc. B); Plastics
ASTM D756—Weight and shape changes; Accelerated service (proc. E); Plastics
ASTM D1622—Apparent density; Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
ASTM D2842—Water absorption; Rigid cellular plastics
ASTM D1621—Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
ASTM C518—Thermal transmission properties; Heat flow meter

Expired Accreditations

ATEC Associates, Inc. of Cincinnati, Ohio chose not to renew its Concrete LAP accreditation, which expired December 21, 1981. Accreditation under the Concrete LAP for Materials Service Corporation of Chicago, Illinois, and Soil Testing Services, Inc. of Northbrook, Illinois, expired on December 21, 1981. Evaluations for renewal of their accreditations were in progress at the end of December.

Corrections

The notice of October 1981 accreditation actions published in the **Federal Register** on November 17, 1981 (46 FR 56489–56490) indicated that Commercial Testing Company, Inc. of Dalton, Georgia, had dropped ASTM E84. The notice should have stated that Commercial Testing Company, Inc. dropped ASTM E84 for the Insulation LAP only and for the Carpet LAP as well. Commercial Testing Company, Inc. is accredited for ASTM E84 under the Carpet LAP.

That notice also indicated that Underwriters Laboratories, Inc. of Northbrook, Illinois, dropped ASTM C687. In fact, Underwriters Laboratories, Inc., is accrediated for ASTM C687 under the Insulation LAP.

List of Laboratories Whose Accrediation Were Either Renewed or Newly Granted During the Fourth Quarter of 1981

The following laboratories were accrediated during the fourth quarter of 1981 for one or more test methods available under NVLAP. Each laboratory received a certificate of accrediation and a corresponding list of test methods for which each is accredited. Anyone who wishes to know which test methods each laboratory is accredited for should contact the laboratory directly or the NVLAP Coordinator.

Aguirre Engineers, Inc.
American Admixtures and Chemicals Corp.
American Carpet Laboratories, Inc.
Armstrong World Industries, Inc., Marietta Carpet Plant
The Arundel Corporation, Greenspring Laboratory
Bigelow-Sanford, Inc., Georgia Rug Mill
Bigelow-Sanford, Inc., Technical Services
Bowser-Morner Testing Labs, Inc., Dayton, Ohio Laboratory
Bowser-Morner Testing Labs., Inc., Maysville, Kentucky Laboratory
Bowser-Morner Testing Labs., Inc., Toledo, Ohio Laboratory
Butler Manufactuirng Company Research Center
C. H. Masland and Sons
Capitol Cement
Central Ready Mixed Concrete, Research & Technical Center
Certainteed Corporation Insulation Group, R & D Lab
Certified Testing Laboratories, Inc.
Chisholm Trail Testing and Engineering Company, Inc.
Commercial Testing Company, Inc.
Conrock Co., Testing Laboratory
Construction Technology Lab., Division of Portland Cement Association
Contractors Supply Corporation of West Virginia, Inc.
Coronet Carpets, Inc.
The Dolese Company, Engineering Laboratory
Dow Chemical USA, Granville Research Center
Dynatech R/D Company
Dynatherm Engineering
E & B Carpet Mills, Inc.
Engineering Testing Laboratory, City of Akron
Factory Mutual Research Corp.
Franklin Research Center
Galaxy Carpet Mills, Testing Laboratory
Garco Testing Laboratories
Genstar Stone Products Co., Quality Control Laboratory
Geoscience Ltd.
The H. C. Nutting Company
Hales Testing Laboratories, Inc.
Hardwood Plywood Manufacturers Association
Hauser Laboratories
Herron Consultants, Inc.
Independent Textile Testing Service, Inc.
Insta-Foam Products, Inc.
Intest Laboratories, Inc.
Jim Walter Research Corporation
Kelso Industries, Inc.
Lander Thermal Conductivity Laboratory
Lewis Engineering, Inc.
Louisiana-Pacific Corporation, Pabco R & D Laboratory
Manville Corporation, R & D Center
Mohasco Corporation, Physical Testing Laboratory
NAHB Research Foundation, Inc.
Northern Testing Laboratories, Inc., Billings Area Laboratory
Northern Testing Laboratories, Inc., Boise Area Laboratory
Northern Testing Laboratories, Inc., Great Falls Area Laboratory
Olin Corporation, Physical Testing Laboratory
Owens-Corning Fiberglass Corp., Technical Center Laboratory
Owens-Corning Fiberglass Corp., Barrington, New Jersey Plant Laboratory
Owens-Corning Fiberglass Corp., Delmar, New York Plant Laboratory
Owens-Corning Fiberglass Corp., Fairburn, Georgia Plant Laboratory
Owens-Corning Fiberglass Corp., Kansas City, Kansas Plant Laboratory
Owens-Corning Fiberglass Corp., Newark, Ohio Plant Laboratory

Owens-Corning Fiberglass Corp., Santa Clara, California Plant Laboratory
Owens-Corning Fiberglass Corp., Waxahachie, Texas Plant Laboratory
Pittsburgh Testing Laboratory
R. W. Sidley, Inc., Sidley Quality Control Lab
Shaw Industries, Inc.
Smith-Emery Company
Southwest Research Institute, Department of Fire Technology
Southwestern Laboratories
Sparrell Engineering Research Corporation
Standard Testing and Engineering Company
The Tanner Companies, United Metro Division Laboratory
Technical Micronics Control, Inc.
Testing Engineers, Inc., Oakland Division
Testing Engineers, Inc., Santa Clara Division
Texas Testing Laboratories, Inc.
Thermtron Research Laboratory
Trend/Roxbury Divisions of WWG Industries, Inc.
Twin City Testing & Engineering Laboratory, Inc.
Underwriters Laboratories, Inc., Northbrook, Illinois
Underwriters Laboratories, Inc., Santa Clara, California
United States Testing Company, Inc., Hoboken, New Jersey Laboratory
United States Testing Company, Inc., California Division
United States Testing Company, Inc., Tulsa Division
The Upjohn Company, Donald S. Gilmore Laboratories
W. R. Grace & Company
The Walt Keeler Company, Inc.
Walter Carpet Mills
Western Technologies, Inc.
World Carpets, Inc., R & D

Insulation LAP Status

The LAP for thermal insulation materials has 57 test methods for which accrediation may be granted. Thirty-nine laboratories are currently accrediated to perform one or more of these test methods.

In a letter dated October 30, 1981, Mr. Edwin J. Mears, Quality Control Supervisor of Apache Building Products Company, requested that DOC add test method ASTM D2126, Procedure C to the Insulation LAP. DOC has deemed such an addition suitable and is including this test method as part of the LAP. Application requests for this test method should be addressed to the NVLAP Coordinator.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. Forty-two laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. Twenty-three carpet testing laboratories are currently accredited for one or more of these test methods.

LAPs Under Development

A public workshop to develop the technical details necessary to implement a LAP for solid fuel room heaters was held October 13–14, 1981 at NBS. A notice announcing the formal establishment of this LAP and the availability of applications is expected during the early part of 1982.

A "Request for Proposal" to obtain the services of a testing laboratory to conduct the proficiency testing aspect of a LAP for personnel dosimetry processors is being prepared. Efforts are underway to identify NVLAP assessors for this LAP. Nominations of individuals with professional credentials in personnel dosimetry processing may be submitted to Margaret Federline, NBS, Bldg. 225, Room B–06, Washington, D.C. 20234; 301–921–2427. NVLAP assessors for this LAP are expected to participate in one to ten on-site assessments of processors during 1982–83. A public workshop is planned for April 12–13, 1982, to discuss specific benchmarks of adequacy or characteristics which distinguish competent processors in each area covered by the NVLAP criteria. A notice announcing the formal establishment of this LAP is expected in the spring of 1982.

A final finding of need for a LAP to accredit laboratories that provide acoustical testing services was published on October 19, 1981 (46 FR 51267–51271). Workshops are scheduled for February 23–24 and March 10–11, 1982 to develop the technical details for administering this LAP.

A final finding of need for a LAP to accredit laboratories that provide electromagnetic calibration services should be published in January 1982.

Dated: January 11, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 82-982 Filed 1-13-82; 8:45 am]
BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Navy

Permanent Disposal of Decommissioned, Defueled Naval Submarine Reactor Plants; Intent To Prepare a Draft Environmental Impact Statement

The Department of the Navy announces its intent to prepare a generic environmental impact statement (EIS) to assess the environmental implications of alternatives that could be used by the Navy to permanently dispose of decommissioned, defueled naval submarine reactor plants.

The proposed action is to determine which of two basic alternatives should be pursued for the permanent disposal of decommissioned, defueled submarine reactor plants—either land or sea; and if land, to determine what sites are acceptable for such disposal. The Navy has no immediate plans to dispose of any nuclear-powered ships and no decision has been made to do so. However, with over 100 nuclear-powered submarines in operation, the Navy is faced with eventual decommissioning of these ships at a future rate of possibly 3 or 4 per year over the next 30 years, and a permanent means of disposal must be developed that is environmentally acceptable. Following decommissioning, the reactor plants in the submarines do not contain nuclear fuel, transuranic elements or high level radioactive material. They will, however, contain low-level radioactivity resulting from the operation of the reactors while the submarines were in commission.

The two basic alternatives for permanent disposal are land disposal and sea disposal. Permanent disposal can be achieved by removal of the submarine compartment that contains the defueled reactor, followed by shipment of the compartment by barge and overland trasnsporter to either of two accessible Federal land burial sites currently used by the Department of Energy for burial of low-level radioactive waste. These sites are in South Carolina (Savannah River Plant) and Washington (Hanford Plant). Radiation levels associated with the entire operation would meet applicable requirements of the Department of Transportation, Nuclear Regulatory Commission, and Department of Energy for transportation and disposal of solid low-level radioactivity. Alternatively, permanent disposal of the defueled submarine reactor plants could be achieved by sinking the entire decommissioned, defueled submarine in

deep water locations that would be selected and approved by the United States Environmental Protection Agency. Although specific ocean sites are not being selected in this EIS, preliminary evaluation of available information indicates that ocean areas meeting international site criteria do exist within 200 miles of the East and West Coasts of the United States.

An alternative for temporary disposition of these defueled submarine reactor plants would be the placement of each submarine in protective storage such as in a Naval shipyard for an extended period. This would allow radioactive material to decay under controlled conditions without release to the environment. However, this alternative would lead to other impacts and only postpone the decision for ultimate disposal, requiring the decision to be made sometime in the future. For this reason, this alternative is regarded as the no-action alternative. No other practical alternatives are known to exist for the final disposition of the reactor plants.

Impacts to be assessed for each disposal alternative include expected commitment of resources, land use, transportation requirements, and environmental consequences, including occupational radiation exposure due to disposal activities, and possible radiation exposure to the public during transportation and disposal. The impact of radioactivity releases due to unexpected occurrences will also be assessed. For any alternative considered, an assessment of the impact on the environment and life in the vicinity of disposal sites will be made. The above list is not intended to be all inclusive nor to be a predetermination of impacts.

In accordance with the Council on Environmental Quality regulations for compliance with National Environmental Policy Act (NEPA) (40 CFR Part 1501), the Department of the Navy is serving as the lead agency for preparation of the EIS. The Department of Energy (DOE) will participate as a cooperating agency with regard to the alternative of land disposal at DOE burial sites. By participating as a cooperating agency, DOE obligations under NEPA will be fulfilled and no separate DOE EIS will be required.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation and scoping of the draft EIS are invited to do so. Scoping consists of identifying issues, including disposal alternatives and environmental impacts to be assessed in the EIS. Upon completion of the draft EIS, its availability will be announced in the **Federal Register**, at which time comments from Federal and State agencies, organizations, and the general public will be solicited. Comments on the draft EIS will be considered in preparing the final EIS. Based on the final EIS, a decision will be made as to which alternative will be pursued by the Navy.

Written comments or suggestions on the scope of the EIS may be submitted to: Captain Edward F. Wagner, U.S. Navy, Office of the Chief of Naval Operations (OPNAV–22), Department of the Navy, Washington, D.C. 20350, Telephone (202) 697–1984.

To assist agencies and individuals that may be particularly interested in focusing on the pertinent issues, an annotated outline of the draft EIS as currently envisioned by the Navy has been prepared. Requests for this outline should be addressed to Captain Wagner at the above address.

For general information on the Navy EIS process contact: Mr. Edward W. Johnson, Office of the Chief of Naval Operations (OPNAV–45), Department of the Navy, Washington, D.C. 20350, Telephone: (202) 697–3689.

Written comments received on or before February 16, 1982, will be considered in the preparation of the draft EIS. Comments received after that date will be considered to the extent practicable.

Those not wishing to submit comments or suggestions at this time, but who would like to receive a copy of the draft EIS for review and comment when it is issued, should submit their name and address to Captain Wagner at the above address.

Dated: January 11, 1982.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Certifying Officer.

[FR Doc. 82-962 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Thursday & Friday, March 4–5, 1982, Plaza West, Rosslyn, Virginia

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 11, 1982.

[FR Doc. 82-984 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Educational Opportunity Centers Program; Application Notice for New Awards for Fiscal Year 1982

Applications are invited for new awards under the Educational Opportunity Centers Program.

Authority for this program is contained in sections 417A and 417E of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070d, 1070d–1c)

The Secretary awards grants under this program to institutions of higher education, public and private agencies and organizations, and, in exceptional cases, to secondary schools. Combinations of institutions are no longer eligible to apply for Educational Opportunity Centers Program grants.

The purpose of the awards is to allow applicants to carry out projects designed to provide disadvantaged persons with information on financial and academic assistance available to individuals desiring to pursue a program of postsecondary education and to assist them in applying for admission to postsecondary institutions and in obtaining adquate financial aid.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by March 12, 1982.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.066 (Educational Opportunity Centers), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: Applicants are advised that the Education Amendments of 1980 made several changes in the Educational Opportunity Centers Program. For example, at least two-thirds (⅔) of the participants must be low-income individuals who are first-generation, or potential first-generation, college students.

A "low-income individual" means an individual whose family's taxable income did not exceed 150 percent of the poverty level in the calendar year preceding the year in which the individual participates in the project.

A "first-generation college student" means a person neither of whose parents received a bachelor's degree.

In addition, the Education Amendments have included an age requirement for eligible participants. The Educational Opportunity Centers Program, as amended, is designed to focus services on adults (at least nineteen years of age). However, if there is no Talent Search Project serving the same target area, an Educational Opportunity Center may serve eligible persons who are younger than nineteen.

The applications for new awards will be evaluated cometitively under the selection criteria for new awards (34 CFR 644.31) published in this issue of the Federal Register In addition, applicants who have been funded within the previous three years to operate an Educational Opportunity Center may receive additional points on the basis of their successful experience. The past performance section of the application will be accepted on the basis of the notice of proposed rulemaking on past performance (34 CFR 644.32) which was published in the **Federal Register.** on December 14, 1981 (45 FR 61063).

Educational Opportunity Centers Program grants may be awarded for project periods of up to three years. The Department of Education may not, however, fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting multi-year funding must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for each additional year requested.

The Secretary approves requests for the additional year(s) if:

1. The need continues to exist for the services provided by the project;
2. Satisfactory progress has been made in implementing the approved work plan and in achieving the program's goals and objectives;
3. The project continues to offer promise of success;
4. All required reports have been received and accepted by the Secretary; and
5. Funds are available to continue the project.

Available funds: The Third Continuing Resolution, which expires on March 31, 1982, authorizes $7,680,000 to be made available for new awards under the Educational Opportunity Centers Program in Fiscal Year 1982. It is estimated that these funds could support approximately 30 new awards ranging between $150,000 and $450,000, at an average cost of $256,000.

Although processing of new applications will proceed on the basis described above, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for Fiscal Year 1982 may result in a further reduction of available funds.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 26, 1982.

Application packages will not automatically be mailed to all institutions of higher education. However, they will be mailed to all currently funded Special Programs projects. Application packages may be obtained by contacting the Division of Student Services, Information Systems and Program Support Branch, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7070.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

Applicable regulations: Regulations applicable to this program are:

(a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions). (These parts were previously codified as 45 CFR Part 100a and 45 CFR 100c respectively);

(b) Regulations governing the Educational Opportunity Centers Program (34 CFR Part 644) which are published in this issue of the **Federal Register;** and

(c) The notice of proposed rulemaking on past performance (34 CFR 644.32) which was published in the **Federal Register** on December 14, 1981 (45 FR 61063). (If any substantive changes are made in the final regulations for this section, applicants will be given an opportunity to revise their applications, if needed.)

Further information: For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-2511.

(20 U.S.C. 1070d, 1070d-1c)
(Catalog of Federal Domestic Assistance Number: 84.066—Educational Opportunity Centers Program)

Dated: January 8, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-950 Filed 1-13-82; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action to Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of the Industry Working Party to the International Energy

Agency (IEA) will be held on January 26, 1982, at the offices of the International Energy Agency, 2 rue Andre Pascal, Paris 16, France, beginning at 10:30 a.m. The purpose of this meeting is to permit attendance by representatives of the Industry Working Party at a meeting of an *Ad Hoc* Working Group of the IEA Standing Group on the Oil Market which is being held in Paris on that date.

The agenda for the meeting is under the control of the *Ad Hoc* Working Group. It is expected that the following provisional agenda will be followed:

1. Adoption of the provisional agenda.
2. Review of the Crude Oil Cost Information System:
—Analysis by the Secretariat of member countries' views on objectives, uses, and modifications;
—Comments by the Industry Working Party.
3. Other business.
4. Date of next meeting.

II. A meeting of the Industry Working Party to the IEA will be held on January 27 and 28, 1982, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. on January 27. The purpose of this meeting is to permit representatives of the Industry Working Party to attend a meeting of the IEA Standing Group on the Oil Market which is being held in Paris on those dates.

The agenda for the meeting is under the control of the Standing Group on the Oil Market. It is expected that the following provisional agenda will be followed and that representatives of the Industry Working Party will be present during discussion of item 3 of the agenda, and possibly other items, except item 5:

1. Adoption of the provisional agenda.
2. Approval of the Summary Record of the 39th session.
3. Review of the Crude Oil Cost Information System:
—Report by the Chairman of the *Ad Hoc* Working Group;
—Analysis of member government views on objectives, uses, and modifications;
—Comments by the Industry Working Party.
4. Current oil market and stocks situation.
5. Consultations on oil supply/demand prospects and product requirements to the year 2000:
—Exxon Corporation;
—British Petroleum Co. Ltd.
6. Standing Group on the Oil Market work programme for 1982.
7. Structural changes in the world oil market—note by the Secretariat.
8. Analysis of the financial information system:
—Paper and presentation by Mr. A. Andersen;
—Analysis of financial data from Fortune magazine.
9. Crude oil price movements of IEA Countries after the outbreak of the Iran/Iraq war.
10. Reserve capacity and production trends:
—OPEC capacity utilization;
—Worldwide reserve/production trends;
—Notes by the Secretariat.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., January 8, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82-986 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements; Government of Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve contractual arrangements under which DOE will consent, if requested, to the assignment of various enrichment services contracts held by various U.S. utilities to the Tokyo Electric Power Company, Inc. for use in various nuclear electric generating facilities. The proposed contractual arrangements will provide for the assignment of 150,000 separative work units in FY 1986, and 100,000 separative work units in FY 1987.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with Pub. L. 96-280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than January 29, 1982.

For the Department of Energy.

Dated: December 22, 1981.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-925 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Bell-Half Moon 230-kV Transmission Project; Finding of No Significant Impact

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of a finding of no significant impact (FONSI) for BPA's proposed Bell-Half Moon 230-kV transmission project providing service to the Inland Power and Light Company.

SUMMARY: BPA has prepared an enviromental assessment (EA) evaluating its proposal to construct transmission facilities improving service to the Inland Power and Light Company in eastern Washington. The proposed action is to rebuild 13 km of 115-kV transmission line to double-circuit 230-kV. The transmission line crosses the Little Spokane River, Deep Creek, and Deadman Creek, requiring construction activity within their 100-year floodplains and an associated wetland. Based on the EA, the Department of Energy (DOE) has determined that BPA's action will not have a significant effect on the quality of the human environment and an environmental impact statement therefore will not be prepared. DOE also finds that there is no practicable alternative to locating part of BPA's action within the floodplains and the wetland.

SUPPLEMENTARY INFORMATION: The need for action is based on load growth forecasts in the area between Spokane and Addy, Washington. Existing transmission facilities are inadequate to reliably and efficiently serve predicted loads.

BPA proposes to rebuild the 115-kV transmission line between Bell and Half Moon Substations, a distance of 13 km, to double-circuit 230-kV. To most of the existing H-frame wood-pole structures, BPA will add one wood pole, relocate the center pole, and install a steel crossarm and set of crossbraces. Placement of the additional pole at each structure site may be on either side of the existing poles, depending on local conditions. As necessary to provide adequate ground clearance for the conductors, some wood-pole structures will be replaced or relocated entirely. In a residential area near U.S. Highway 2, BPA will use single-pole wood

structures instead. Additional right-of-way, in narrow strips totaling less than 1 hectare, may be required to accommodate the rebuilt line. Construction will occur between April and October 1982.

As discussed in the EA, the environmental impacts of BPA's proposed action are:

(1) Short-term noise, dust, and engine exhaust would be created by construction equipment. Because of generally sparse population in the immediate area, exposure to these impacts would be minor.

(2) The visual complexity of the transmission line would generally increase. To reduce adverse visual effects, BPA will use a simpler single-pole design in the residential area and nonspecular conductor for the entire length.

(3) Construction activity could damage private property, especially in the residential area. BPA would compensate owners for property damage resulting from its actions, or restore property if possible.

(4) Approximately 100 commercially valuable trees hazardous to the transmission line would be removed. To protect ground cover, rubber-tired log skidders would be used to remove the trees.

(5) The burning of vegetative debris would create smoke. Only a small amount of debris is anticipated, and it will be disposed of in accordance with local smoke management plans.

(6) Equipment operation causing soil surface disturbance may provide conditions suitable for propagation of noxious weeds common in the general area. Should this occur and should control of these noxious weeds be required, herbicides may be used to control them.

(7) Access road construction on this project would not be significant because an access road system already exists. Primarily, repairs will be performed to assure road system adequacy under increased usage and to prevent deterioration. Where new structure sites will be required in nonagricultural areas, some limited access road construction may be necessary. A minimum of soil will have to be moved in this gently rolling terrain to obtain an adequate roadbed. No deep cuts or fills will be necessary. To control erosion, BPA will construct waterbars on access roads where needed.

(8) Construction activity would disturb ground cover, especially at tower sites and conductor pulling sites. BPA will reseed disturbed areas with an appropriate grass/legume mixture.

(9) Approximately 1.4 hectares of cultivated land may be temporarily disturbed, possibly affecting crops. If possible, construction would be delayed until after harvest. Compacted soils would be restored to preconstruction conditions. Farmlands permanently affected by structure occupancy would total less than 0.3 hectares, including up to 0.1 hectares of prime farmland.

(1.) Wildlife habitat would be temporarily disturbed. Wildlife populations are expected to return to normal when construction is complete.

(11) Actions within floodplains involve relocating one structure out of the Little Spokane River floodplain, and modifying one structure each in the floodplains of Deep Creek and Deadman Creek (which includes a wetland used for pasture). With the exception of visual impact as indicated at (2), above, the natural and beneficial values of the floodplains (and wetland) will not be affected. Very little, if any, vegetation will need to be removed from shorelines.

The proposed action will not affect endangered species or their habitat, properties on or eligible for inclusion on the National Register of Historic Places, or other federally protected resources. The project does not conflict with local land use plans, and conforms to floodplain protection standards appearing in the State of Washington Shoreline Management Act and the Master Shoreline Program for Spokane County.

BPA also considered an alternative plan of service, the alternative of no action, and alternatives to avoid locating within the floodplains and wetland. If no action is taken to increase transmission capacity, the existing facilities would become more severely and more frequently overloaded. Greater electrical losses would result, as would greater likelihood of equipment failure and power outages.

The alternative plan of service would replace the conductor on the 13-km Bell-Half Moon and 54-km Deer Park-Addy sections of the Bell-Colville 115-kV transmission line with a larger conductor. To accommodate the heavier conductor, new structures would be added and existing structures reinforced. This alternative would adversely affect substantially greater amounts of floodplains, wetlands, and prime farmland.

Alternatives to avoid locating in the floodplains and wetland were: (1) Relocate the right-of-way and (2) construct steel towers large enough to support long spans across the floodplains. Neither of these alternatives is practicable because both would have significantly greater environmental impact than the proposed action. No action is not practicable because it would not serve increasing electrical loads and would decrease the reliability and efficiency of service to the Inland Power and Light Company. Therefore, there is no practicable alternative to locating part of the proposed action in the floodplains and wetland. To minimize potential harm to or within these areas, BPA would: (1) Locate structures away from stream edges, (2) leave vegetative buffer zones along stream banks, and (3) revegetate all areas disturbed by construction activity.

FOR FURTHER INFORMATION CONTACT:

Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; phone (503) 234–3361, extension 5136.

BPA may implement the proposed action January 29, 1982.

Dated: December 18, 1981.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82-924 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Orders and Opportunity for Objection; Standard Oil Company

AGENCY: Economic Regulatory Administration, Office of Special Counsel, DOE.

ACTION: Two proposed remedial orders to the Standard Oil Company ("SOHIO") and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of two Proposed Remedial Orders issued to the Standard Oil Company ("Sohio"), Cleveland, Ohio. In accordance with that section, a copy of one or more of the Proposed Remedial Orders with confidential information, if any, deleted, may be obtained from the DOE.

Sohio is a refiner engaged in the production of crude oil, refining, and the marketing of petroleum products. Sohio was therefore subject to the Mandatory Petroleum Price and Allocation Regulations which were in effect until January 28, 1981.

II. The Proposed Remedial Orders

1. Proposed Remedial Order No. RSOM00501

The Office of Special Counsel's ("OSC") audit of Sohio included an examination of the prices which Sohio charged Tenneco Oil Company ("Tenneco") for sales during the period August 19, 1973 through May 31, 1974.

OSC's examination revealed that all of Sohio's regular gasoline deliveries to Tenneco during this period were priced according to an April 1, 1973 agreement between the parties. Instead of this practice, the prices charged to Tenneco during this period should have been determined in accordance with the formula in DOE pricing regulations. Under the formula Sohio's prices should have been based on Sohio's May 15, 1973 price to Tenneco plus an amount representing the passthrough of increased costs allowable under the formula (the refiner's "d_iu"). However, as a result of Sohio's improper pricing pursuant to the agreement and not the formula, the difference between Sohio's monthly prices to Tenneco and its May 15, 1973 price was greater than Sohio's maximum permissable passthrough of increased costs. Thus, Sohio charged Tenneco prices during this period which were uniformly higher than the maximum lawful prices permitted by DOE regulations.

OSC found that this action by Sohio violated 10 CFR 212.82 and its predecessor regulations and resulted in $3,787,429 in overcharges, plus interest. As a remedy for this violation, OSC proposed that this amount be paid by Sohio in accordance with the special refund procedures provided by Subpart V of 10 CFR Part 205.

2. Proposed Remedial Order No. RSOL00000

OSC's audit of Sohio also involved an examination of the firm's calculation of its non-product cost increases during the period December 1, 1974 to January 28, 1981.

As a result of this examination OSC found that Sohio improperly calculated its increased refinery fuel costs because Sohio (a) failed to perform a single consolidated refinery fuel cost increase computation for the firm, (b) understated its base period costs of natural gas purchased for fuel for its Lima refinery, and (c) failed to input its actual costs incurred for internally produced fuel in its fuel cost increase calculation. OSC also found that Sohio improperly claimed pollution control costs which were duplicative of costs claimed in other non-product cost categories. OSC further found that Sohio failed to properly calculate its increased marketing costs because Sohio (a) improperly claimed imputed marketing costs to offset the cost savings associated with self-service gasoline outlets, (b) improperly claimed imputed marketing costs to offset cost savings achieved by its discontinuation of trading stamps, (c) improperly included costs associated with non-petroleum products in its calculation of increased marketing costs, (d) duplicated pollution control costs in its increased marketing cost calculation, and (e) failed to apply the cents-per-gallon limitation to the marketing cost increase for jet aviation fuel.

OSC found that these actions by Sohio violated 10 CFR 212.83(c)(2)(iii)(E) and 212.87 and resulted in Sohio overstating its non-product cost increases allocable to covered products in the amount of $20,650,623, and throughout the entire audit period in the estimated amount of $168,369,970. As a remedy for the violations, OSC proposed that Sohio reduce its reported refinery fuel cost increases, pollution control cost increases and marketing cost increases by the amount of Sohio's overstatement of such increases during the period December 1, 1974 to January 28, 1981 and recompute its banks of unrecouped cost increases to reflect these adjustments.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to any of the above described Proposed Remedial Orders with the Office of Hearings and Appeals on or before January 29, 1982. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the respective Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of one or more of the Proposed Remedial Orders with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585.

Issued in Washington, D.C., January 7, 1982.

Milton C. Lorenz,

Special Counsel.

[FR Doc. 82–985 Filed 1–13–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER82–197–000]

American Electric Power Service Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on December 31, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power) modification No. 19 dated January 1, 1982 to the Operating Agreement dated June 14, 1962, between Ohio Power, and the Cleveland Electric Illuminating Company.

Modification No. 19 provides for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively when Ohio Power is providing the service.

AEP requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

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 January 29, 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. 82–992 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82-196-000]

Arizona Public Service Co.; Tariff Change

January 8, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, Arizona Public Service Company tendered for filing proposed Supplement to APS–FPC Rate Schedule No. 33 for sale of non-firm energy to United States—Western Area Power Administration.

The parties request waiver under the provisions of § 35.11 so that service could be commenced on January 1, 1982.

A copy of the filing was served upon the Arizona Corporation Commission.

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 filed on or before January 29, 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. 82-993 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-198-000]

American Electric Power Service Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on December 31, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power) and Wheeling Electric Company (Wheeling), Modification No. 12 dated January 1, 1982 to the Operating Agreement dated June 1, 1971, among Ohio Power, Wheeling, Appalachian, Monongahela Power Company and West Penn Power Company.

Modification No. 12 provides for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively when Appalachian, Ohio Power and Wheeling are providing the service.

AEP requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1007 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-28-000]

Edison Sault Electric Co.; Application

January 7, 1982.

Take notice that on December 28, 1981, Edison Sault Electric Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance and sale of not more than $2,000,000 of Promissory Notes from time to time on or before December 31, 1982, with a final maturity date of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 21, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-995 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-195-000]

Electric Energy, Inc.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, Electric Energy, Inc. (EEInc.) tendered for filing a supplement to Rate Schedule FERC No. 8, dated November 30, 1981, and entitled "Seventh Revised Service Schedule B" to the Interim Supplemental and Surplus Power Agreement, Amendment No. 5. This agreement is between EEInc. and its Sponsoring Companies: Central Illinois Public Service Company (CIPS), Illinois Power Company (IP), Kentucky Utilities Company (KU), and Union Electric Company (UE). The Sponsoring Companies concurred in the filing. EEInc. states that Seventh Revised Service Schedule B provides for an increase in the reservation charge for the supply of Supplemental Power by the Sponsoring Companies to EEInc.

EEInc. states that the reason for the increase is to cover the Sponsoring Companies' increased cost and to set the reservation charge at a level that is competitive with other reservation charges prevailing in the Companies' service areas.

The Company requests that Seventh Revised Service Schedule B be permitted to become effective on March 1, 1982.

According to EEInc., copies of this filing have been sent to the Sponsoring Companies, the Illinois Commerce Commission, the Kentucky Public Service Commission, and the United States Department of Energy.

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 January 29, 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. 82-994 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-202-000]

Florida Power Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Florida Power Corporation (Florida Power) tendered for filing Contracts for Interchange Service (Contracts) between Florida Power and the Cities of Kissimmee and St. Cloud, Florida entered into on December 1, 1981. The Agreement provides for the following interchange services: emergency energy, short-term and long-term firm capacity and energy, and economy energy.

Florida Power requests that the sixty day notice requirement be waived so that the Agreement, in accordance with its terms, may be permitted to become effective on December 1, 1981.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1008 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-29-000]

Gulf States Utilities Co.; Application

January 8, 1982.

Take notice that on January 4, 1982, Gulf States Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act for authorization to enter into a nuclear fuel leasing arrangement for its share of fuel to be used in the River Bend Unit No. 1.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 3, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 82-1009 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-201-000]

Florida Power Corp.; Filing

January 11, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service (Agreement) between Florida Power and the City of Vero Beach, Florida, entered into on November 30, 1981. The Agreement provides for the following interchange services: emergency energy, short-term and long-term firm capacity and energy, and economy energy.

Florida Power requests that the sixty day notice requirement be waived so that the Agreement, in accordance with its terms, may be permitted to become effective on December 1, 1981.

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 January 29, 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. 82-996 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-204-000]

Hartford Electric Light Co.; Filing

January 11, 1982.

Take notice that on January 4, 1982, the Hartford Electric Light Company (HELCO) tendered for filing as an initial rate schedule an exchange agreement (Agreement) between HELCO, the Connecticut Light and Power Company (CL&P) and the United Illuminating Company (UI). The Agreement, dated as of March 23, 1981, provides for HELCO and/or CL&P to exchange Middletown Unit No. 4 and/or Montville Unit No. 6, both mid-range oil-fired steam units (the NU Companies' Units), for non-operable capacity from UI's entitlements in either New Haven Harbor Unit No. 1 or Bridgeport Harbor Unit No. 3, each base load oil-fired steam units (the UI Units). HELCO states that the timing of exchanges cannot be accurately estimated but that UI would likely enter into an exchange only when either or both of the UI Units was unavailable for energy production.

HELCO states that the Agreement provides that the parties will determine daily during the term of the Agreement whether it is economically advantageous to the parties that an exchange shall take place.

HELCO further states that UI will pay an hourly capacity charge to HELCO and/or CL&P in an amount equal to the kilowatts of capacity exchanged times $0.003. UI will purchase energy from HELCO and/or CL&P at the average cost of providing such energy from Middletown Unit No. 4 and/or Montville Unit No. 6.

HELCO requests that the Commission waive its customary notice period and allow the Agreement to become effective on April 1, 1981.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1010 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-4608-001, et al.]

Helmerich & Payne, Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

January 11, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7, of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 26, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-4608-001 D, Dec. 17, 1981	Helmerich & Payne, Inc., Utica at 21st, Tulsa, Oklahoma 74114.	Northern Natural Gas Company, section 32-29S-33W, Haskell County, Kansas.	[1]	
CI61-228-001 (CI63-269), Dec. 7, 1981	Amoco Production Company, Amoco Building, 17th and Broadway, Denver, Colorado 80202.	Michigan Wisconsin Pipe Line Company, Lovedale field (Laverne area), Harper County, Oklahoma.	[2]	14.65
CI82-143-000 B, Jan. 4, 1982	ARCO Oil and Gas Company, division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Warren Petroleum Corporation, E. B. Jones lease, Sand Hills fields, sec. 12, blk. 3, H&TC survey, Crane County, Texas.	[3]	
CI82-144-000 B, Jan. 4, 1982	....do....	Union Texas Petroleum, a division of Allied Chemical Corporation, A. D. Neal and State lease, Benedum field, sec. 38, blk. "Y", TC RR Co. survey, Upton County, Texas.	[21]	
CI66-35-000 D, Dec. 17, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Transcontinental Gas Pipe Line Corporation, West Cameron block 45, offshore Louisiana.	[4]	
CI67-279-000 D, Dec. 21, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Mountain Fuel Supply Company, Pole Gulch unit, Moffat County, Colorado.	[5]	
CI67-279-001 D, Dec. 21, 1981	....do....	Mountain Fuel Supply Company, Pole Gulch unit, Moffat County, Colorado.	[6]	
CI82-126-000 A, Dec. 14, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, South Marsh Island block 288, offshore Louisiana.	[7]	15.025
CI82-127-000 B, Dec. 15, 1981	S & S Production Co., Inc., P.O. Box 280, Pampa, Texas 79065.	Natural Gas Pipeline Company of America, Panhandle field, Gray County, Texas.	[8]	
CI82-128-000 B, Dec. 17, 1981	Energy Corporation of America, Inc., 3636 N. Causeway Blvd., Suite 300, Metairie, Louisiana 70002.	Tennessee Gas Pipeline Company, Daspit-Belanger No. 2 well, Terrebonne Parish, Louisiana.	[9]	
CI82-130-000 A, Dec. 16, 1981	Texaco, Inc., Post Office Box 60252, New Orleans, Louisiana 70160.	Columbia Gas Transmission Corporation, West Cameron blocks 426 and 427 field, offshore Louisiana.	[7]	15.025
CI82-131-000 A, Dec. 21, 1981	Pennzoil Oil & Gas, Inc., P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, South Pass block 57 (Federal portion), offshore Louisiana.	[10]	15.025
CI82-132-000 B, Dec. 21, 1981	National Exploration Company, One Elizabethtown Plaza, Elizabeth, New Jersey 07207.	Elizabethtown Gas Company, Lake Arthur field, Jefferson Davis Parish, Louisiana.	[11]	
CI82-133-000 A, Dec. 23, 1981	Henry L. Hillman, 200 Grant Building, Pittsburgh, Pennsylvania 15219.	United Gas Pipe Line Company, Jaynesville field, Jefferson Davis and Covington Counties, Mississippi.	[12]	15.025
CI82-134-000 A, Dec. 23, 1981	....do....	Transcontinental Gas Pipe Line Corporation, East Collins field, Covington County, Mississippi.	[13]	15.025
CI82-135-000 A, Dec. 22, 1981	Sun Oil Company (Delaware), P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, South Marsh Island blocks 142 and 143, offshore Louisiana.	[14]	15.025
CI82-137-000 (G-11612) B, Dec. 21, 1981	Conoco, Inc., Post Office Box 2197, Houston, Texas 77252	Cities Service Gas Company, Rhodes field, Barber County, Kansas.	[15]	
CI82-139-000 B, Dec. 21, 1981	Marshall Exploration, Inc., 2615 East End Blvd. South, Post Office Box 1689, Marshall, Texas 75670.	Arkansas Louisiana Gas Company, Bethany-Longstreet field, DeSoto Parish, Louisiana.	[16]	
CI82-139-000 B, Dec. 21, 1981	....do....	Arkansas Louisiana Gas Company, Belle Bower field, DeSoto Parish, Louisiana.	[17]	
CI82-140-000 B, Dec. 21, 1981	....do....	Tennessee gas Pipeline Company, Logansport field, DeSoto Parish, Louisiana.	[16]	
CI82-141-000 B, Dec. 30, 1981	Texas International Petroleum Corporation, Suite 300, National Foundation Center, 3535 Northwest 58th Street, Oklahoma City, Oklahoma 731112.	El Paso Natural Gas Company, Burton Flat field, sec. 22, T-21-S, R-27-E, Eddy County, New Mexico.	[18]	
CI82-142-000 B, Dec. 30, 1981	Texas International Petroleum Corporation, Suite 300, National Foundation Center, 3535 Northwest 58th Street, Oklahoma City, Oklahoma 73112.	El Paso Natural Gas Company, Burton Flat field, sec. 22, T-21-S, R-27-E, Eddy County, New Mexico.	[18]	
CI63-1251-000 D, Dec. 30, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Lake LaRose field, St. Martin Parish, Louisiana.	[19]	
CI67-182-000 D, Dec. 28, 1981	ARCO Oil and Gas Company, division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, Latta unit, section 8-23N-23W, Ellis County, Oklahoma.	[20]	
CI63-1251-001 D, Dec. 30, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Lake LaRose field, St. Martin Parish, Louisiana.	[22]	

FOOTNOTES:

[1] Diversion of part of stream to intrastate user as fuel to operate irrigation pumps for agricultural purposed on the unit where the well is located and on adjoining lands.
[2] Applicant is filing under Gas Purchase Agreement dated June 1, 1981 (Rollover Contract) and is requesting that Rate Schedule No. 340 be canceled and Docket No. CI63-269 be terminated.
[3] Contract primary term expired December 1, 1975. The only well subject to this contract was plugged and abandoned in 1967 by Gulf Oil Corporation.
[4] Abandonment is requested for service OCS-G-1352 No. 2 Well which has been plugged and abandoned. No loss of acreage occurred when the well ceased producing, and all other sales under the rate schedule will continue as previously authorized.
[5] Kerr-McGee did not acquire an interest in the lands covered by this Application.
[6] All Kerr-McGee wells drilled on the lands covered by this application have been plugged and Applicant's leases have expired due to lack of commerical production and have been released of record.
[7] Applicant is filling under Gas Purchase Contract dated November 18, 1981.
[8] Natural Gas Pipeline Co. has gotten to the point of not being able to take gas from this lease and contract is terminated and canceled.
[9] Non-productive and uneconomical.
[10] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[11] Depletion of Gas Reserves.
[12] Applicant is filing under Gas Purchase Contract dated August 28, 1978.
[13] Applicant is filing under Gas Purchase Contract dated August 8, 1977.
[14] Applicant is filing under Gas Purchase Contract dated October 9, 1981.
[15] All acreage subject to Rate Schedule No. 140 was assigned, released, or farmed out. Conoco has no working interest subject to Rate Schedule No. 140.
[16] Subject well is depleted; no commerical production available.
[17] The well is depleted; no more commerical production available. Applicant plans to plug and abandon well.
[18] Only producing well on the acreage was plugged and abandoned.
[19] Kerr-McGee did not acquire an interest in the lands covered by this Application.
[20] The Latta Unit Well No. 1 produced from the Morrow Formation and the recoverable gas reserves have been depleted. The well was plugged and abandoned in August 1976 and the leases were permitted to lapse. ARCO has been unable to determine the status of the leases as of May 31, 1978.
[21] Contract primary term expired August 25, 1979. ARCO no longer owns a working interest in acreage in acreage committed thereunder, with the exception of that non-productive portion of Tract 27 below 7,650 feet.
[22] The only wells drilled on the lands covered by this Application have been plugged and Applicant's leases have expired due to lack of commerical production.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 82-1016 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-194-000]

Iowa Public Service Co.; Filing

January 8, 1982.

Take notice that on December 28, 1981, Iowa Public Service Company (IPSC) tendered for filing updated Exhibits B, C and E, to the Transmission Service and Facilities Agreement between IPSC and Cedar Falls Municipal Electric Utility, executed on October 2, 1979. IPSC states that said agreement set forth the facilities to be constructed for the proposed transmission path, the method of payment, the ownership, operation and maintenance of the facilities, and several other general provisions.

IPSC further states that Exhibit B (Supplement 2) increases the total annual carrying charges to reflect the higher property tax rate in effect for 1981, Exhibit C (Supplement 3) has been expanded from two pages to three pages. Page 1 has been updated to show the 1981 property base for 19 megawatts of capacity. Page 2 reflects an increase of one megawatt of capacity by Cedar Falls and Page 3 is the renumbered former page 2 and has not been otherwise amended, and Exhibit E (Supplement 5) shows the revised operation and maintenance expense as a percentage of transmission investment.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1011 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-203-000]

Kansas City Power & Light Co.; Filing

January 11, 1982.

Take notice that on January 4, 1982, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedule F-MPA-1 for Transmission and Subtransmission Service under the Missouri Participation Agreement dated June 1, 1980 between KCPL and the City of Ottawa, Kansas, FERC No. 90 (Docket No. ER80-510).

KCPL states that the purpose of this filing is to establish a rate for Transmission and Subtransmission Service for the City of Ottawa, Kansas.

KCPL requests an effective date of November 1, 1981, and therefore requests waiver of the Commission's notice requirements.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-997 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-200-000]

Maine Public Service Co.; Filing

January 8, 1982.

Take notice that on December 31, 1981, Maine Public Service Company (MPSC) tendered for filing a wholesale rate increase of $1,145,979 or 30%, on a calendar year 1982 basis. MPSC requests that the filing be permitted to become effective on February 1, 1982. The increase includes a requested return on 58% of jurisdictional construction-work-in-progress (CWIP). If the Commission does not permit the prompt inclusion of CWIP in rate base, MPSC requests alternatively that an interim increase of $335,137 be permitted to become effective February 1, 1982, with the balance (CWIP-related) of the proposed increase to be effective on July 1, 1982.

MPSC states that the affected customers are the Houlton Water Company, the Van Buren Light and Water District and the Maine Electric Cooperative, Inc.

MPSC requests an effective date of February 1, 1982, and therefore requests waiver of the Commission's notice requirements.

MPSC states that copies of the filing have been served on the affected wholesale customers, the Maine Public

Utilities Commission and the Maine Public Advocate.

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 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1012 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-199-000]

Missouri Public Service Co.; Filing

January 8, 1982.

Take notice that on December 31, 1981, Missouri Public Service Company (MPSC) tendered for filing Amendment No. 6 to the General Participation Agreement dated March 28, 1962.

The participants to Amendment No. 6 are as follows:

Kansas City Power & Light Company (KCPL)—Rate Schedule FPC #32
Missouri Public Service Company (MPS)—Rate Schedule FPC #8
The Empire District Electric Company (EDE)—Rate Schedule FPC #73
Kansas Gas and Electric Company (KGE)—Rate Schedule FPC #94
The Kansas Power and Light Company (KPL)—Rate Schedule FPC #7
Central Telephone and Utilities Corporation (CTU)—Rate Schedule FPC #53
Central Kansas Power Company, Inc. (CKP)—Rate Schedule FPC #2
Sunflower Electric Cooperative, Inc. (Sunflower)
St. Joseph Light & Power Company (SJLP)—Rate Schedule FERC #17

MPSC states that Amendment No. 6 adds a new participant, Board of Public Utilities, Kansas City, Kansas. A transmission map, Exhibit A, showing interconnections as of January 1, 1981, between the participants including BPU-KCK.

MPSC further states that Amendment No. 6 does not change rates nor require any new facilities, and no cost of service studies have been undertaken.

MPSC requests an effective date of January 1, 1981.

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 January 29, 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. 82-998 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-574]

Nantahala Power & Light Co.; Compliance Filing

January 12, 1982.

Take notice that on December 28, 1981, Nantahala Power and Light Company filed a refund compliance report pursuant to the Commission's November 16, 1981 order accepting the offer of settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 1, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1013 Filed 1-13-82; 8-45-82]

BILLING CODE 6717-01-M

[Docket No. ER82-193-000]

Northern States Power Co.; Filing

January 8, 1982.

Take notice that on December 29, 1981, Northern States Power Company (NSP) tendered for filing a proposed, unexecuted service agreement between NSP and the City of Black River Falls, Wisconsin. NSP states that under the proposed service agreement, Black River Falls will receive load pattern power from NSP under its LP-1 rate schedule filed in Docket No. ER81-653-000. NSP requests an effective date of February 28, 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 of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 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. 82-1014 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-79-000; 18 FERC 61,010]

Ohio Edison Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, Granting Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued January 8, 1982.

On November 9, 1981, Ohio Edison Company (Ohio Edison) tendered for filing increased rates for partial requirements service, requesting an effective date of January 8, 1982. The submittal includes tariff rate sheets for Ohio Edison's twenty municipal tariff customers and identical rate sheets for the City of Oberlin, the company's only municipal customer still served under a separate agreement rather than under the partial requirements tariff.[1] The proposed rates would increase revenues by approximately $11,617,120 (22.88%) for the twelve months ending December 31, 1982.

Notice of the filing was issued on November 19, 1981, with responses due on or before December 4, 1981. Ohio Edison's twenty-one municipal customers (Cities) [2] filed a timely protest protest, petition to intervene, and request for maximum suspension.

In support of their request for a maximum suspension, Cities allege a

[1] *See* Attachment A for rate schedule designations.

[2] Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington.

number of cost of service improprieties, including: (1) an excessive rate of return on common equity; (2) inclusion of excessive pollution control CWIP in rate base; (3) excessive O&M expenses; (4) an excessive claimed allowance for nuclear fuel disposal costs; (5) improper inclusion in rate base of unamortized nuclear plant abandonment costs and deferred Quarto mine coal purchase costs; (6) improper calculation of AFUDC rates, the cash working capital allowance, and the demand allocator; (7) use of an inappropriate capital structure; and (8) various improprieties with respect to tax calculations. Cities also allege price squeeze and suggest instances of mismanagement and anticompetitive practices. They contend that the revenues produced by the proposed rates would exceed retail revenues by 33%.

Discussion

Initially, we find that participation in this proceeding by the Cities is in the public interest. Accordingly, we shall grant the petition to intervene.

Ohio Edison has included in rate base approximately $773,146 representing extraordinary unamortized property losses associated with its share of four abandoned nuclear projects. This treatment is contrary to well-established Commission precedent.[3] Accordingly, summary disposition will be ordered with respect to this issue. Because the revenue impact of this summary disposition is substantial in relation to the proposed rate increase, we shall require the company to refile its cost of service and rates to exclude these losses from rate base.

Our preliminary analysis of the proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable, or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where a maximum suspension may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for five months to become effective, subject to refund, on June 9, 1982.

The remaining issues raised in the petitions to intervene may be addressed during the course of the hearing to be convened in this docket. In light of the price squeeze allegations raised, we shall institute price squeeze procedures and phase the proceedings in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

Finally, we note that Ohio Edison's proposed rates are subject to a tax adjustment clause. The implementation of any change under the tax clause will require a timely filing with the Commission pursuant to § 35.13 of the Commission's regulations.

The Commission orders:

(A) Ohio Edison's proposed rates are hereby accepted for filing, as modified by summary disposition, and are suspended for five months from sixty days after filing, to become effective on June 9, 1982, subject to refund.

(B) Summary disposition is hereby ordered with respect to Ohio Edison's rate base inclusion of the unamortized extraordinary property losses associated with its shares of four abandoned nuclear plants. The company shall file a revised cost of service and rates within thirty (30) days of the date of this order to reflect this determination.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Ohio Edison's rates.

(D) The Cities' petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by the intervenors shall be limited to the matters set forth in their petition to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(E) The Commission staff shall serve top sheets in this proceeding on or before January 8, 1982.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene in this proceeding to be held within approximately fifteen days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures in this proceeding and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rates which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Ohio Edison Company

[Docket No. ER82–79–000]

Item: Rate Increase for Partial Requirements Service.

Customer: Twenty One Municipalities.

Filed: November 9, 1981.

[3] *E.g., New England Power Company*, Opinion No. 49, Docket Nos. E–8641, *et al.* (July 19, 1979), *aff'd New England Power Company* v. *FERC*, Nos. 80–1364, *et al.* (D.C. Cir. October 15, 1981).

[4] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension; *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

Designation	
(1) Second Revised Sheet Nos. 18 through 21 under FERC Electric Tariff Original Volume No. 1 (Supersedes First Revised Sheet) Nos. 18 through 21 and Supplement No. 1 under the Tariff).	(1) Partial Requirement Rate Schedule consisting of four sheets (Supersedes rates and schedule adjustment filed in Docket Nos. ER80-454 and ER81-306-000.
(2) Supplement No. 4 to Rate Schedule FPC No. 140 (Supersedes Supplement No. 3 as supplemented).	(2) City of Oberlin Schedule consisting of four sheets (Supersedes rates and schedule adjustment filed in Docket Nos. ER80-454 and ER81-306-000).

Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth and Wellington.

[FR Doc. 82-999 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-17-000]

Panhandle Eastern Pipe Line Co.; Proposed Change in FERC Gas Tariff

January 6, 1982.

Take notice that on December 10, 1981, Panhandle Eastern Pipe Line Company (Panhandle) filed increased transportation rates proposed to be effective December 1, 1980, to track increased transportation rates of Trunkline Gas Company (Trunkline) which became effective December 1, 1980, subject to refund in Docket No. RP80-106. Subsequently, however, the increased rates of Trunkline being tracked were partially disallowed by Commission Order isssued December 18, 1981, which approved a settlement in Docket No. RP80-106.

Moreover, due to Panhandle's failure to file the subject increase in a timely manner, transportation costs properly charged to the affected transportation customers were charged to Panhandle's resale customers under filings made pursuant to Article VI of the settlement in Docket No. RP80-78.

Panhandle states that the proposed increases involve eleven agreements under which Panhandle and Trunkline jointly transport natural gas for several customers and under which Panhandle, acting as on accounting conduit, handles the billing of such customers on behalf of Trunkline.

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 and 1.10). All such petitions or protests should be filed on or before January 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. 82-1015 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-119-002, et al.]

Panhandle Eastern Pipe Line Company, et al. Filing of Pipeline Refund Reports and Refund Plans

January 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 the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before January 22, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
December 11, 1981	Panhandle Eastern Pipe Line Co	RP81-119-002	LFUT report.
December 16, 1981	Flordia Gas Transmission Co	RP81-124-001	LFUT report.
December 17, 1981	Arkansas Louisiana Gas Co	RP81-101-005	LFUT report.
December 17, 1981	Eastern Shore Natural Gas Co	RP82-11-004	Report.
December 17, 1981	Eastern Shore Natural Gas Co	RP82-28-000	LFUT report.
December 18, 1981	Transcontinental Gas Pipe Line Corp	RP77-108	Report.
December 21, 1981	Alabama-Tennessee Natural Gas Co	RP81-128-005	LFUT report.
December 21, 1981	Consolidated Gas Supply Corp	RP80-61-013	Report.
December 21, 1981	Consolidated Gas Supply Corp	RP81-114-001	LFUT report.
December 21, 1981	Lawrenceburg Gas Transmission Corp	RP82-29-000	LFUT report.
December 21, 1981	Sea Robin Pipeline Co	RP80-55-002	Report.
December 21, 1981	Transcontinental Gas Pipe Line Corp	RP81-125-001	LFUT report.

[FR Doc. 82-1000 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1851-001]

John W. Powers; Application

January 11, 1982.

The filing individual submits the following:

Take notice that on December 24, 1981, John W. Powers filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer, Niagara Mohawk Power Corporation
Treasurer, St. Lawrence Power Company
Director, Beebee Island Corporation
Treasurer, Beebee Island Corporation
Director, HYDRA-CO Enterprises, Inc.
Treasurer, Moreau Manufacturing Corporation
Assistant Treasurer, NM Uranium, Inc.

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 and 1.10). All such petitions or protests should be filed on or before February 5, 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. 82-1017 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-192-000]

Public Service Co., of Indiana; Cancellation

January 11, 1982.

The filing Company submits the following:

Take notice that on December 28, 1981, Public Service Company of Indiana (PSCI) tendered for filing a notice of cancellation of an agreement between Town of Edinburgh, Indiana and PSCI under the provisions of FERC Electric Tariff Original No. 1. PSCI states that the agreement provided for the temporary supply of the total electrical requirements of a retail customer of the Town of Edinburgh until the retail customer was electrically connected to the Town of Edinburgh's distribution system.

PSCI further states that as of November 18, 1980, electric service was discontinued at the temporary point per the Town of Edinburgh's request.

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 January 29, 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. 82-1001 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-80-000; 18 FERC 61,011]

Public Service Co. of Oklahoma; Order Accepting for Filing in Part and Suspending Revised Rates, Rejecting in Part, Granting Motions for Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing procedures

Issued: January 8, 1982.

On November 9, 1981 Public Service Company of Oklahoma (PSO) tendered for filing increased rates for firm power service to ten full requirements and eleven partial requirements customers and for transmission service and thermal energy provided to the Southwestern Power Administration (SWPA).[1] The proposed rates would result in an increase in revenues of approximately $8,150,000 (26.79%) for the twelve-month period ending December 31, 1982. PSO requests that these rates be made effective on January 8, 1982.

PSO concurrently tendered for filing, pursuant to § 2.16 of the Commission's regulations, alternate rates which reflect full inclusion in rate base of construction work in progress (CWIP). The proposed CWIP-based rates would increase revenues by approximately $13,093,970 (43.04%) during calendar year 1982. PSO requests that these rates be permitted to become effective prospectively following a hearing.

Notice of PSO's filing was issued on November 11, 1981, with responses due by December 4, 1981. On December 4, 1981, the Secretary of the Army on behalf of the Department of Defense (DOD) filed a protest, motion and petition to intervene. DOD is a SWPA preference customer affected by PSO's rate schedule RE-6. While DOD does not raise any substantive issues, it states that it will be directly adversely affected by the proposed rate increases and it moves for a maximum suspension of PSO's new rates.

On December 4, 1981, a joint petition to intervene, protest, motion to reject and motion to institute price squeeze procedures was filed by the Oklahoma Municipal Power Authority, the Municipal Electric Systems of Oklahoma, and the Municipal Wholesale Customers of PSO (collectively referred to as Municipalities).[2] With regard to PSO's cost of service, the Municipalities challenge a number of items including (1) the claimed rate of return on equity and a possible overstatement of the test period equity ratio; (2) test period fuel stocks, particularly the stated levels of coal stocks; (3) test period non-fuel O&M expenses; (4) the cash working capital allowance; and (5) the depreciation rates for certain plant and possible improper collection of depreciation expense via the fuel adjustment clause. The Municipalities also state that cost allocation, service limitations, and tax calculations may raise issues to be pursued at hearing.

In addition, the Municipalities take issue with (1) an 80% demand ratchet, the operation of which is characterized as retroactive ratemaking; (2) availability language which purportedly operates as a resale restriction; (3) certain rules and conditions of service affecting voltage levels and discontinuation of service; (4) provisions of the tariff permitting PSO to suspend service for non-compliance with the tariff; and (5) service limitations in the supplemental tariff for SWPA services. The Municipalities request rejection of the restrictive resale provision. Concerning the suspension of service language, they ask the Commission to reject such provisions or to qualify them to require appropriate notice and filing under the Federal Power Act. The Municipalities also seek rejection of PSO's CWIP-based filing on the grounds that no colorable case has been advanced under section 2.16 of the regulations. Finally, the Municipalities allege price squeeze and request a five month suspension of the non-CWIP rates.

On December 4, 1981, a protest, petition to intervene, and petition for suspension and for hearing was filed by the Western Farmers Electric Cooperative and Kamo Electric Cooperative, Inc. (Cooperatives). The Cooperatives raise many of the same cost of service and tariff language issues as those raised by the Municipalities. In addition, the Cooperatives raise questions concerning PSO's demand forecasting methodology, tariff provisions excluding PSO from liability in certain circumstances, treatment of certain leasing costs, allocation of transmission costs and capacity reserves, functionalization of plant and administrative expenses, and classification of O&M expenses as between demand and energy. With respect to PSO's CWIP-based rates, the Cooperatives request that the Commission take no action until the proceedings in Docket No. RM81-38 have been completed.[3]

Discussion

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, the petitions to intervene will be granted.

The availability language which the intervenors challenge reads as follows:

---

[1] *See* Attachment A for rate schedule disignations.

[2] The individual municipal customers of PSO include the Cities of Duncan, Comanche, Cordell, Altus, Copan, Hominy, Walters, Marlow, Frederick, Anadarko, Wetumka, Pawhuska and Kaw and the towns of Granite, Ryan, Olustee, Manitou, and Eldorado. The Oklahoma Municipal Power Authority is a joint action power agency created by the Oklahoma legislature to develop sources of electric power supply for public systems. The Municipal Electric Systems of Oklahoma constitutes an association of certain of the municipal electric utilities in Oklahoma.

[3] Construction Work in Progress for Public Utilities, Docket No. RM81-38, Notice of Proposed Rulemaking, issued July 27, 1981.

The electric service provided under this rate schedule is available under written contract to the Municipalities and Electric Cooperatives for the exclusive use of their retail distribution system at each point of service.[4]

The Municipalities apparently read the language of this clause to prohibit on its face further wholesales of power purchased under this rate schedule. We agree with this interpretation of the availability clause.[5] That being the case, the restrictive language is *per se* unduly restrictive and anti-competitive and is therefore null and void.[6] PSO will be required to file a revised Rate Schedule RE–5 to conform with this finding.

As noted, the intervenors also object to provisions of PSO's proposed tariff which purport to give the company the option of interrupting service under stated conditions with as little as fifteen days advance notice. Because section 205 of the Federal Power Act requires 60 days notice to the Commission and the public prior to any change in service (including suspension of service), we conclude that PSO's tariff attempts to create a "right" which does not lawfully exist.[7] PSO is advised that the notice and filing required by statute (as well as an opportunity for Commission review and disposition) will be required prior to any anticipated change in service under the tariff, including a suspension of service.

We further note that PSO has included accumulated deferred investment tax credits (ADITC) as a separate component of its capital structure. This treatment is contrary to well-established Commission precedent and, therefore, will be rejected.[8] PSO will be required to refile its capitalization (Statement AV) to exclude AIDTC.

Our analysis indicates that PSO's non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[9] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the matters raised by the intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed rates may not produce subsatantially excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. Accordingly, the Commission will suspend the non-CWIP rates for one day from 60 days after filing, to become effective, subject to refund, on January 10, 1982.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, rate of return, and tariff language issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

With respect to PSO's CWIP-based rates, the Municipalities seek rejection and the Cooperatives suggest deferral of any action pending the outcome of the recently initiated CWIP rulemaking. We believe the latter to be the most appropriate course of action. Under the present standards as articulated in Order No. 555, a utility requesting the inclusion of CWIP in rate base [10] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.[11] Rather than addressing this standard in detail, PSO's testimony on the CWIP issue deals largely with the appropriateness of CWIP regulation as a policy matter. However, the purpose of the rulemaking proceeding in Docket No. RM81–38 is to re-examine the current CWIP rules and the underlying policies and standards. In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of PSO's CWIP application and phase that issue to follow the rulemaking proceeding.[12]

The Commission orders:

(A) The Cities' request for rejection of the resale restriction in the availability provision of Rate Schedule RE–5 is hereby granted.

(B) Summary disposition is hereby ordered with respect to PSO's inclusion of ADITC in its capitalization.

(C) Within thirty (30) days of the date of this order, PSO shall file a revised Rate Schedule RE–5 excluding the restrictive language contained in such rate schedule and shall file a revised Statement AV excluding all ADITC from the stated capitalization.

(D) All other motions for rejection or summary disposition are hereby denied.

(E) PSO's proposed non-CWIP rates are hereby accepted for filing, as modified above, and are suspended for one day from 60 days after filing to become effective, subject to refund, on January 10, 1982.

(F) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a

[4] PSO Rate Schedule RE–5, 3rd Revised Sheet No. 100.01.

[5] Similar language in other rate schedules also has been so interpreted. *See Empire District Electric Company*, Docket No. ER78–591 (October 27, 1978); *Northern Indiana Public Service Company*, Docket No. ER–78–509 (November 22, 1978); and *Gulf States Utilities Company*, Docket No. ER78–816 (October 20, 1978).

[6] *Gulf States Utilities Company, supra.*

[7] *See Central Illinois Public Service Company*, Docket No. ER81–736 (October 30, 1981); *Missouri Utilities Company*, Docket Nos. ER79–642, *et al.* (February 6, 1981); *Pennsylvania Water and Power Co. v. F.P.C.*, 343 U.S. 414, 422–24 (1952); *see also* 18 CFR 2.4 and 35.15.

[8] *E.g., Virginia Electric and Power Company*, Opinion No. 118 (April 10, 1981), 15 FERC ¶ 61,052; *Carolina Power and Light Company*, Opinion No. 19 (August 2, 1979); *Public Service Company of New Mexico*, Docket No. ER81–187–000 (February 27, 1981), 14 FERC ¶ 61,194; *Public Service Company of Oklahoma*, Docket No. ER78–511 (October 12, 1978); *Virginia Electric and Power Company*, Docket No. ER78–522 (August 30, 1978).

[9] *E.g., Boston Edision Company*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80–506, *et al.*, (August 29, 1980) (One day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[10] Other than CWIP associated with pollution control and fuel conversion facilities.

[11] 18 CFR 2.16(b)(3).

[12] *See El Paso Electric Company*, Docket No. ER81–426–000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81–387–000 (July 27, 1981); and *Florida Power and Light Company*, Docket No. ER81–588–000 (September 2, 1981).

public hearing shall be held concerning the justness and reasonableness of PSO's rates and tariff provisions.

(G) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in §2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) PSO's application for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to the outcome of the proceedings in Docket No. RM81-38.

(J) The Commission staff shall serve top sheets in this proceeding on or before January 10, 1982.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever the motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Public Service Company of Oklahoma; Rate Schedule Designations

Docket No. ER82-80-000

Description: Rate RE-5 (Full Requirements).

Rate schedule	Supplement No.	Supersedes supplement No.	Other party
FPC No. 168	6	5	City of Altus.
FPC No. 169	6	5	City of Frederick.
FPC No. 170	6	5	City of New Cordell.
FPC No. 171	6	5	City of Kaw City.
FPC No. 188	6	5	Anadarko Public Works Authority.
FPC No. 189	4	3	Town of South Coffeyville.
FPC No. 190	5	4	Town of Marlow.
FPC No. 192	6	5	City of Pawhuska.
FERC No. 197	5	4	Western Farmers Electric Cooperative.
FERC No. 198	5	4	KAMO Electric Cooperative.

Description: Supplemental Power Contract.

Rate schedule	Supersedes rate schedule (as supplemented)	Other party
FERC No. 212	FPC No. 193	City of Hominy.
FERC No. 213	FPC No. 195	City of Copan.
FERC No. 214	FERC No. 199	Town of Manitou.
FERC No. 215	FERC No. 200	City of Walters.
FERC No. 216	FERC No. 201	Town of Granite.
FERC No. 217	FERC No. 202	Town of Eldorado.
FERC No. 218	FERC No. 203	Town of Olustee.
FERC No. 219	FERC No. 204	Town of Comanche.
FERC No. 220	FERC No. 205	Town of Ryan.
FERC No. 221	FERC No. 206	City of Wetumka.
FERC No. 222	FERC No. 207	City of Duncan.

Description: Delivery Point Specifications.

Supplement No. 1 to Rate Schedule FERC Nos. 212-222 above.

Description: Rate RE-6 (Partial Requirements Service).

Supplement No. 2 to Rate Schedule FERC Nos. 212-222 above.

Description: Revised pages 21-24 of SWPA Contract.

Other Party: Southwestern Power Administration.

Supplement No. 3 to Rate Schedule FERC No. 196 (Supersedes Supplement No. 2).

[FR Doc. 82-1002 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-11-000]

Raymond Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

January 8, 1982.

Take notice that Raymond Oil Company on January 5, 1982 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Jan. 25, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before January 25, 1982, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1003 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-205]

Southern California Edison Co.; Compliance Filing

January 12, 1982.

Take notice that on December 18, 1981, Southern California Edison Company filed a revised cost of service and revised rates to reflect the modification set forth pursuant to the Commission's letter dated November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on before February 1, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1004 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-6619-000 et al.]

Sun Exploration and Production Co. (Formerly Sun Oil Co. (Delaware)), et al.; Application for Amendment of Certificates of Public Convenience and Necessity and for Redesignation of Rate Schedules To Reflect Change in Corporate Name

January 13, 1982.

Take notice that Sun Oil Company (Delaware) on December 23, 1981, tendered for filing an application for amendment of certain certificates of public convenience and necessity and for redesignation of certain rate schedules. The proposed changes would amend each certificate and rate schedule to reflect a change in corporate name from Sun Oil Company (Delaware) to Sun Exploration and Production Company of P.O. Box 20, Dallas, Texas 75221.

These amendments are necessary to reflect the change in Sun Oil Company's name to Sun Exploration and Production Company accomplished through an amendment to the certificate of incorporation of Sun Oil Company (Delaware), unanimously approved by the stockholders on October 29, 1981, and duly filed with the Secretary of State of the State of Delaware.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission of its own review of the matter believes that a grant of the certificates of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1005 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-114-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

January 11, 1982.

Take notice that on December 14, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. Cp82-114-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a gas transportation agreement dated March 25, 1980, as amended, to transport up to 70,000 Mcf of natural gas per day for Northern's account. It is stated Applicant would receive gas for Northern from a point of receipt at an existing point of interconnection with Northern on Applicant's West Cameron 192 platform, offshore Louisiana, and a point of receipt where volumes are received for Northern's account for delivery to Southern Natural Gas Company (Southern) which point would be the Centerville point of delivery, St. Mary Parish, Louisiana. It is asserted that the primary point of redelivery for gas received (SNG point of receipt) at the West Cameron Block 192 receipt point is a point of interconnection of Applicant and Houston Pipe Line Company in Newton County, Texas (Sabine delivery point). The alternative points of redelivery for such receipt are at facilities in Nueces County, Texas (Agua Dulce delivery point), at the point of interconnection between Applicant's 16-inch line and United Gas Pipe Line Company's (United) 20-inch line in Calcasieu Parish, Louisiana (Iowa delivery point), at the point of interconnection of United's 18-inch line with Applicant's Compressor Station 47 near West Monroe, Ouachita Parish, Louisiana (West Monroe delivery point), at the point of interconnection of Applicant's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville delivery point), at an interconnection of the Lirette facilities with Applicant's facilities at Applicant's Compressor Station 523, Terrebonne Parish, Louisiana (Cocodrie delivery point). It is submitted that volumes received at the SNG point of receipt for additional service by Applicant for Northern would be delivered to Southern for Northern's account at either Rose Hill, Mississippi, Pugh, Mississippi, or other mutually agreeable points. Applicant states that a portion of the transportation volume up to 50,000 Mcf per day may be retendered to Applicant by Northern at the SNG point of receipt to be delivered to Southern for Northern's account.

The transportation agreement provides that Northern would pay Applicant a volume charge equal to the product of 7.62 cents per Mcf for the Sabine delivery point, 30.18 cents per Mcf for the Agua Dulce delivery point, 4.39 cents per Mcf for the Iowa delivery point, 13.85 cents per Mcf for the West Monroe delivery point, 10.22 cents per Mcf for the Centerville delivery point and 13.23 cents per Mcf for the Cocodrie delivery point. for volumes retendered to Applicant at the SNG point of receipt for further transportation, the agreement provides for a charge of 17.05 cents per Mcf for the Rose Hill delivery point or 21.36 cents per Mcf for the Pugh delivery point in each case multiplied by the total volume of gas received by Applicant for the account of Northern during the month for delivery at each such point. It is asserted that the agreement also contains a provision for a minimum monthly bill and a provision that Northern would provide Applicant various volumes of natural gas to compensate Applicant for its fuel and use requirements.

It is explained that the proposed service would provide Northern with a means of transporting an additional supply of natural gas without having to construct and operate additional facilities. It is stated that the proposed service would be rendered only when Applicant's operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 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. 82-1006 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-123-000]

Transwestern Pipeline Co.; Application

January 11, 1982.

Take notice that on December 17, 1981, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-123-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate 35.7 miles of 20-inch pipeline and related facilities originating on Applicant's 30-inch mainline in Chaves County, New Mexico, and extending north through Chaves County and into DeBaca County, New Mexico. Applicant also proposes to construct and operate three compressors of up to 1,100 horsepower each to be located in Chaves County, New Mexico, near the origin point of the 20-inch pipeline.

It is stated that the compression would be installed to boost the pressure of the proposed pipeline system to that of Applicant's existing 30-inch mainline. Applicant explains that the pipeline has been sized for a design capacity of approximately 145,000 Mcf per day but would accommodate a maximum of 188,000 Mcf per day with standby equipment operating.

Applicant asserts that the proposed project would permit Applicant to attach significant quantities of natural gas which are presently being developed in the Abo producing trend of Chaves and DeBaca Counties, New Mexico.

It is averred that the estimated total cost for the proposed facilities is $23,586,900 which would be financed initially by Applicant with funds on hand, borrowings under Applicant's revolving credit arrangements or short-term financing. Applicant submits that permanent financing would be undertaken as part of Applicant's overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1018 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 7, 1982.

JD NO	DA RCT	API NO	CATEGORY SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-FUNK EXPLORATION INC			RECEIVED: 12/11/81	JA: KS			
8210493	K80-0549	1517520411	103	HIRN RANCH #1	ARKALON(MRW/MISS)	270.0	NORTHERN NATURAL
8210494	K80-0548	1517520411	102-4	HIRN RANCH #1	ARKALON (MRW/MISS)	270.0	NORTHERN NATURAL
8210495	K80-0639	1517520471	102-4	HIRN RANCH #2	ARKALON	120.0	NORTHERN NATURAL
8210492	K81-0214	1517520497	102-4	HIRN RANCH #3	ARKALON	0.0	NORTHERN NATURAL
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-GETTY OIL COMPANY			RECEIVED: 12/14/81	JA: MI			
8210557		2103100000	102-4	STATE FOREST #1-24	STATE FOREST 1-14	97.0	MICHIGAN CONSOLID
8210558		2103100000	102-4	STATE FOREST 2A-24	STATE FOREST 2-24	50.0	MICHIGAN CONSOLID
-OKLAHOMA DRILLING CORP			RECEIVED: 12/14/81	JA: MI			
8210556		2103500000	102-2	DAN BLACKLEDGE #1-20	WINTERFIELD	0.0	CONSUMERS POWER C
-TENNECO OIL COMPANY			RECEIVED: 12/09/81	JA: MI			
8210496		2110133330	102-4	PCA GILLESPIE 5-23A	MANISTEE 23A	912.0	CONSUMERS POWER C
OHIO DEPARTMENT OF NATURAL RESOURCES							
-ALLEN M ANDERSON			RECEIVED: 12/15/81	JA: OH			
8210261		3416726731	107-DV	JAMES CHURCH #1	GRANDVIEW	10.0	
-ALTHEIRS OIL INC			RECEIVED: 12/15/81	JA: OH			
8210262		3412724740	103	GIVENS #1	PIKE TWP	5.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO			RECEIVED: 12/15/81	JA: OH			
8210266		3411924016	108	EDWARD HOLLINGSWORTH #1		10.0	PHELPS DODGE CORP
8210265		3411924003	108	EVELYNE ADAMS #1		10.0	PHELPS DODGE CORP
8210263		3405921945	108	J TENNANT #1		10.0	LIBBEY OWENS FORD
8210267		3411924570	108	MORRISON #2		1.0	TIMKEN CO
8210264		3411923618	108	ROBERT MILES #2		10.0	TIMKEN CO
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 12/15/81	JA: OH			
8210269		3408322936	103	GAYLORD RINE #2	JACKSON	18.0	COLUMBIA GAS TRAN
8210268		3407523453	103	JAMES KING #3	KILLBUCK	18.0	COLUMBIA GAS TRAN
-AMTEX OIL AND GAS INC			RECEIVED: 12/15/81	JA: OH			
8210270		3416922517	107-TF	JEFFERS #1	CANAAN	0.0	
8210271		3416922518	107-TF	JEFFERS #2	CANAAN	0.0	
-BECK OIL & GAS CO			RECEIVED: 12/15/81	JA: OH			
8210286A		3415123499	103	L SPECK #1	NIMISHILLEN	0.0	COLUMBIA GAS OF O
8210286B		3415123499 D	107-TF	L SPECK #1	NIMISHILLEN	0.0	COLUMBIA GAS OF O
-BERRESFORD ENTERPRISES INC			RECEIVED: 12/15/81	JA: OH			
8210289		3416726490	103	BASIL HALL #3	WATERFORD	0.0	
8210288		3416726300	103	EILEEN TAYLOR #3	WATERFORD	0.0	
8210291		3416726787	103	GEORGE GORDON #1	WATERFORD	0.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210290		3416726671		103		JOE MISEL #1	WATERFORD	0.0	
8210287		3416726231		103		MARILYN COMBS #1	WATERFORD	0.0	
-BKK PROSPECTING LTD				RECEIVED: 12/15/81 JA: OH					
8210273		3412122506		107-DV		CHESTER FELDNER #1	JEFFERSON	0.0	COLUMBIA GAS TRAN
8210274		3412122507		107-DV		CHESTER FELDNER #2	JEFFERSON	0.0	COLUMBIA GAS TRAN
8210285		3412122639		107-DV		E BETTINGER #1	ELK	30.0	COLUMBIA GAS TRAN
8210272		3411121977		107-DV		EMERSON SMITH #2	WAYNE	30.0	COLUMBIA GAS TRAN
8210281		3412122518		107-DV		GLADYS BAKER #1	ELK	30.0	COLUMBIA GAS TRAN
8210282		3412122519		107-DV		GLADYS BAKER #2	ELK	0.0	COLUMBIA GAS TRAN
8210279		3412122515		107-DV		HARRY SMITH #1	ELK	0.0	COLUMBIA GAS TRAN
8210280		3412122516		107-DV		HARRY SMITH #2	ELK	30.0	COLUMBIA GAS TRAN
8210276		3412122510		107-DV		RALPH & RUTH BETTINGER #1	ELK	0.0	COLUMBIA GAS TRAN
8210275		3412122508		107-DV		RALPH & RUTH BETTINGER #3	ELK	0.0	COLUMBIA GAS TRAN
8210283		3412122522		107-DV		ROBERT SCHOTT #1	ELK	0.0	COLUMBIA GAS TRAN
8210284		3412122523		107-DV		ROBERT SCHOTT #3	ELK	30.0	COLUMBIA GAS TRAN
8210278		3412122514		107-DV		W H MASON #2	ELK	30.0	COLUMBIA GAS TRAN
8210277		3412122513		107-DV		W N MASON #1	ELK	30.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC				RECEIVED: 12/15/81 JA: OH					
8210297		3410522166		103		B D GRIFFIN #1	OLIVE	0.4	COLUMBIA GAS TRAN
8210292		3410521979		107-DV		DENNIS PARKER #1	ORANGE	5.9	COLUMBIA GAS TRAN
8210293		3410522066		107-DV		HOWARD E PARKER #1	CHESTER	6.8	COLUMBIA GAS TRAN
8210295		3410522068		107-DV		OKEY CONNOLLY #1	ORANGE	6.2	COLUMBIA GAS TRAN
8210294		3410522067		107-DV		RALPH KNIGHT #1	CHESTER	6.7	COLUMBIA GAS TRAN
8210296		3410522075		107-DV		WAYNE RITCHIE #1	ORANGE	6.1	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 12/15/81 JA: OH					
8210307		3411122179		107-DV		CLARENCE HOWELL #1	MALAGA	7.0	TEXAS EASTERN TRA
8210308		3411122452		107-DV		CLEMENTINE ANKROM #1	CENTER	9.0	NATIONAL PETROLEU
8210309		3411122461		103		GARY RUBEL #1	SUMMIT	9.0	COLUMBIA GAS TRAN
-BULLS INVESTMENTS				RECEIVED: 12/15/81 JA: OH					
8210310		3411522500		103		PAUL DIETZ/KENT PLACE #2	CENTER	0.0	
-C W RIGGS INC				RECEIVED: 12/15/81 JA: OH					
8210460		3416725685		107-DV		ROBERT THEOBALD #8	RENO	5.5	COLUMBIA GAS TRAN
-CAVALIER OIL CORP				RECEIVED: 12/15/81 JA: OH					
8210311		3411122395		103		CAVALIER-BROOKS #2	CENTER	15.0	RIVER GAS TRANS C
-CHANSE PETROLEUM CORPORATION				RECEIVED: 12/15/81 JA: OH					
8210312		3400721779		103		A C & G P JEROME #4	NEW LYME	4.5	
8210313		3400721781		103		A C & G P JEROME #5	NEW LYME	3.9	
-CLARENCE SHERMAN				RECEIVED: 12/15/81 JA: OH					
8210471A		3415723624		103		D ANDREAS #1	RAGERSVILLE	20.0	EAST OHIO GAS CO
8210471B		3415723624	D	107-TF		D ANDREAS #1	RAGERSVILLE	20.0	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED: 12/15/81 JA: OH					
8210315		3412725355		103		BARNES-BLOCK #1-672		10.0	
8210314		3411923667		108		PETERMAN-MATESICH #1		10.0	COLUMBIA GAS TRAN
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 12/15/81 JA: OH					
8210316A		3408924106		103		O'DONNELL #1	HOPEWELL	1.5	NEWZANE GAS CO
8210316B		3408924106	D	107-TF		O'DONNELL #1	HOPEWELL	1.5	NEWZANE GAS CO
-CONPETRO VENTURES LTD				RECEIVED: 12/15/81 JA: OH					
8210317		3407522902		103		YODER #1	KILLBUCK	20.0	NATIONAL OIL & GA
-DERBY OIL & GAS CORP				RECEIVED: 12/15/81 JA: OH					
8210479		3407523171		103		IVAN M MAST #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210479		3407523171		107-TF		IVAN M MAST #1	BERLIN	12.0	COLUMBIA GAS TRAN
-DOMESTIC OIL & GAS CO				RECEIVED: 12/15/81 JA: OH					
8210318		3403124233		103		CROWTHERS #2-4233	NEWCASTLE	0.5	

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORFMAN PRODUCTION CO			RECEIVED: 12/15/81 JA: OH				
8210319		3409921339	103	J MARTIG UNIT #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210319		3409921339	107-TF	J MARTIG UNIT #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210320		3409921340	103	J MARTIG UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210320		3409921340	107-TF	J MARTIG UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210323		3409921345	103	J MARTIG UNIT #3	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210323		3409921345	107-TF	J MARTIG UNIT #3	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210321		3409921341	103	MYERS D #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210321		3409921341	107-TF	MYERS D #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210322		3409921342	103	MYERS D #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210322		3409921342	107-TF	MYERS D #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
-DOVER OIL CO			RECEIVED: 12/15/81 JA: OH				
8210325		3416725750	103	ELDER #1	DUNHAM	3.0	RIVER GAS CO
8210324		3416725527	103	JOHN J TOOTHMAN #1	DUNHAM	3.0	RIVER GAS CO
-ELKHEAD GAS & OIL COMPANY			RECEIVED: 12/15/81 JA: OH				
8210327		3408322974	103	J R LEPLEY #1	KNOX	55.0	COLUMBIA GAS TRAN
8210326		3408329480	103	LAW #1	KNOX	321.0	COLUMBIA GAS TRAN
-EMERALD EXPLORATION ASSOCIATES I			RECEIVED: 12/15/81 JA: OH				
8210328		3411122065	107-DV	PAUL & BERNICE MARSHALL #1	BETHEL	60.0	
8210329		3411122082	107-DV	PAUL & BERNICE MARSHALL #2	BETHEL	60.0	
8210330		3411122083	107-DV	PAUL & BERNICE MARSHALL #3	BETHEL	60.0	
-EMERALD EXPLORATION ASSOCIATES II			RECEIVED: 12/15/81 JA: OH				
8210331		3416726591	107-DV	DARRELL BARNES #3	LIBERTY	40.0	
-FRANKLIN GAS & OIL CO INC			RECEIVED: 12/15/81 JA: OH				
8210333		3408322943	103	DONALD KAUFFMAN #1	JEFFERSON	0.0	EAST OHIO GAS CO
-FRONTIER PETROLEUM LTD			RECEIVED: 12/15/81 JA: OH				
8210334		3411122366	107-DV	LEMASTERS #1	BETHEL	25.0	COLUMBIA GAS TMIS
-GREAT NATIONAL CORP			RECEIVED: 12/15/81 JA: OH				
8210336		3411522069	103	DAVIS #5	MALTA	15.0	
8210335		3411522064	103	O WESTFALL #1	MALTA	15.0	
8210337		3411522194	103	W MOORE #1	MALTA	15.0	
-H & S OPERATING COMPANY			RECEIVED: 12/15/81 JA: OH				
8210338		3407522907	103	ROY WEAVER #1	SHREVE	20.0	COLUMBIA GAS TRAN
-HADCO INC			RECEIVED: 12/15/81 JA: OH				
8210342		3410322620	103	DILLWORTH #1	GRANGER	20.0	
8210342		3410322620	107-TF	DILLWORTH #1	GRANGER	20.0	
-HENRY PETROLEUM CORP			RECEIVED: 12/15/81 JA: OH				
8210340		3416726721	107-DV	BERTHA HILL #1	SALEM	0.0	COLUMBIA GAS TRAN
8210339		3416726704	107-DV	BROOM - HILL #1 34-1672-6704	DEVONIAN SAHLE	0.0	COLUMBIA GAS TRAN
-HOOVER PRODUCING & OPERATING			RECEIVED: 12/15/81 JA: OH				
8210341		3412725336	103	L WALTERS #1-B	HOPEWELL-PERRY	18.0	NATIONAL GAS & OI
-HOPCO RESOURCES INC			RECEIVED: 12/15/81 JA: OH				
8210344		3411925769	103	HESSIN #1A	JACKSON	12.0	COLUMBIA GAS TRAN
8210344		3411925769	107-TF	HESSIN #1A	JACKSON	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 12/15/81 JA: OH				
8210346		3411925580	103	ANNA HIGHFIELD WOOD #1	PERRY	10.0	COLUMBIA GAS TRAN
8210345		3411122280 D	107-TF	HARRY FOWLER	SENECA	12.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 12/15/81 JA: OH				
8210347		3403124455 D	107-TF	DALLAS & MARY LINT #1	MONROE	10.0	COLUMBIA GAS TRAN
-I R D CORP			RECEIVED: 12/15/81 JA: OH				
8210348		3400721838	103	FLACK #1	ANDOVER	37.0	
8210348		3400721838	107-TF	FLACK #1	ANDOVER	37.0	
-J P WHITE			RECEIVED: 12/15/81 JA: OH				

JC NO	JA PKT	API NO	C	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210491		3415521413		107-TF	NEWCOMB LUMBER #2	NEWTON	50.0	COLUMBIA GAS TRAN
-JAMES R SMAIL					RECEIVED: 12/15/81 JA: OH			
8210475		3416922802		103	DAVID E MORRIS #1	CLINTON	30.0	COLUMBIA GAS TRAN
8210475		3416922802		107-TF	DAVID E MORRIS #1	CLINTON	30.0	COLUMBIA GAS TRAN
8210476		3416922839		103	HAMILTON #1	PLAIN	30.0	COLUMBIA GAS TRAN
8210476		3416922839		107-TF	HAMILTON #1	PLAIN	30.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS					RECEIVED: 12/15/81 JA: OH			
8210349		3400721686		103	WOBETT FARMS #1	RICHMOND	30.0	P O I ENERGY INC
8210349		3400721686		107-TF	WOBETT FARMS #1	RICHMOND	30.0	P O I ENERGY INC
8210350		3400721684		103	WOBETT FARMS #2	RICHMOND	25.0	P O I ENERGY INC
8210350		3400721684		107-TF	WOBETT FARMS #2	RICHMOND	25.0	P O I ENERGY INC
8210351		3400721739		103	WOBETT FARMS #3	RICHMOND	100.0	P O I ENERGY INC
8210351		3400721739		107-TF	WOBETT FARMS #3	RICHMOND	100.0	P O I ENERGY INC
8210352		3400721740		103	WOBETT FARMS #4	RICHMOND	60.0	P O I ENERGY INC
8210352		3400721740		107-TF	WOBETT FARMS #4	RICHMOND	60.0	P O I ENERGY INC
-JEFFERSON OIL & GAS CO					RECEIVED: 12/15/81 JA: OH			
8210353		3403124391		107-TF	LOOS #1	WINDING FORK & RINE CORN	30.0	COLUMBIA GAS TRAN
-JERRY C OLDS					RECEIVED: 12/15/81 JA: OH			
8210412		3403124280		103	OSBORN #4	PERRY	0.0	NATIONAL GAS & OI
-JERRY MOORE INC					RECEIVED: 12/15/81 JA: OH			
8210384		3403124275		103	ALLAN R BISHOP #1-A	KILLBUCK	4.0	COLUMBIA GAS TRAN
8210385		3403124286		103	CANAL LEWISVILLE U M CHURCH #1	CANAL LEWISVILLE	6.0	COLUMBIA GAS TRAN
8210385		3403124286		107-TF	CANAL LEWISVILLE U M CHURCH #1	CANAL LEWISVILLE	6.0	COLUMBIA GAS TRAN
8210387		3403124337		103	DENNIS BAHMER JR #1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8210387		3403124337		107-TF	DENNIS BAHMER JR #1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8210386		3403124287		103	FRED BAILEY #1	KEENE	4.0	COLUMBIA GAS TRAN
8210386		3403124287		107-TF	FRED BAILEY #1	KEENE	4.0	COLUMBIA GAS TRAN
8210383		3403123927		103	HENRY A MAST UNIT #2-15	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8210383		3403123927		107-TF	HENRY A MAST UNIT #2-15	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8210389		3407523026		103	RAYMOND SCHEUFLER UNIT #1	WILMOT	3.0	COLUMBIA GAS TRAN
8210388		3407523025		103	ROMAN S YODER UNIT #1-4	WILMONT	3.0	COLUMBIA GAS TRAN
-JOHN G FORAKER					RECEIVED: 12/15/81 JA: OH			
8210332		3400922237		103	KASLER #1	AMES	0.5	COLUMBIA GAS TRAN
-KEN-TRAK					RECEIVED: 12/15/81 JA: OH			
8210357		3410522209		103	JAMES MASH #1	2ND BEREA (LOWER MISSISS	0.0	
8210358		3410522210		103	JAMES QUILLEN #1	2ND BEREA (LOWER MISSISS	0.0	
-KENOIL					RECEIVED: 12/15/81 JA: OH			
8210354		3416922799	D	107-TF	TED ACKER #1-S	CLINTON	6.0	COLUMBIA GAS TRAN
8210355		3416922800		103	WILLIAM MCKEE #1	CLINTON	6.0	COLUMBIA GAS TRAN
-KENSINGTON INVESTORS LTD					RECEIVED: 12/15/81 JA: OH			
8210356		3416726290		107-DV	LEWIS & ZELLA MOORE #3	GRANDVIEW	100.0	
-L & M PETROLEUM INC					RECEIVED: 12/15/81 JA: OH			
8210359		3416725272		107-TF	GLEN A BIEHL #1	LAWRENCE	12.8	COLUMBIA GAS TRAN
-LAKE REGION OIL INC					RECEIVED: 12/15/81 JA: OH			
8210363		3407523212		103	ALL OHIO #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
8210363		3407523212		107-TF	ALL OHIO #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
8210360		3407522887		103	DALE ORR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8210360		3407522887		107-TF	DALE ORR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8210361		3407523128		103	EARL FRAELICH #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8210362		3407523129		103	PAUL ZOLLARS #1	RICHLAND	5.0	COLUMBIA GAS TRAN
-LANDPROVEST INC					RECEIVED: 12/15/81 JA: OH			
8210365		3405922952		107-TF	BLACKWELL #2	CAMBRIDGE	25.0	
8210364		3405922758		107-TF	C WELLMAN #1 - 80	CAMBRIDGE	25.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	S SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-LOMAK PETROLEUM INC			RECEIVED: 12/15/81 JA: OH			
8210366		3416922164	107-TF ALEXANDER #1	WOOSTER	18.3	COLUMBIA GAS TRAN
-MARJAC ENERGY CO			RECEIVED: 12/15/81 JA: OH			
8210370		3412725255	103 FORSYTHE #1	JACKSON	10.0	NATIONAL GAS & OI
-MARTIN EXCAVATING INC			RECEIVED: 12/15/81 JA: OH			
8210374		3407522608	107-TF CLAUDE STOTLER #1	MECHANIC	4.5	COLUMBIA GAS TRAN
8210372		3407522606	107-TF DALE LAHM #1	MECHANIC	4.0	COLUMBIA GAS TRAN
8210373		3407522607	107-TF HERBERT PATTERSON #1	MECHANIC	2.5	COLUMBIA GAS TRAN
8210377		3407522663	107-TF NELLIE PATTERSON #1	MECHANIC	3.5	COLUMBIA GAS TRAN
8210376		3407522632	107-TF RUSTIC REALTY #1	MECHANIC	30.0	COLUMBIA GAS TRAN
8210375		3407522609	107-TF STOTLER #2	MECHANIC	2.5	COLUMBIA GAS TRAN
8210378		3407522688	107-TF VIC LAHM #1	MECHANIC	3.0	COLUMBIA GAS TRAN
8210371		3407522421	107-TF WM WAGERS #1	MECHANIC	3.0	COLUMBIA GAS TRAN
-MILLER DAY ISELI ENERGY CO.			RECEIVED: 12/15/81 JA: OH			
8210381		3416722436	107-DV BLANEY #1-22	WASHINGTON	1.5	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/15/81 JA: OH			
8210382		3406720410	103 HAUBER #1-90	RUMLEY	20.0	
8210382		3406720419	107-TF HAUBER #1-90	RUMLEY	20.0	
-MORELAND OIL & GAS			RECEIVED: 12/15/81 JA: OH			
8210390		3407523251	103 D&S SCALFARO #1	MONROE	15.0	
-MURPHY OIL CO			RECEIVED: 12/15/81 JA: OH			
8210391		3410522211	103 GOEGLEIN #1	SEC 1 RUTLAND TWP	0.0	
-NEW FRONTIER EXPLORATION INC			RECEIVED: 12/15/81 JA: OH			
8210397		3406720446	103 EARL SHEEHAN #2	MONROE	18.0	
8210397		3406720446	107-TF EARL SHEEHAN #2	MONROE	18.0	
-NOBLE OIL CORP			RECEIVED: 12/15/81 JA: OH			
8210399		3400721829	107-TF FISHWICK #1	LENOX	20.0	AMERICAN ENERGY S
8210398		3400721826	107-TF FREIDRICH-COTTERMAN #1	LENOX	20.0	AMERICAN ENERGY S
-OHIO NATURAL FUEL CO			RECEIVED: 12/15/81 JA: OH			
8210404		3407522753	103 A & P MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210404		3407522753	107-TF A & P MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210403		3407522540	103 P & S STUTZMAN #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8210403		3407522540	107-TF P & S STUTZMAN #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8210400		3403124243	103 SPECKMAN #2	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210400		3403124243	107-TF SPECKMAN #2	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210401		3403124245	103 SPECKMAN #3	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210401		3403124245	107-TF SPECKMAN #3	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210402		3403124300	103 SPECKMAN #4	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210402		3403124300	107-TF SPECKMAN #4	BETHLEHEM	73.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO			RECEIVED: 12/15/81 JA: OH			
8210405		3415521913	107-TF DENMAN #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210406		3415521919	107-TF DENMAN #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210407		3415521920	107-TF WOLFE #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210408		3415521921	107-TF WOLFE #3	JOHNSTON	20.0	COLUMBIA GAS TRAN
-OHIO PRODUCERS SERVICES INC			RECEIVED: 12/15/81 JA: OH			
8210409		3412725196	103 PERRY COUNTY CHEESE CO #1	MADISON	35.0	COLUMBIA GAS TRAN
8210409		3412725196	107-TF PERRY COUNTY CHEESE CO #1	MADISON	35.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO 81-1 LTD			RECEIVED: 12/15/81 JA: OH			
8210411		3405523268	107-TF ATLEE J MILLER #5	MECHANIC	200.0	
-OHIO TITAN ENERGY CO 81-2 LTD			RECEIVED: 12/15/81 JA: OH			
8210410		3405523267	107-TF JAMES W BALL #1	MECHANIC	250.0	COLUMBIA GAS TRAN
-OILTECH INC			RECEIVED: 12/15/81 JA: OH			
8210413		3407523250	107-TF KENNETH BRUMME #2	KILLBUCK	0.0	COLUMBIA GAS TRAN

JOB NO	JOB PRT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210414		3407523282		107-TF	KENNETH BRUMME #3	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210415		3407523290		107-TF	KENNETH BRUMME #4	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210416		3407523291		107-TF	KENNETH BRUMME #5	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210417		3407523292		107-TF	KENNETH BRUMME #6	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210418		3407523316	D	107-TF	KENNETH BRUMME #7	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210419		3407523317	D	107-TF	KENNETH BRUMME #8	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210420		3407523318	D	107-TF	KENNETH BRUMME #9	KILLBUCK	0.0	COLUMBIA GAS TRAN
-OPEX INC					RECEIVED: 12/15/81 JA: OH			
8210421		3400922356		103	WHITE #2	ROME	0.5	COLUMBIA GAS TRAN
-ORION ENERGY CORP					RECEIVED: 12/15/81 JA: OH			
8210422		3416922785		107-TF	BOUGHER #3	CHESTER	10.0	COLUMBIA GAS TRAN
-OXFORD OIL CO					RECEIVED: 12/15/81 JA: OH			
8210426		3411122534		107-DV	CHARLES YONTZ #1	FRANKLIN	0.0	
8210423		3408924228		103	GENE CUNNINGHAM #1	WASHINGTON	12.0	
8210427		3411122557		107-DV	JOHN MCCONNELL #1	FRANKLIN	12.0	
8210425		3411122354		107-DV	RUTH LAFFERRE #1	FRANKLIN	12.0	
8210424		3408924244		103	WILBUR WILSON #1	WASHINGTON	12.0	
-PAROCO DRLG FUNDS INC					RECEIVED: 12/15/81 JA: OH			
8210436		3415521925		103	BOWERS #1	BRISTOL	20.0	
8210436		3415521925		107-TF	BOWERS #1	BRISTOL	20.0	
8210437		3415521948		103	DRENSKI #1	BRISTOL	20.0	
8210437		3415521948		107-TF	DRENSKI #1	BRISTOL	20.0	
8210434		3400721820		103	FOWLIE #2	DENMARK	20.0	NATIONAL PETROLEU
8210434		3400721820		107-TF	FOWLIE #2	DENMARK	20.0	NATIONAL PETROLEU
8210435		3415521924		103	TENNEY #1	BRISTOL	20.0	
8210435		3415521924		107-TF	TENNEY #1	BRISTOL	20.0	
-PETROLEUM SECURITIES FUND - 80					RECEIVED: 12/15/81 JA: OH			
8210438		3416922687		103	MANN #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
8210438		3416922687		107-TF	MANN #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC					RECEIVED: 12/15/81 JA: OH			
8210430		3400721720		103	DAY-MARRISON #1	NEW LYME	10.0	
8210430		3400721720		107-TF	DAY-MARRISON #1	NEW LYME	10.0	
8210433		3400722629		103	MAGOS #1	BRIMFIELD	40.0	
8210433		3400722629		107-TF	MAGOS #1	BRIMFIELD	40.0	
8210429		3400721624		103	N G MORRIS #1	ROME	45.0	EAST OHIO GAS CO
8210429		3400721624		107-TF	N G MORRIS #1	ROME	45.0	EAST OHIO GAS CO
8210428		3400721590		107-TF	R KAMPF #4	ROME	30.0	
8210431		3400722524		103	WOODMAN #1	FRANKLIN	35.0	
8210431		3400722524		107-TF	WOODMAN #1	FRANKLIN	35.0	
8210432		3400722525		103	WOODMAN #2	FRANKLIN	35.0	
8210432		3400722525		107-TF	WOODMAN #2	FRANKLIN	35.0	
-QUAKER STATE OIL REFINING CORP					RECEIVED: 12/15/81 JA: OH			
8210439		3415123392		103	E J CASSIDY #2	WASHINGTON	16.4	EAST OHIO GAS CO
8210442		3415135720		103	F & B ROSENBERGER #1	WASHINGTON	21.9	EAST OHIO GAS CO
8210440		3415123393		103	HENNING UNIT #2	PARIS	18.3	EAST OHIO GAS CO
8210441		3415123552		103	HENNING UNIT #3	PARIS	18.3	EAST OHIO GAS CO
-R GENE BRASEL DBA BRASEL & BRASEL					RECEIVED: 12/15/81 JA: OH			
8210302		3405320652		103	D DARST #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210301		3405320651		103	D DARST #3	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210300		3405320650		103	D DARST #4	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210299		3405320649		103	D DARST #5	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210303		3405320655		103	M DARNELL #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210304		3405320681		103	MOORE-MYERS #2	ADDISON	3.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210305		3405320682		103		R BARRETT #2	ADDISON	0.0	COLUMBIA GAS TRAN
8210306		3405320683		103		R BARRETT #3	ADDISON	0.0	COLUMBIA GAS TRAN
8210298		3405320635		103		W BRADBURY #3	CHESHIRE	0.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED: 12/15/81 JA: OH					
8210453		3416725320		107-DV		ANTHONY #1	SIMMONS	4.6	COLUMBIA GAS OF O
8210451		3416725318		107-DV		BROOKER #1	SIMMONS	21.5	COLUMBIA GAS OF O
8210448		3416724839		107-DV		C SCHWENDEMAN #1	SIMMONS	35.3	COLUMBIA GAS OF O
8210457		3416725585		107-DV		DUCKWORTH #2	SIMMONS	50.4	COLUMBIA GAS OF O
8210446		3416724751		107-DV		HENNIGAR #2	SIMMONS	4.0	COLUMBIA GAS OF O
8210447		3416724752		107-DV		HENNIGAR #3	SIMMONS	46.2	COLUMBIA GAS OF O
8210449		3416724841		107-DV		J SCHWENDEMAN #1	SIMMONS	46.5	COLUMBIA GAS OF O
8210459		3416726478	D	107-DV		JOHN PERRY SR #4	SIMMONS	1.5	COLUMBIA GAS OF O
8210445		3416724720		107-DV		MARTIN #2	SIMMONS	28.3	COLUMBIA GAS OF O
8210458		3416726088		107-DV		MATTHEWS #2	SIMMONS	24.6	COLUMBIA GAS OF O
8210450		3416725305		107-DV		R STEVENS #1	SIMMONS	69.6	COLUMBIA GAS OF O
8210456		3416725568		107-DV		SIMS-NOLAN #1	SIMMONS	21.6	COLUMBIA GAS OF O
8210452		3416725319		107-DV		VANDALE #1	SIMMONS	92.2	COLUMBIA GAS OF O
8210454		3416725338		107-DV		VANDALE #2	SIMMONS	96.7	COLUMBIA GAS OF O
8210455		3416725533		107-DV		WILFRED & FRANCIS HUCK #2	SIMMONS	40.3	COLUMBIA GAS OF O
-RMR PETROLEUM CORP				RECEIVED: 12/15/81 JA: OH					
8210443		3412726635		107-DV		BLANEY LUMBER 8-1	LIBERTY	23.0	
8210444		3416726763		107-DV		JAMES WILLIAMS #1	LIBERTY	25.0	
-ROYAL PETROLEUM 81-I				RECEIVED: 12/15/81 JA: OH					
8210461		3407522785	D	107-TF		WEAVER #1	PRAIRIE	5.0	COLUMBIA GAS TRAN
8210462		3407522881	D	107-TF		WEAVER #2	PRAIRIE	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 12/15/81 JA: OH					
8210465		3416725990		107-DV		ARZA PRYOR #1	GRANDVIEW	6.0	
8210468		3416726263		103		CECILE MILLS #1	GRANDVIEW	0.0	
8210464		3416725284		107-DV		F W FREDICK #1	LAWRENCE	200.0	
8210463		3411122435		107-DV		HOMER & DELPHINE REEF #1A	GREEN	12.0	
8210467		3416726169		107-DV		JOSEPH SEMON #2	GRANDVIEW	0.0	
8210466		3416726166		103		WILLIAM CLEGG #3B (SEC 15)	GRANDVIEW	0.0	
-SANTA FE DRILLING CO INC				RECEIVED: 12/15/81 JA: OH					
8210469		3411122021		107-DV		ELAINE FLEEMAN #1	BETHEL	50.0	
8210470		3416723951		103		LILA HILL #1	SALEM	50.0	
-SHIELD DRILLING CO				RECEIVED: 12/15/81 JA: OH					
8210472		3416726279		107-DV		LAWRENCE & ETHEL SMITH #11	INDEPENDENCE	0.0	
-SKY PETROLEUM CORP				RECEIVED: 12/15/81 JA: OH					
8210473A		3408322867		103		JAMES COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210473B		3408322867	D	107-TF		JAMES COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210474A		3408322864		103		WILFORD COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210474B		3408322864	D	107-TF		WILFORD COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 12/15/81 JA: OH					
8210477		3410322753		103		DANIEL & NANCY MORROW #1	GRANGER	5.0	COLUMBIA GAS TRAN
-TATUM PETROLEUM OHIO INC				RECEIVED: 12/15/81 JA: OH					
8210478		3407523230		107-TF		SAM YODER #1 MAST UNIT	BERLIN	775.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 12/15/81 JA: OH					
8210395		3411122384		107-DV		BURKHART #1-M	SENECA	0.0	COLUMBIA GAS TRAN
8210393		3411122381		107-DV		HUGHES #1-M	FRANKLIN	0.0	COLUMBIA GAS TRAN
8210394		3411122383		107-DV		J MALLETT #3-M	FRANKLIN	0.0	COLUMBIA GAS TRAN
8210392		3411122378		103		M BAKER #2-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
8210396		3411122387		103		M BAKER #3-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
-TITAN ENERGY CORP				RECEIVED: 12/15/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210482		3405922995		103	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210482		3405922995		107-TF	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996		103	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996		107-TF	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO				RECEIVED: 12/15/81 JA: OH				
8210485		3405923029		107-TF	CUNNINGHAM #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210486		3405923041		107-TF	LYONS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210488		3405923064		107-TF	SELLE #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210484		3405923011		107-TF	STARR-VAVOSA #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8210489		3405923066		107-TF	WINN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210487		3405923053		107-TF	YODER #2	GUERNSEY	0.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE				RECEIVED: 12/15/81 JA: OH				
8210380		341272526C		103	COOK-REEVES UNIT #1	READING	10.0	NATIONAL GAS & OI
8210379		3404520686		103	MILDRED GRIFFIN #1	RUSHCREEK	6.0	NATIONAL GAS & OI
-VIKING RESOURCES CORP				RECEIVED: 12/15/81 JA: OH				
8210490		3409921407		103	F C F REALTY UNIT #1	BERLIN	30.0	
8210490		3409921407		107-TF	F C F REALTY UNIT #1	BERLIN	30.0	
-W J LYDIC INC				RECEIVED: 12/15/81 JA: OH				
8210368		3405320320		103	CHARLES COTTON #2	GALLIPOLIS	5.0	COLUMBIA GAS OF O
8210367		3405320306		103	GLASSBURN #1	GALLIPOLIS	6.0	COLUMBIA GAS OF O
8210369A		3407523264		103	LEE WOLFE #1	MONROE	20.0	
8210369B		3407523264	D	107-TF	LEE WOLFE #1	MONROE	20.0	
-WARREN R HAUGHT AGENT				RECEIVED: 12/15/81 JA: OH				
8210343		3400922097		103	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
8210343		3400922097		107-TF	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA				RECEIVED: 12/15/81 JA: OH				
8210480		3405922858		103	DONALD HALL #1	WASHINGTON	0.0	EAST OHIO GAS CO
8210480		3405922858		107-TF	DONALD HALL #1	WASHINGTON	0.0	EAST OHIO GAS CO
8210481		3405922972		103	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
8210481		3405922972		107-TF	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-SOUTHLAND ROYALTY CO				RECEIVED: 12/14/81 JA: NM 4				
8210497	NM1482-80	3004509953		108-PB	HOLDER A#1	BASIN	19.0	SOUTHERN UNION GA
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-GEORESOURCES INC				RECEIVED: 12/14/81 JA: MT 5				
8210507	M 176-1	2501121263		102-4	FEDERAL 1-3	HAMMOND GAS	11.1	MONTANA-DAKOTA UT
8210508	M 180-1	2501121303		102-4	FEDERAL 1-34	HAMMOND GAS FIELD	2.6	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION				RECEIVED: 12/14/81 JA: MT 5				
8210505	M 126-1	2507121551		108	FEDERAL #1 3071	BOWDOIN	22.0	KANSAS-NEBRASKA N
-SHELL OIL CO				RECEIVED: 12/14/81 JA: MT 5				
8210550	M 387-1	2502521175		103	USA 24-30CR	PENNEL	4.8	MONTANA DAKOTA UT
8210552	M 389-1	2502521166		103	USA 31-25	PENNEL	1.6	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO				RECEIVED: 12/14/81 JA: MT 5				
8210522	M 356-1	2510521180		103	FEDERAL 2425 #1	SWANSON CREEK	37.0	MONTANA DAKOTA UT
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED: 12/14/81 JA: MT 5				
8210555	M 393-1	2509121388		102-2	FEDERAL-STRINGER #1	WILDCAT	89.0	PHILLIPS PETROLEU
-AL-AQUITAINE EXPLORATION LTD				RECEIVED: 12/14/81 JA: ND 5				
8210542	ND 378-1	3300700694		102-2	U S 2-11 F	TR FIELD	110.0	WESTERN GAS PROCE
-DOME PETROLEUM CORP				RECEIVED: 12/14/81 JA: ND 5				

JD NO	JA DKT	API NO	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210533	ND 369-1	3305301268	102-2		DOME FEDERAL #3-17	MON DAK	11.3	SHELL OIL CO
			RECEIVED: 12/14/81 JA: ND 5					
-PENNZOIL COMPANY								
8210526	ND 361-1	3305301043	102-2		PENNZOIL-DEPCO FEDERAL #14-14	BULL MOOSE	25.9	KOCH HYDROCARBON
8210527	ND 362-1	3305300824	102-2		PENNZOIL-DEPCO FEDERAL #22-32	BULL MOOSE	1136.2	KOCH HYDROCARBON
			RECEIVED: 12/14/81 JA: ND 5					
-SHELL OIL CO								
8210536	ND 372-1	3305301164	102-2		USA 41-14-131	CARTWRIGHT	1.5	MONTANA DAKOTA UT
8210554	ND 391-1	3305301239	102-2		USA 43-6-117	POKER JIM	24.5	MONTANA DAKOTA UT
			RECEIVED: 12/14/81 JA: ND 5					
-TENNECO OIL COMPANY								
8210539	ND 376-1	3300700479	102-2		DAVID USA #1-35	BIG STICK	50.0	WESTERN GAS PROCE
8210538	ND 375-1	3300700430	102-2		VALERIO USA #1-35	MYSTERY CREEK	440.0	WESTERN GAS PROCE
			RECEIVED: 12/14/81 JA: ND 5					
-TEXACO INC								
8210540	ND 374-1	3305301167	102-2		RED RIVER UNIT 2 #1	CHARLSON	1500.0	
			RECEIVED: 12/14/81 JA: WY 5					
-AMOCO PRODUCTION CO								
8210534	W 370-1	4904120245	103		BERKLEY FEDERAL #1 - DAKOTA	BRUFF-DAKOTA	153.3	CITIES SERVICE GA
8210512	W 326-1T	4902320193	107-TF		SHUTE CREEK UNIT #4	SHUTE CREEK-FRONTIER	54.7	
			RECEIVED: 12/14/81 JA: WY 5					
-BELCO PETROLEUM CORPORATION								
8210523	W 357-1	4902320397	103		GRBU 76-14	GREEN RIVER BEND UNIT	0.0	BELCO PETROLEUM C
			RECEIVED: 12/14/81 JA: WY 5					
-CITIES SERVICE COMPANY								
8210530	W 366-1	4903721774	103		FEDERAL BI #1	WILD ROSE	0.0	CITIES SERVICE GA
			RECEIVED: 12/14/81 JA: WY 5					
-DIAMOND SHAMROCK CORPORATION								
8210525	W 359-1	4900921879	103		TRAINER FEDERAL 44-12	MIKES DRAW	0.8	
			RECEIVED: 12/14/81 JA: WY 5					
-GETTY OIL COMPANY								
8210511	W 323-1	4903721345	102-2		MCPHERSON SPRINGS #23-2	NORTH STATE LINE PROSPEC	90.0	COLORADO INTERSTA
8210515	W345-1	4903721741	102-2		MCPHERSON SPRINGS A #14-2	MCPHERSON SPRINGS UNIT	65.0	COLORADO INTERSTA
8210516	346-1	4903721741	107-TF		MCPHERSON SPRINGS A #14-2	NORTH STATE LINE PROSPEC	65.0	COLORADO INTERSTA
			RECEIVED: 12/14/81 JA: WY 5					
-HPC INC								
8210535	W 371-1	4903721791	102-2		GREAT DIVIDE UNIT #9	GREAT DIVIDE UNIT AREA	3.4	PANHANDLE EASTERN
8210537	W 373-1	4900525522	102-2		SARA ARMSTRONG FEDERAL #2	NORTH POWELL	5.0	PHILLIPS PETROLEU
			RECEIVED: 12/14/81 JA: WY 5					
-INTEGRITY OIL & GAS COMPANY								
8210514	W 339-1	4900720543	102-4		FEDERAL #1-29	BUNKER HILL	76.5	NATURAL GAS PIPEL
			RECEIVED: 12/14/81 JA: WY 5					
-INTERNORTH INC								
8210520	W 354-1	4900921639	103		FEDERAL 952 #1-10	SCOTT	15.0	PHILLIPS PETROLEU
8210519	W 353-1	4900921665	103		FEDERAL 952 #1-3	SCOTT	15.0	PHILLIPS PETROLEU
8210521	W 355-1	4900921638	103		FEDERAL 952 #2-10	SCOTT	15.0	PHILLIPS PETROLEU
			RECEIVED: 12/14/81 JA: WY 5					
-JOHN J CHRISTMANN								
8210541	W 377-1-T	4903721912	107-TF		HAY FEDERAL 1-20	BRUFF	110.0	NORTHWEST PIPELIN
			RECEIVED: 12/14/81 JA: WY 5					
-KEDCO MANAGEMENT CORP								
8210546	W 382-1	4902720343	102-4		FEDERAL #11-17A	BUCK CREEK	3.0	PHILLIPS PETROLEU
8210547	W 383-1	4902720334	102-4		FEDERAL #12-17A	BUCK CREEK	47.0	PHILLIPS PETROLEU
8210548	W 384-1	4902720344	102-4		FEDERAL #22-17A	BUCK CREEK	10.0	PHILLIPS PETROLEU
-LOUISIANA LAND & EXPLORATION CO								
			RECEIVED: 12/14/81 JA: WY 5					
8210513	W 330-1	4900921850	102-2		FEDERAL LL & E 21-29	SCOTT	18.0	PHILLIPS PETROLEU
			RECEIVED: 12/14/81 JA: WY 5					
-MARATHON OIL COMPANY								
*8210517	W 350-1	4902920932	103		WILSON "A" #12 (EMBAR & TENSLEEP	OREGON BASIN	4.2	COLORADO INTERSTA
*8210518	W351-1	4902921006	103		WILSON B #15 (EMBAR AND TENSLEEP	OREGON BASIN	3.9	COLORADO INTERSTA
			RECEIVED: 12/14/81 JA: WY 5					
-MOBIL OIL CORP								
8210528	W 363-1	4903520529	103		TIP TOP UNIT #T72-20G	TIP TOP UNIT	330.0	NORTHWEST PIPELIN
			RECEIVED: 12/14/81 JA: WY 5					
-NATURAL GAS CORPORATION OF CALIF								
8210531	W 367-1	4902320387	103		FEDERAL 24-29	FONTENELLE	16.0	PACIFIC GAS TRANS
			RECEIVED: 12/14/81 JA: WY 5					
-RESOURCES INVESTMENT CORPORATION								
8210509	W 289-1	4904521543	102-4		ELF FEDERAL #1-7	WILDCAT	36.8	PHILLIPS PETROLEU
8210510	W 290-0	4904521548	102-4		PETRO FEDERAL #1-4	TODD	18.3	PHILLIPS PETROLEU
8210529	W 364-1	4900525884	103		GUILLBACK FEDERAL #1-35	PORCUPINE	92.7	BIG HORN FRACTION

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SANTA FE ENERGY PRODUCTS CO			RECEIVED: 12/14/81 JA: WY 5						
8210524	W 358-1	4903721803		107-TF		FEDERAL 1-8	WILD ROSE	365.0	
-SHELL OIL CO			RECEIVED: 12/14/81 JA: WY 5						
8210506	W 154-1	4901321129		103		TRIBAL 12-3	PAVILLION	5.5	MONTANA DAKOTA UT
8210551	W 388-1	4901321128		103		TRIBAL 14-2	PAVILLION	553.0	MONTANA DAKOTA UT
8210553	W 390-1	4901321130		103		TRIBAL 21-9	PAVILLION	153.0	MONTANA-DAKOTA UT
-TENNECO OIL COMPANY			RECEIVED: 12/14/81 JA: WY 5						
8210532	W 368-1	4903721907		102-2		READING & BATES FEDERAL #1-18	BRUFF	500.0	NORTHWEST PIPELIN
-WEXPRO COMPANY			RECEIVED: 12/14/81 JA: WY 5						
8210544	W 380-1T	4903721788		107-TF		BRUFF FEDERAL #2-26	BRUFF	362.0	MOUNTAIN FUEL SUP
8210543	W 379-1T	4904120365		107-TF		CLIFTON FEDERAL #34-1	BRUFF	1032.8	MOUNTAIN FUEL SUP
8210545	W 381-1T	4903721855		107-TF		HAGOOD FEDERAL #12-1	BRUFF	813.0	MOUNTAIN FUEL SUP
8210549	W 386-1T	4904120392		107-TF		HALEY FEDERAL #4-1	BRUFF	379.0	MOUNTAIN FUEL SUP
** DEPARTMENT OF ENERGY									
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 12/08/81 JA: CA 9						
8210499		0402900000		103		25Z-382	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210500		0402900000		102-2		26S-316	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210503		0402900000		102-2		31S-318	NAVAL PETROLEUM RESERVES	219.0	CHEVRON USA INC
8210501		0402900000		102-2		32S-373	NAVAL PETROLEUM RESERVES	109.0	CHEVRON USA INC
8210502		0402900000		102-2		33S-314	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210504		0402900000		102-2		56-344A	NAVAL PETROLEUM RESERVES	109.0	CHEVRON USA INC
8210498		0402900000		103		7R-365	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC

OTHER PURCHASERS

8210517 CODY GAS CO
8210518 CODY GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 29, 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. 82–1019 Filed 1–13–82; 8:45 am]
BILLING CODE 6717–01–M

Issued: January 8, 1982.

JD	JD KT	API	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ABCO ENERGY CORP			RECEIVED: 12/17/81 JA: TX				
8210740	F-7C-037835	4210533146	103	HUDSPETH "73" #3-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210740	F-7C-037835	4210533146	107-TF	HUDSPETH "73" #3-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210741	F-7C-037836	4210533168	103	HUDSPETH "73" #4-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210741	F-7C-037836	4210533168	107-TF	HUDSPETH "73" #4-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210742	F-7C-037837	4210533163	103	HUDSPETH "73" #5-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210742	F-7C-037837	4210533163	107-TF	HUDSPETH "73" #5-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210749	F-7C-037862	4210533142	103	HUDSPETH "74" #1-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210749	F-7C-037862	4210533142	107-TF	HUDSPETH "74" #1-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210739	F-7C-037834	4210533160	103	HUDSPETH "74" #2-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210739	F-7C-037834	4210533160	107-TF	HUDSPETH "74" #2-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210743	F-7C-037838	4210533164	103	HUDSPETH "88" #6-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210743	F-7C-037838	4210533164	107-TF	HUDSPETH "88" #6-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210744	F-7C-037839	4210533165	103	HUDSPETH "88" #7-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210744	F-7C-037839	4210533165	107-TF	HUDSPETH "88" #7-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210745	F-7C-037840	4210533166	103	HUDSPETH "88" #8-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210745	F-7C-037840	4210533166	107-TF	HUDSPETH "88" #8-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210746	F-7C-037841	4210533167	103	HUDSPETH "88" #9-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
8210746	F-7C-037841	4210533167	107-TF	HUDSPETH "88" #9-80	HUDSPETH (CANYON)	0.0	VALERO TRANSMISSI
-ANDERSON PETROLEUM INC			RECEIVED: 12/17/81 JA: TX				
8210759	F-7C-038024	4210533223	103	ALMEDA HOOVER 2-22	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8210759	F-7C-038024	4210533223	107-TF	ALMEDA HOOVER 2-22	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8210704	F-7C-036195	4210533191	103	AUSTIN C MILLSPAUGH A1 1-5	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210704	F-7C-036195	4210533191	107-TF	AUSTIN C MILLSPAUGH A1 1-5	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210705	F-7C-036196	4210533337	103	L B COX JR "A" 2-8	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8210705	F-7C-036196	4210533337	107-TF	L B COX JR "A" 2-8	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8210684	F-7C-035903	4210533198	103	L B COX JR A 3-8	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210684	F-7C-035903	4210533198	107-TF	L B COX JR A 3-8	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210597	F-7C-033857	4210533212	103	PEERY HOLMSLEY A 3-40	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8210597	F-7C-033857	4210533212	107-TF	PEERY HOLMSLEY A 3-40	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
-APACHE CORPORATION			RECEIVED: 12/17/81 JA: TX				
8210682	F-10-035801	4248330541	107-DP	STILES #2-17	STILES RANCH (MORROW)	2190.0	ARKANSAS LOUISIAN
-ARTHUR E CLARK			RECEIVED: 12/17/81 JA: TX				
8210698	F-04-036165	4224931353	103	LYNN #1	WILDCAT	180.0	VALLEY GAS TRANSM
-ATLAS ENERGY CORP			RECEIVED: 12/17/81 JA: TX				
8210760	F-03-038143	4228730212	103	KING #8 LEASE NO 14203	GIDDINGS (AUSTIN CHALK)	365.0	P G P GAS PROCESS
-AUSANKA OIL OPERATIONS			RECEIVED: 12/17/81 JA: TX				
8210608	F-09-034609	4250332785	102-4	ALLAR-BURGESS #1	EXOC (CONGL)	17.0	LONE STAR GAS CO
-BASS ENTERPRISES PRODUCTION CO.			RECEIVED: 12/17/81 JA: TX				
8210763	F-02-038208	4228531447	102-4	KRISTEK GAS UNIT #1	WORD N (EDWARDS)	500.0	VALERO TRANSMISSI
8210763	F-02-038208	4228531447	107-TF	KRISTEK GAS UNIT #1	WORD N (EDWARDS)	500.0	VALERO TRANSMISSI

JC	JA DIST	API	SEC PAT WELL NA	FIEL NAME	PROD	PURCHASER
8210762	F-02-038207	4228831521	102-4 KUBENA GAS UNIT #1	WORD N (EDWARDS)	365.0	VALERO TRANSMISSI
8210762	F-02-038207	4228831521	107-TF KUBENA GAS UNIT #1	WORD N (EDWARDS)	365.0	VALERO TRANSMISSI
8210765	F-02-038210	4228831521	102-4 MUELLER GAS UNIT #1	WORD N (EDWARDS)	547.5	VALERO TRANSMISSI
8210765	F-02-038210	4228831521	107-TF MUELLER GAS UNIT #1	WORD N (EDWARDS)	547.5	VALERO TRANSMISSI
8210764	F-02-038209	4228831487	102-4 WYNNE GAS UNIT #1	WORD N (EDWARDS)	3650.0	VALERO TRANSMISSI
8210764	F-02-038209	4228831487	107-TF WYNNE GAS UNIT #1	WORD N (EDWARDS)	3650.0	VALERO TRANSMISSI
-BLOCKER EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
8210652	F-04-035385	4247932194	102-2 JOHN R BLOCKER 1845-2 (81049)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210655	F-04-035388	4247932000	102-2 JOHN R BLOCKER 1837-1 (IC #82290)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210654	F-04-035387	4247932209	102-2 JOHN R BLOCKER 1839-1 (81374)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210651	F-04-035384	4247932300	102-2 JOHN R BLOCKER 1841-1 (84445)	BLOCKER RANCH (OLMOS N-3	0.5	HOUSTON PIPELINE
8210657	F-04-035390	4247932193	102-2 JOHN R BLOCKER 1841-2 (80100)	BLOCKER RANCH (OLMOS N-5	0.5	HOUSTON PIPELINE
8210650	F-04-035380	4247932266	102-2 JOHN R BLOCKER 1845-1 (IC #84444)	BLOCKER RANCH (OLMOS N-2	500.0	HOUSTON PIPELINE
8210653	F-04-035386	4247932081	102-2 JOHN R BLOCKER 809-1 (81050)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210656	F-04-035391	4247932093	102-2 JOHN R BLOCKER 810-1 (80563)	BLOCKER RANCH (OLMOS N-5	0.5	HOUSTON PIPELINE
-BLUE RIDGE OIL & GAS EXPLOR INC			RECEIVED: 12/17/81 JA: TX			
8210593	F-7C-033449	4210532982	103 A PHILLIPS #57	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8210593	F-7C-033449	4210532982	107-TF A PHILLIPS #57	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8210592	F-7C-033448	4210532984	103 A PHILLIPS #59	ADAMS-BAGGETT RANCH (CAN	48.0	DETROIT-TEXAS GAS
8210592	F-7C-033448	4210532984	107-TF A PHILLIPS #59	ADAMS-BAGGETT RANCH (CAN	48.0	DETROIT-TEXAS GAS
8210591	F-7-C-033447	4210532985	103 A PHILLIPS #60	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8210591	F-7-C-033447	4210532985	107-TF A PHILLIPS #60	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
-C & K PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210584	F-08-032950	4238931064	103 CATTAIL #2	MARSH S (DELAWARE)	135.0	INTRATEX GAS CO
-C L GAGE JR			RECEIVED: 12/17/81 JA: TX			
8210615	F-09-034859	4249700000	103 LUTHER WILLIAMS #1	BOONSVILLE (BEND CONGL)	151.0	NATURAL GAS PIPEL
8210615	F-09-034859	4249700000	108 LUTHER WILLIAMS #1	BOONSVILLE (BEND CONGL)	151.0	NATURAL GAS PIPEL
-CANYON CO			RECEIVED: 12/17/81 JA: TX			
8210594	F-7C-033503	4210532579	103 LAURA HOOVER EST 38 #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
8210594	F-7C-033503	4210532579	107-TF LAURA HOOVER EST 38 #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/17/81 JA: TX			
8210780	F-03-039404	4200100000	103 E M DANSBY #1	WILDCAT	0.0	
8210586	F-03-033190	4205100000	102-2 H WILLIS JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8210586	F-03-033190	4205100000	103 H WILLIS JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8210680	F-03-035738	4205100000	102-2 LOSS WARLICK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210680	F-03-035738	4205100000	103 LOSS WARLICK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210603	F-03-034346	4205100000	102-2 LOTTIE ORSAK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210603	F-03-034346	4205100000	103 LOTTIE ORSAK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210569	F-03-029341	4205100000	102-2 WALTER SCHUMACHER #1	GIDDINGS	0.0	FERGUSON CROSSING
-CHASE OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
8210560	F-06-018011	4240100000	108 JOHN ORR GAS UNIT #1 RRC ID 16701	SHILOH (TRAVIS PEAK)	3.6	TEXAS UTILITIES F
-CIBOLA OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX			
8210732	F-7B-037239	4213332347	103 TINKLER #2 RRC LEASE #15851	DESDEMONA	20.0	NORTH GORMAN GATH
-CIRCLE SEVEN PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210674	F-7B-035577	4236731304	103 ROBERT BRYANT #1 ID NO R7913	RENO (CONGLOMERATE)	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY			RECEIVED: 12/17/81 JA: TX			
8210715	F-05-036528	4234931399	107-DP EADY "A" #1	CHENEYBORO (COTTON VALLE	37.0	
8210715	F-05-036528	4234931399	102-4 EADY "A" #1	CHENEYBORO (COTTON VALLE	37.0	
-CLARION RESOURCES INC			RECEIVED: 12/17/81 JA: TX			
8210568	F-7B-028527	4214300000	102-4 MOODY CRAWFORD 1 85555	LIBERTY OAK (BIG SALINE)	15.0	NORTHERN GAS PROD
8210568	F-7B-028527	4214300000	103 MOODY CRAWFORD 1 85555	LIBERTY OAK (BIG SALINE)	15.0	NORTHERN GAS PROD
-CLEMCO INC			RECEIVED: 12/17/81 JA: TX			
8210723	F-06-037171	4220330691	103 CRAWFORD GAS UNIT #1	N LANSING (COTTON VALLEY	180.0	TEJAS GAS CORP
8210723	F-06-037171	4220330691	107-TF CRAWFORD GAS UNIT #1	N LANSING (COTTON VALLEY	180.0	TEJAS GAS CORP

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
-COATES ENERGY TRUST							
8210771	F-14-038840	4242731380		RECEIVED: 12/17/81 JA: TX			
-COBRA OIL AND GAS CORPORATION			102-4	DANIEL ALVARADO UNIT WELL #1	ALVARADO	100.0	VALERO INTERSTATE
8210716	F-01-036606	4211930289		RECEIVED: 12/17/81 JA: TX			
8210716	F-01-036606	4211930289	102-2	VIOLA WILSON #1	SMITHVILLE	32.4	PHILLIPS PETROLEU
-CONOCO INC			103	VIOLA WILSON #1	SMITHVILLE	32.4	PHILLIPS PETROLEU
8210580	F-08-032187	4238900000		RECEIVED: 12/17/81 JA: TX			
8210577	F-08-031367	4238900000	108	FORD GERALDINE UNIT #1 I D #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8210578	F-08-031368	4238900000	108	FORD GERALDINE UNIT #125 ID #21021	GERALDINE FORD	0.8	EL PASO NATURAL G
8210588	F-08-033409	4238900000	108	FORD GERALDINE UNIT #126 ID #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8210587	F-08-033389	4213500000	108	FORD GERALDINE UNIT #129 I D #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8210590	F-08-033419	4213500000	108	KLOH-A-#9 I [illegible] #00818	COWDEN N	0.1	AMOCO PROD CO
8210712	F-04-036479	4247932939	108	MR L E WIGHT A-9-#16 I D #09321	COWDEN N	0.3	AMOCO PRODUCTION
8210712	F-04-036479	4247932939	102-2	VAQUILLAS RANCH AL #9	GATO CREEK (9800*)	700.0	E I DUPONT DE NEM
8210589	F-08-033415	4213500000	107-TF	VAQUILLAS RANCH AL #9	GATO CREEK (9800*)	700.0	E I DUPONT DE NEM
-CRYSTAL OIL COMPANY			108	WIGHT UNIT #136 I D #20661	COWDEN N	0.1	AMOCO PRODUCTION
8210731	F-03-037237	4220131086		RECEIVED: 12/17/81 JA: TX			
-DAMERON PETROLEUM CORP			103	SIMON BROUTIGAM #1	WILDCAT (WEST TOMBALL)	289.4	TEXAS SOUTHEASTER
8210595	F-7C-033521	4210532590		RECEIVED: 12/17/81 JA: TX			
8210595	F-7C-033521	4210532590	103	ARMOND HOOVER - SEC 20 #10204	AMERICAN (CANYON)	35.0	EL PASO NATURAL G
-DAVID ALBERT OIL & GAS			107-TF	ARMOND HOOVER - SEC 20 #10204	AMERICAN (CANYON)	35.0	EL PASO NATURAL G
8210561	F-09-021272	4223700000		RECEIVED: 12/17/81 JA: TX			
-DELTA DRILLING CO			108-FR	L A CRANFORD #1	YOWELL (MARBLE FALLS)	18.0	CITIES SERVICE CO
8210570	F-06-029868	4236500000		RECEIVED: 12/17/81 JA: TX			
-DEPCO INC			107-TF	GUILL #2 85694	CARTHAGE (COTTON VALLEY)	161.3	UNITED GAS PIPE L
8210786	F-8A-039720	4207931099		RECEIVED: 12/17/81 JA: TX			
-DORCHESTER EXPLORATION INC			103	WHITEFACE UNIT #72-A	LEVELLAND	0.0	CITIES SERVICE CO
8210784	F-08-039598	4232930979		RECEIVED: 12/17/81 JA: TX			
-DYNAMIC OF TEXAS INC			102-2	BRADFORD 22 #1	BRADFORDRANCH	504.0	EL PASO NATURAL G
8210600	F-03-033990	4236100000		RECEIVED: 12/17/81 JA: TX			
-EL PASO NATURAL GAS COMPANY			102-4	M R BLOCK #1	PINE FOREST (BLOCK HACKB	180.0	SOUTHWEST GATHERI
8210714	F-10-036572	4208726118		RECEIVED: 12/17/81 JA: TX			
-ENERGY RESERVES GROUP INC			108	KNOLL A #1	PANHANDLE EAST	21.0	EL PASO NATURAL G
8210607	F-7C-034571	4238331694		RECEIVED: 12/17/81 JA: TX			
8210606	F-7C-034563	4238331702	103	RUPERT P RICKER KO #9	CALVIN (DEAN)	23.8	UNION TEXAS PETRO
-ENERGY RESOURCES OIL & GAS CORP			103	RUPERT P RICKER Q #2	CALVIN (DEAN)	12.2	UNION TEXAS PETRO
8210613	F-10-034832	4248330779		RECEIVED: 12/17/81 JA: TX			
-EXXON CORPORATION			107-DP	BREWER #1	ALLISON PARKS S E (PURYE	1460.0	MICHIGAN WISCONSI
8210772	F-08-039069	4210330000		RECEIVED: 12/17/81 JA: TX			
-GO-TEX OIL & GAS CO			108	J B TUBB B #3	SAND HILLS (MCKNIGHT)	6.0	EL PASO NATURAL G
8210720	F-04-036949	4224931253		RECEIVED: 12/17/81 JA: TX			
-GRACE PETROLEUM CORPORATION			103	ROBERT F BIERSTEDT A #1	GRABEN (FRIO 3590)	146.0	UNITED GAS PIPE L
8210581	F-06-032456	4234730490		RECEIVED: 12/17/81 JA: TX			
8210581	F-06-032456	4234730490	102-4	BEN IRWIN #1	GARRISON	200.0	
8210758	F-04-038021	4224930441	103	BEN IRWIN #1	GARRISON	200.0	
-GULF OIL CORPORATION			108	H S SHANKS #1	AMARGOSA (2700)	25.7	NATURAL GAS PIPEL
8210687	F-10-035947	4239300000		RECEIVED: 12/17/81 JA: TX			
8210688	F-10-035948	4239300000	108	G MCCUISTION "A" #5	QUINDUNO	1.8	NATURAL GAS PIPEL
8210689	F-10-035949	4239300000	108	G MCCUISTION A #2	QUINDUNO	2.0	NATURAL GAS PIPEL
8210575	F-05-030846	4228930376	108	G MCCUISTION A #6	QUINDUNO	4.0	NATURAL GAS PIPEL
8210575	F-05-030846	4228930376	102-4	M P WALKER UNIT #1	MARGUEZ (BOSSIER SAND)	0.0	
-GULF SANDS OIL CO			107-TF	M P WALKER UNIT #1	MARGUEZ (BOSSIER SAND)	0.0	
8210729	F-32-037202	4202531495		RECEIVED: 12/17/81 JA: TX			
			103	MABEL C TOM #1	TYNAN (STILLWELL)	175.0	GULF STATES EQUIT

JD	DATA ST	API	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-H-M OIL CO			RECEIVED: 12/17/81 JA: TX			
8210683	F-04-035846	4213134977	102-4 AVELINO GARCIA #1	WILDCAT (ABOVE 6,800')	180.0	UNITED GAS PIPELI
8210683	F-04-035846	4213134977	103 AVELINO GARCIA #1	WILDCAT (ABOVE 6,800')	180.0	UNITED GAS PIPELI
-HARRISON INTERESTS LTD			RECEIVED: 12/17/81 JA: TX			
8210641	F-7C-035233	42105332R3	103 JOE F BEAN C #5	PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
8210641	F-7C-035233	42105332R3	107-TF JOE F BEAN C #5	PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 12/17/81 JA: TX			
8210670	F-03-035467	4270330175	102-4 STATE TRACT 525-L SE/4 #1	CAVALLO WEST (7050)	365.0	VALLEY PIPE LINE
-HUMBLE EXPLORATION CO INC			RECEIVED: 12/17/81 JA: TX			
8210717	F-03-036743	4214930746	102-2 LORETTA HARVEY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210717	F-03-036743	4214930746	103 LORETTA HARVEY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210627	F-03-035075	4228700000	102-2 MARY GREGORY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210627	F-03-035075	4228700000	103 MARY GREGORY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210691	F-03-036013	4214930963	103 MICHELLE LYNN #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
-J O BRUMMETT			RECEIVED: 12/17/81 JA: TX			
8210735	F-02-037528	4246931740	103 CHARLES MILLER #2	VICTORIA (4600)	127.0	VALERO TRANSMISSI
-JOE MCGUIRE			RECEIVED: 12/17/81 JA: TX			
8210724	F-76-037190	4210533317	102-4 JOE F BEAN C #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210724	F-76-037190	4210533317	103 JOE F BEAN C #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210725	F-7C-037191	4210533288	102-4 JOE F BEAN NORTH #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210725	F-7C-037191	4210533288	103 JOE F BEAN NORTH #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
-JOHN L COX			RECEIVED: 12/17/81 JA: TX			
8210610	F-08-034711	4232930980	103 M T GRAHAM #1-X RRC #21990	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210756	F-7C-038018	4246130774	103 DOLLIE "A" #4 (NA)	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210755	F-7C-038016	4246130000	103 HALAMICEK C #2	MCGILL (SPRABERRY)	10.0	PHILLIPS PETROLEU
8210757	F-7C-038019	4246130000	103 HALFF 6 #1	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210609	F-08-034707	4231732337	103 MABEE FOUNDATION F #1 (FPC# NA)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL
8210751	F-7C-037997	4246131737	103 NEAL 20 #1 (#NA)	SPRABERRY (TREND AREA)	10.0	MOBIL PRODUCING T
8210752	F-7C-038001	4246131738	103 POWELL "35" #1	SPRABERRY (TREND AREA)	10.0	MOBIL PRODUCING T
8210753	F-7C-038003	4246131762	103 RINA #2	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210754	F-7C-038004	4238300000	103 ROCKER B "B" #1-X RRC #14449	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
8210750	F-7C-037991	4238300000	103 ROCKER B T #1-X (#05416)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
-L TEXAS INC			RECEIVED: 12/17/81 JA: TX			
8210571	F-03-029884	4248130000	102-4 KRAMS #1	WILDCAT	0.0	
8210571	F-03-029884	4248130000	103 KRAMS #1	WILDCAT	0.0	
-LA SALLE ENERGY CORP			RECEIVED: 12/17/81 JA: TX			
8210747	F-01-037857	4217700000	102-2 KOMOLL #2	PEACH CREEK (AUSTIN CHAL	0.0	TIPPERARY GAS CO
-LARIO OIL & GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
8210719	F-02-036911	4212331050	102-4 HAROLD ANGERSTEIN UNIT #1	SMITH CREEK (WILCOX 9900	0.0	LONE STAR GAS CO
-MARTIN OIL & GAS CO			RECEIVED: 12/17/81 JA: TX			
8210679	F-03-035720	4205130715	102-4 FOJT UNIT #1 (ID NO 91745)	GIDDINGS (AUSTIN CHALK-G	0.0	CLAJON GAS CO
-MCCORMICK OPERATING CO			RECEIVED: 12/17/81 JA: TX			
8210779	F-04-039471	4204730945	102-4 CARTER RANCH #6	RUCIAS N (FB B)	800.0	TRANSCONTINENTAL
8210678	F-04-035717	4204730875	102-4 LOPEZ #3	RUCIAS N (FB E V-17)	150.0	TRANSCONTINENTAL
-MCMORAN PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210728	F-04-037201	4270030030	102-4 S T 1064-L #A-4L	BLOCK 1064-L	2240.0	VALLEY PIPE LINES
8210777	F-04-039235	4248930022	102-4 S T 1064-L #B-1 U	BLOCK 1064-L	1095.0	VALLEY PIPE LINE
8210776	F-04-039234	4248930022	102-4 S T 1064-L B-1 L	BLOCK 1064-L	2190.0	VALLEY PIPE LINE
8210775	F-04-039233	4248930031	102-4 S T 1064-L B-7 L	BLOCK 1064-L	2555.0	VALLEY PIPE LINE
8210774	F-04-039232	4248930031	102-4 S T 1064-L B-7 U	BLOCK 1064-L	1460.0	VALLEY PIPE LINE
8210727	F-04-037200	4270030030	102-4 STATE TRACT 1064-L #A-4L	BLOCK 1064-L	900.0	VALLEY PIPE LINES
-MEADCO PROPERTIES			RECEIVED: 12/17/81 JA: TX			
8210701	F-7C-036174	4223531703	102-4 E SUGG 10 RRC I D #08815	TAOS (CANYON)	14.0	NORTHERN NATURAL

JD	JA AT					
8210700	F-70-036173	4223531621	102-4	F SUGG 11 #1 RRC I D #08571		
8210702	F-70-036175	4223531668	102-4	F SUGG 11 #2 RRC I D #08571		
8210703	F-70-036176	4223531702	102-4	F SUGG 11 #3 RRC I D #08571		
			RECEIVED: 12/17/81 JA: TX			
-MESA PETROLEUM						
8210601	F-33-034076	4270630151	102-2	GALVESTON 100-L #2ST		
			RECEIVED: 12/17/81 JA: TX			
-MEWBOURNE OIL COMPANY						
8210768	F-10-038391	4235731079	103	HOLLAND GRAIN CO #1 RRC #		
			RECEIVED: 12/17/81 JA: TX			
-MGF OIL CORP						
8210761	F-70-038172	4210533032	103	C E DAVIDSON III #2		
8210761	F-70-038172	4210533032	107-IF	C E DAVIDSON III #2		
			RECEIVED: 12/17/81 JA: TX			
-MITCHELL ENERGY CORPORATION						
8210605	F-09-034515	4249700000	108	A I STARKEY #1		
8210767	F-09-038355	4214900000	102-2	ABELL UNIT 6 #1		
8210778	F-09-039317	4223733541	103	BLOODWORTH-CAMPSEY #1		
8210671	F-09-035477	4250332945	103	C A MCMURTRY #2 33519		
8210766	F-09-038355	4223700000	108	CATER #1 55635		
8210770	F-09-038767	4249731964	103	E J HUGHES #20		
8210686	F-09-035927	4249732016	103	DEAN PADFIELD #2		
8210602	F-09-034224	4249700000	108	DECATUR UNIT #3		
8210690	F-05-035991	4224330550	103	E L SMYTHE #1		
8210690	F-05-035991	4224330550	107-IF	E L SMYTHE #1		
8210732	F-09-037327	4249731871	103	HENRY TACKEL #2-T		
8210693	F-09-036059	4233700000	108	J D ORTON #1 15583		
8210695	F-09-036063	4233700000	108	J D ORTON #3 15583		
8210685	F-09-035905	4249700000	108	J E NORMAN -B- #1 52416		
8210563	F-78-027099	4236731708	103	J T BAKER #1		
8210604	F-09-034511	4249700000	108	JAMES E WISE #1		
8210694	F-03-036061	4231700000	108	JAMES LANG #1 50161		
8210579	F-09-031594	4249700000	108	M L WAGGONER #21 35934		
8210783	F-09-039537	4249700000	108	MAY GRIFFITH #1 52415		
8210738	F-03-037742	4214900000	103	MINZENMEYER #1		
8210692	F-09-036048	4223700000	108	R L MORRIS -B- #1 38686		
8210599	F-03-033985	4214930748	102-2	ROY RUCKR #1		
8210565	F-15-028302	4229300000	103	THOMASON #1		
8210675	F-09-035608	4249732003	103	W F CLEVELAND #2		
-NICO ENERGY CORP						
8210567	F-03-028506	4205131004	102-2	WHITENER A #1		
8210567	F-03-028506	4205131004	103	WHITENER A #1		
			RECEIVED: 12/17/81 JA: TX			
-NORMAN EVANS						
8210617	F-09-034977	4250333615	102-4	SIMPSON #1 (86538)		
			RECEIVED: 12/17/81 JA: TX			
-PENNZOIL PRODUCING COMPANY						
8210748	F-06-037859	4207330419	102-4	JARVIS #1		
			RECEIVED: 12/17/81 JA: TX			
-PETROLEUM MANAGEMENT INC						
8210706	F-04-036215	4248930638	103	YTURRIA CATTLE CO #9		
			RECEIVED: 12/17/81 JA: TX			
-PHILLIPS PETROLEUM COMPANY						
8210673	F-10-035519	4223330990	103	CHAP #5		
8210582	F-10-032627	4217900000	108	DAVIDSON M #6A		
8210596	F-10-033809	4248300000	108	DESON #11		
8210598	F-10-033877	4248300000	108	DESON #5		
8210626	F-10-035046	4217900000	108	DOSS #6		
8210625	F-10-035045	4217900000	108	DOSS #7		
*8210699	F-10-036170	4223300000	108	GREENRIVER #9		
8210572	F-08-030677	4213503515	108	GS ANDECTOR #P-13L 21193		

FIELD NAME	PROD	PURCHASER
TAOS (CANYON)	64.0	NORTHERN NATURAL
TAOS (CANYON)	17.0	NORTHERN NATURAL
TAOS (CANYON)	7.0	NORTHERN NATURAL
GALVESTON 100-L #2ST	550.0	LONE STAR GAS CO
SMITH PERRYTON (L MORROW	200.0	
OZONA (CANYON SAND)	560.0	NORTHERN NATURAL
OZONA (CANYON SAND)	560.0	NORTHERN NATURAL
BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
GIDDINGS (BUDA)	9.0	SOUTH CEN-TEX GAS
POST OAK (CONGLOMERATE)	75.0	NATURAL GAS PIPEL
JERMYN WEST (MARBLE FALL	140.0	SOUTHWESTERN GAS
JACK COUNTY REGULAR (GAS	11.8	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGLOM	200.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	520.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
POKEY (COTTON VALLEY LIM	300.0	TEXAS UTILITIES F
POKEY (COTTON VALLEY LIM	300.0	TEXAS UTILITIES F
BRIDGEPORT (ATOKA CONGL	60.0	NATURAL GAS PIPEL
ORTON (CADDO)	9.1	LONE STAR GAS CO
ORTON (CADDO)	5.3	LONE STAR GAS CO
WISE-KENT (HAM SAND)	13.8	NATURAL GAS PIPEL
SANDRA K (STRAWN)	300.0	
BOONSVILLE (BEND CONGL G	13.0	NATURAL GAS PIPEL
MADISONVILLE (SUB-CLARKS	0.0	LONE STAR GAS CO
BOONSVILLE (BEND CONGL G	10.0	LONE STAR GAS CO
BOONSVILLE (BEND CONGL G	8.4	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	25.0	SOUTH CEN-TEX GAS
MORRIS (CONGLOMERATE)	12.4	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	25.0	
POKEY EAST (COTTON VALLE	350.0	
BOONSVILLE (BEND CONGLOM	50.0	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
SOUTH BEND WEST (MARBLE	1314.0	J M TAYLOR GAS CO
PERCY WHEELER (TRAVIS PE	550.0	
LACAL (FRIO C-6)	200.0	TEXAS EASTERN TRA
PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE WHEELER	0.0	
PANHANDLE WHEELER	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	22.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	DISC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210618	F-10-035025	4217900000	108	JOHNSON CC #6	PANHANDLE GRAY	0.0	
8210631	F-10-035106	4217900000	108	JOHNSON X #2	PANHANDLE GRAY	0.0	
8210620	F-10-035027	4217900000	108	JOHNSON Z #4	PANHANDLE GRAY	0.0	
8210619	F-10-035026	4217900000	108	JOHNSON Z #5	PANHANDLE GRAY	0.0	
8210621	F-10-035028	4217900000	108	JOHNSON Z #6	PANHANDLE GRAY	0.0	
8210622	F-10-035029	4217900000	108	JOHNSONZ #7	PANHANDLE GRAY	0.0	
8210672	F-10-035517	4223330997	103	SANFORD #2	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8210630	F-10-035092	4217900000	108	URB #1	PANHANDLE GRAY	0.0	
8210625	F-10-035091	4217900000	108	URB #2	PANHANDLE GRAY	0.0	
8210626	F-10-035090	4217900000	108	URB #3	PANHANDLE GRAY	0.0	
8210623	F-10-035039	4217900000	108	URB #4	PANHANDLE GRAY	0.0	
8210624	F-10-035040	4217900000	108	URB #5	PANHANDLE GRAY	0.0	
8210585	F-7C-033117	4243530562	108	WARD C #4	SONORA (CANYON UPPER)	22.2	INTRATEX GAS CO
-PIONEER PRODUCTION CORPORATION				RECEIVED: 12/17/81 JA: TX			
*8210722	F-08-037125	4237131786	107-DP	DIXEL GAS UNIT #1	GOMEZ (FUSSELMAN)	0.0	PIONEER NATURAL G
-PRINGLE PETROLEUM INC				RECEIVED: 12/17/81 JA: TX			
8210710	F-03-036319	4220130000	102-4	BROWN EST #4 (I" #92199)	ANAREX (7,500 YEGUA)	400.0	BADISCHE CORP
-RANDOLPH ACOCK				RECEIVED: 12/17/81 JA: TX			
8210616	F-03-034929	4205130717	102-2	ANTON BERAN #1	GIDDINGS (AUSTIN CHALK)	100.0	CLAJON GAS CO
8210616	F-03-034929	4205130717	103	ANTON BERAN #1	GIDDINGS (AUSTIN CHALK)	100.0	CLAJON GAS CO
-RANKIN OIL CO				RECEIVED: 12/17/81 JA: TX			
8210646	F-08-035368	4200332460	103	ANITA #1	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210647	F-08-035369	4200332461	103	ANITA #2	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210648	F-08-035370	4200332462	103	ANITA #3	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210649	F-08-035372	4200332013	103	BASSEL #2	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210636	F-08-035225	4200332164	103	BASSEL #5	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210635	F-08-035224	4200332015	103	BOYD #1	FUHRMAN MASCHO	26.0	PHILLIPS PETROLEU
8210634	F-08-035223	4200332129	103	BOYD #2	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210633	F-08-035222	4200332016	103	EHRIG #1	FUHRMAN MASCHO	2.4	PHILLIPS PETROLEU
8210632	F-08-035221	4200332171	103	EHRIG #2	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210660	F-08-035417	4200332472	103	ERNESTEEN #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210669	F-08-035427	4200331799	103	FUHRMAN 1-A	FUHRMAN MASCHO	22.0	PHILLIPS PETROLEU
8210659	F-08-035415	4200332011	103	KNIGHT-WATSON #1	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210661	F-08-035419	4200332430	103	LEONA #2	FUHRMAN MASCHO	4.0	PHILLIPS PETROLEU
8210662	F-08-035419	4200332454	103	LOCKHART & BROWN 1-A	FUHRMAN MASCHO	26.0	PHILLIPS PETROLEU
8210668	F-08-035426	4200332269	103	LOCKHART #1	FUHRMAN MASCHO	2.4	PHILLIPS PETROLEU
8210667	F-08-035425	4200332270	103	LOCKHART #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210666	F-08-035424	4200332271	103	LOCKHART #3	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210665	F-08-035423	4200332120	103	OLSEN #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210664	F-08-035422	4200332121	103	OLSEN #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210637	F-08-035227	4200300000	103	PARKER #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210663	F-08-035420	4200332169	103	PARKER "B"-2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210638	F-08-035229	4200331780	103	SEIDEL #1	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
8210639	F-08-035230	4200331800	103	SEIDEL #2	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
8210640	F-08-035231	4200331867	103	SEIDEL #4	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
8210643	F-08-035364	4200332198	103	THORNBERRY #2	FUHRMAN MASCHO	26.0	PHILLIPS PETROLEU
8210644	F-08-035366	4200300000	103	THORNBERRY #4	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210645	F-08-035367	4200332242	103	THORNBERRY #5	FUHRMAN MASCHO	27.0	PHILLIPS PETROLEU
8210642	F-08-035361	4200332206	103	ZEISNER #1	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
-RIDDLE OIL CO				RECEIVED: 12/17/81 JA: TX			
8210574	F-06-030836	4240130856	103	J B FREEMAN #A-1	OAK HILL S (COTTON VALLE	500.0	HYDROCARBON TRANS
8210574	F-06-030836	4240130856	107-TF	J B FREEMAN #A-1	OAK HILL S (COTTON VALLE	500.0	HYDROCARBON TRANS
-RIDGE OIL CO				RECEIVED: 12/17/81 JA: TX			

*8210787	F-7B-039736	4242932936	102-4	WELLS #1	RANGER NW (MARBLE FALLS)	28.8	COMPRESSOR RENTAL
*8210787	F-7B-039736	4242932936	103	WELLS #1	RANGER NW (MARBLE FALLS)	28.8	COMPRESSOR RENTAL
-ROCKWOOD RESOURCES INC			RECEIVED: 12/17/81 JA: TX				
8210721	F-02-037016	4223931566	103	CHANRAD #1 IC NO	LA WARD NORTH (5550-A)	0.0	DELHI GAS PIPELIN
8210726	F-02-037193	4223931581	103	MAURITZ #1 LEASE NO	MAURITZ WEST (5400)	0.0	TEXAS EASTERN TRA
-RYCOL EXPLORATION INC			RECEIVED: 12/17/81 JA: TX				
8210566	F-04-028363	4247932737	103	RAYMOND L HARTMAN #1	TOM WALSH	36.0	TEJAS GAS CORP
-SAMEDAN OIL CORPORATION			RECEIVED: 12/17/81 JA: TX				
8210730	F-04-037234	4270230145	102-2	S T BIB L #B-2	SAMEDAN FRIO	1095.0	EL PASO NATURAL G
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 12/17/81 JA: TX				
8210562	F-02-026158	4229732107	103	CHARLES L BOODEN #5-U	GEORGE WEST W (7400 SDW)	500.0	TEXAS EASTERN TRA
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX				
8210773	F-04-039162	4213935187	102-4	L T OLIVEIRA #1-A	NOROSENA CREEK (TEDLEY)	500.0	UNITED GAS PIPELI
-SCANDRILL CO			RECEIVED: 12/17/81 JA: TX				
8210696	F-7B-036068	4244732567	103	CAGLE #2	THROCKMORTON COUNTY REGU	0.0	CLEAR FORK GAS CO
8210718	F-09-036870	4250334000	103	PEARL T KURK #12	YOUNG COUNTY REGULAR	8.4	SUN GAS GATHERING
-STALLWORTH OIL & GAS INC			RECEIVED: 12/17/81 JA: TX				
8210734	F-8A-037444	4250131841	103	OWNBY A #2 #60211	OWNBY (CLEARFORK UPPER)	10.0	AMOCO PRODUCTION
8210611	F-06-034827	4242330409	102-4	STALLWORTH-COWAN GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
8210611	F-06-034827	4242330409	107-TF	STALLWORTH-COWAN GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
8210612	F-06-034828	4242330402	102-4	STALLWORTH-E D SHOFNER GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
8210612	F-06-034828	4242330402	107-TF	STALLWORTH-E D SHOFNER GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 12/17/81 JA: TX				
8210583	F-04-032673	4242700000	108	AMANDA MCKINNEY #13	SUN (E-1)	29.0	TRANSCONTINENTAL
8210576	F-10-031049	4217900000	108	COMES & WORLEY A #5	PANHANDLE	0.2	PHILLIPS PETROLEU
8210713	F-06-036487	4222530358	103	R S DAILEY #9	NAVARRO CROSSING (DEXTER	205.0	
8210573	F-08-030741	4230100000	108	W D JOHNSON -38E-#2	GRICE	4.0	PHILLIPS PETROLEU
8210681	F-03-035774	4207131077	103	W L EVANS #3	WINNIE N (SULLIVAN)	39.7	TEXAS EASTERN TRA
-TENNECO OIL COMPANY			RECEIVED: 12/17/81 JA: TX				
8210781	F-03-039411	4232131084	103	J W GRESHAM A #2	TRULL	250.0	TENNESSEE GAS PIP
8210737	F-03-037742	4230130269	107-DP	REEI 24 #1	BRUNSON RANCH (LOWER PEN	2630.0	TENNESSEE GAS PIP
-TEXAS OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX				
8210711	F-02-036443	4246931742	102-4	DEAN P #1	EAST TELFERNER (4940*)	0.0	DELHI GAS PIPELIN
8210676	F-03-035665	4248132049	103	HOLUM A-1	EL CAMPO SOUTH (6850)	0.0	DOW CHEMICAL CO
8210782	F-03-039467	4215731191	102-4	WESTHEIMER #2	MCCRARY (3RD YEGUA)	0.0	
8210697	F-7C-036153	4223531366	103	WINTERBOTHAM P #2	DOVE CREEK (CANYON C) (C	126.0	COLUMBIA GAS TRAN
-THOMAS D COFFMAN INC			RECEIVED: 12/17/81 JA: TX				
8210785	F-03-039705	4214931036	102-2	BRIGGS #1 120148	GIDDINGS (AUSTIN CHALK-3	54.8	SOUTH CEN-TEX GAS
8210677	F-03-035685	4214930812	102-2	ELVIS BROWN #1 87,179	GIDDINGS (AUSTIN CHALK)	18.3	SOUTH CEN-TEX GAS
8210614	F-03-034858	4217730763	102-2	MOESKER #1 105035	GIDDINGS (AUSTIN CHALK)	146.0	VALERO TRANSMISSI
8210614	F-03-034858	4217730763	103	MOESKER #1 105035	GIDDINGS (AUSTIN CHALK)	146.0	VALERO TRANSMISSI
-TIPPERARY OIL AND GAS CORP			RECEIVED: 12/17/81 JA: TX				
8210707	F-01-036244	4217730517	103	W L BARNETT ET AL #1	COST (AUSTIN CHALK)	0.0	HNG PETROCHEMICAL
-TXO PRODUCTION CORP			RECEIVED: 12/17/81 JA: TX				
8210658	F-02-035404	4217531252	103	RILEY A-1	FANNIN N (2850)	0.0	DELHI GAS PIPELIN
-VORTT EXPLORATION CO INC			RECEIVED: 12/17/81 JA: TX				
8210736	F-7B-037585	4213332381	102-4	FRED BROWN #2	MAGNUM NORTH (3200)	0.0	SOUTHWESTERN GAS
-W & W OIL CO			RECEIVED: 12/17/81 JA: TX				
8210709	F-8A-036254	4216500000	103	SIMMONS #1	CARM ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEU
8210708	F-8A-036253	4216500000	103	W G MAYO #1	CARM ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEU
-WILBROOK EXPLORATION INC			RECEIVED: 12/17/81 JA: TX				
8210564	F-7B-027606	4213331949	103	PINK HALEY #1 (15450)	JOSHUA (CONGLOMERATE)	40.0	LONE STAR GAS CO
-WILLIAM E HENDON JR			RECEIVED: 12/17/81 JA: TX				

JD NO	JA DKT	API NO	D STC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210559	F-08-004461	4200300000	102-4	UNIVERSITY AZ #1	EMMA N (YATES)	102.0	PHILLIPS PETROLEU
-ZONERGY INC			RECEIVED: 12/17/81 JA: TX				
8210769	F-03-038595	4205131389	102-2	STREITSKY #1	GIDDINGS (AUSTIN CHALK-3	0.0	CLAJON GAS CO

[illegible]

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 January 19, 1982.

Categories with 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 reservior
102–5: New reservior on old OSC 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. 82–1020 Filed 1–13–82: 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 8, 1982.

JD NO	JA DKT	API NO	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION						
-ADOBE OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX			
8210941	F-08-042059*	4200300000	108 UNIVERSITY "21" #1	BLOCK 12 (YATES)	46.0	NORTHERN NATURAL
-AEC OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
8210984	F-7B-042539	4242932767	102-2 GENTRY #1	JOHNNY (CONGL UPPER)	67.2	WARREN PETROLEUM
-AMMEX PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210957	F-03-042349	4203131491	102-2 MELINDA #1	GIDDINGS (AUSTIN CHALK-3	43.2	CLAJON GAS CO
8210957	F-03-042349	4203131490	103 MELINDA #1	GIDDINGS (AUSTIN CHALK-3	43.2	CLAJON GAS CO
-ANDERSON PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210803	F-7C-040317	4243532517	103 PAULINE FRIESS D1 2-7	SAWYER (CANYON)	100.0	SUTTON COUNTY PIP
8210803	F-7C-040317	4243532517	107-TF PAULINE FRIESS D1 2-7	SAWYER (CANYON)	100.0	SUTTON COUNTY PIP
-ARCO OIL AND GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
8210910	F-7C-041611	4241330852	103 VIRGIL J POWELL TR A #100	TILLERY (CANYON UPPER)	57.6	ARCO OIL & GAS CO
-ATKINSON & FRASER			RECEIVED: 12/17/81 JA: TX			
8211004	F-7B-042604	4213332724	103 R B WEDDINGTON E #1	LEE RAY (LAKE)	30.0	LONE STAR GAS CO
-BASS ENTERPRISES PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210805	F-03-040393	4228531543	102-4 WYNNE GAS UNIT #2	WORD N (EDWARDS)	0.0	VALERO TRANSMISSI
8210805	F-03-040393	4228531543	107-TF WYNNE GAS UNIT #2	WORD N (EDWARDS)	0.0	VALERO TRANSMISSI
-BETTIS BOYLE & STOVALL			RECEIVED: 12/17/81 JA: TX			
8210815	F-09-040761	4223733519	103 CASTLEBERRY #6	TERESA (5065)	219.0	LONE STAR GAS CO
-BISON EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
8210942	F-08-042122	4222700000	102-4 GRIFFIN #1	GRIFFIN (PENN REEF)	35.0	GETTY OIL CO
-BLUCO PRODUCTION CO INC			RECEIVED: 12/17/81 JA: TX			
8210827	F-01-040986	4249330885	102-2 RUNK	JYF	0.0	J L DAVIS
-CANYON CO			RECEIVED: 12/17/81 JA: TX			
8210964	F-7C-042447	4210533251	103 HOOVER ESTATE 1-67A	AMERICAN (CANYON)	55.0	EL PASO NATURAL G
8210964	F-7C-042447	4210533251	107-TF HOOVER ESTATE 1-67A	AMERICAN (CANYON)	55.0	EL PASO NATURAL G
8210963	F-7C-042446	4210533248	103 HOOVER ESTATE 2-2B	AMERICAN (CANYON)	42.0	EL PASO NATURAL G
8210963	F-7C-042446	4210533248	107-TF HOOVER ESTATE 2-2B	AMERICAN (CANYON)	42.0	EL PASO NATURAL G
-CHAMPLIN EXPLORATION INC			RECEIVED: 12/17/81 JA: TX			
8210936	F-03-042038	4214930797	103 SIERRA MADRE #3 (RRC #13836)	GIDDINGS (AUSTIN CHALK-3	6.5	PHILLIPS PETROLEU
8210935	F-03-042037	4214730799	103 SIERRA MADRE #4 (RRC ID#14432)	GIDDINGS (BUDA-3)	7.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/17/81 JA: TX			
8210794	F-03-039947	4205100000	102-2 ALLEN RHODES A #1	GIDDINGS	0.0	FERGUSON CROSSING
8210794	F-03-039947	4205100000	103 ALLEN RHODES A #1	GIDDINGS	0.0	FERGUSON CROSSING
8211007	F-08-042611	4217330202	102-2 B F DOOLEY #3	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8211007	F-08-042611	4217330202	103 B F DOOLEY #3	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8211006	F-08-042610	4243131023	103 O L GLASS #4 (26354)	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8210793	F-03-039946	4205100000	102-2 JOHNNIE KNESEK #2	GIDDINGS	0.0	FERGUSON CROSSING
8210793	F-03-039946	4205100000	103 JOHNNIE KNESEK #2	GIDDINGS	0.0	FERGUSON CROSSING
8210818	F-03-040835	4205100000	102-2 MILDRED MAHLMANN A #1	GIDDINGS	0.0	FERGUSON CROSSING
8210818	F-03-040835	4205100000	103 MILDRED MAHLMANN A #1	GIDDINGS	0.0	FERGUSON CROSSING

JD NO	DA ET	I	SEC RAT WELL NAME	FIELL NAME	PRI	PURCHASER
-CHRISTIAN ENERGY INC			RECEIVED: 12/17/81 JA: TX			
8210954	F-7R-042331	4244131769	103 C P SMITH #1	BULL (GARDNER)	15.0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR			RECEIVED: 12/17/81 JA: TX			
8210807	F-03-040463	4205100030	102-2 MELVIN UBERNOSKY #3	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
8210807	F-03-040463	4205100030	103 MELVIN UBERNOSKY #3	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
-COPET INC			RECEIVED: 12/17/81 JA: TX			
8210813	F-7R-040748	4204900000	103 OLIVER STEEL-JENNIE 9 FISHER "A" #1	BROWN CO REGULAR (MAPBLE	75.0	LONE STAR GC
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 12/17/81 JA: TX			
8210924	F-[illegible]-041722	4200731687	102-4 STATE TRACT 94 #1	PROPOSED BARTELL PASS FR	0.0	CENTRAL POWER & L
-CPC EXPLORATION INC			RECEIVED: 12/17/81 JA: TX			
8211017	F-03-042686	4228730776	102-2 D B JOHNSON LEASE #13272	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
8211019	F-03-042691	4214930630	102-2 GRANT WILLIAMS UNIT LEASE NO 13393	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
8211015	F-03-042683	4214930576	102-2 KILIAN #1 LEASE #13094	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
8211016	F-03-042684	4214930577	102-2 L PETERS UNIT LEASE #13579	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
8211013	F-03-042681	4214930732	102-2 TAYLOR LEASE #13629	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
8211018	F-03-042690	4214930594	102-2 W L MORGAN	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
8211014	F-03-042682	4214930861	102-2 WALTER PETERS A LEASE NO 14049	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
-CRB OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
8210788	F-03-039749	4214931083	102-2 KNAPP UNIT #1	GIDDINGS (AUSTIN CHALK-3	375.0	CLAJON GAS CO
8210931	F-01-041928	4250731533	102-4 LEE RANCH #7	LEE RANCH (SAN MIGUEL 18	65.0	NORTHERN NATURAL
8213826	F-03-040451	4214931094	102-2 ENGLER #1	GIDDINGS (AUSTIN CHALK-3	75.0	PHILLIPS PETROLEU
-CROWN EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
8210952	F-7R-042295	4244100000	102-4 BAYER #1	COTTONWOOD CREEK FLIPPEN	0.0	LONE STAR GAS CO
-CRYSTAL OIL COMPANY			RECEIVED: 12/17/81 JA: TX			
8210820	F-06-040884	4236531243	103 CALDWELL "A" 1-L	BETHANY (COTTON VALLEY)	47.4	UNITED GAS PIPELI
8210820	F-06-040884	4236531243	107-1F CALDWELL "A" 1-L	BETHANY (COTTON VALLEY)	47.4	UNITED GAS PIPELI
8210819	F-06-040883	4236531243	103 CALDWELL "A" 1-U	BETHANY (TRAVIS PEAK)	151.5	UNITED GAS PIPELI
-CUMMINS & WALKER OIL CO INC			RECEIVED: 12/17/81 JA: TX			
8210925	F-02-041726	4229700000	102-4 DOUGHERTY ESTATE A #1	MOUNTAIN VIEW N (9550)-F	200.0	HOUSTON PIPE LINE
-DEPCO INC			RECEIVED: 12/17/81 JA: TX			
8210796	F-8A-040837	4207931351	103 WHITEFACE UNIT #133	LEVELLAND	21.8	CITIES SERVICE CO
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/17/81 JA: TX			
8210830	F-10-041073	4235731143	103 ANNA DAMHUES #3	ELLIS RANCH	1.0	NORTHERN NATURAL
8210844	F-10-041450	4229530939	103 JAY D BARTON P #2	BARTON	1.0	
8210845	F-10-041452	4229530954	103 JD BARTON 2-511	LIPSCOMB SW	587.0	
8210985	F-10-042549	4239330854	103 LOIS WEBB #6-63	MENDOTA NW (DOUGLAS LOWE	5.0	
8211011	F-10-042663	4235700000	108 MCGAUGH-EDWARDS F #1-134	HORIZON	1.0	NATURAL GAS PIPEL
8210792	F-10-039925	4229530970	103 OLA D PIPER 9-688	BRADFORD	121.0	TRANSWESTERN PIPE
-DIRKS PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX			
8210917	F-02-041638	4202531545	102-4 AUSTIN E BROWN #1B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210917	F-02-041638	4202531545	103 AUSTIN E BROWN #1B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210916	F-02-041637	4202531546	102-4 AUSTIN E BROWN #2B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210916	F-02-041637	4202531546	103 AUSTIN E BROWN #2B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210915	F-02-041636	4202531554	102-4 AUSTIN E BROWN #3B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210915	F-02-041636	4202531554	103 AUSTIN E BROWN #3B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210914	F-02-041635	4202531567	102-4 AUSTIN E BROWN #4B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210914	F-02-041635	4202531567	103 AUSTIN E BROWN #4B	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210913	F-02-041634	4202531514	102-4 HENRY AMEN #5	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
8210913	F-02-041634	4202531514	103 HENRY AMEN #5	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
-EDWIN L COX			RECEIVED: 12/17/81 JA: TX			
8210948	F-02-042214	4239131429	102-4 JAMES F WELDER HEIRS #1	PHIL POWER (5240) N SHAR	100.0	TENNESSEE GAS PIP
-EL PASO NATURAL GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
8211027	F10-042765	4217903703	108 DWYER #1	PANHANDLE WEST BROWN DOL	15.0	EL PASO NATURAL G

JP JD	JA ST	API	SEQ PRT WELL NAME
-ENERGY RESERVES GROUP INC			RECEIVED: 12/17/81 JA: TX
8210837	F-10-041162	4223300000	108 DIVINS #3 RC
8210836	F-10-041159	4223300000	108 HOST #4 RC
-ERSO INC			RECEIVED: 12/17/81 JA: TX
8211002	F-06-042584	4236500000	103 CARTHAGE GAS UNIT #41
8211002	F-06-042584	4236500000	107-TF CARTHAGE GAS UNIT #41
-EXPANDO OIL CO			RECEIVED: 12/17/81 JA: TX
8210919	F-09-041642	4207731505	102-4 CRENSHAW #1
8210920	F-09-041643	4207732024	102-4 SHORT #2
8210918	F-09-041640	4207731869	102-4 WATSON #1
-EXXON CORPORATION			RECEIVED: 12/17/81 JA: TX
8210960	F-7C-042394	4208130970	103 I A P UNIT #735
8210811	F-0B-040596	4200300000	108 J E PARKER A/C 3 #59
8210809	F-0B-040596	4200300000	108 J E PARKER A/C 3 #61
8210810	F-0B-040597	4200300000	108 J E PARKER A/C 3 #70
8210817	F-0B-040837	4200300000	108 J E PARKER A/C 3 #73
*8211009	F-04-042639	4226130592	103 K R SAN JOSE DE LA PARRA 34-D
8210797	F-04-040041	4204730773	103 MCGILL BROS 456 (ID PENDING)
8210798	F-04-040095	4204731290	103 MCGILL BROS 471 (C9-80)
8210939	F-8A-042079	4216532144	103 ROBERTSON CLFK UNIT #4603
8210940	F-8A-042080	4216530097	103 ROBERTSON CLFK UNIT 5603
8210938	F-08-042078	4210931471	103 TEXACO FEE C #1
8210961	F-08-042395	4210931472	103 TEXACO FEE D #2
-FAIR OIL CO			RECEIVED: 12/17/81 JA: TX
8210933	F-01-042015	4216331593	103 BOB WHITE RANCH #2 (76405)
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 12/17/81 JA: TX
8210800	F-7C-040232	4243532540	103 FLORENCE 27#2
8210800	F-7C-040232	4243532540	107-TF FLORENCE 27#2
-GARY BUTCHER			RECEIVED: 12/17/81 JA: TX
8210983	F-7B-042531	4204932765	102-4 ROLAND WINN #3 (17274)
-GENESIS PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX
8210932	F-03-041589	4214930865	102-2 A E WRIGHT #1
8210802	F-03-040292	4232100000	103 ST TR 309 #2-L ID 94739
-GETTY OIL COMPANY			RECEIVED: 12/17/81 JA: TX
8210801	F-08-040235	4230130276	107-DP GLENN BRUNSON 8-26 #1
-GIBBS COX & GIBBS INC			RECEIVED: 12/17/81 JA: TX
8211023	F-7B-042722	4204931527	103 CULPERSON #4
-GMW CORP			RECEIVED: 12/17/81 JA: TX
8211003	F-08-042597	4230130289	107-DP YELLOW BEAR #1
-GOOD HOPE REFINERIES INC			RECEIVED: 12/17/81 JA: TX
8210828	F-04-041038	4250531343	102-4 ASCHE #2
8210843	F-04-041423	4250531360	102-4 LA PERLA RANCH #37
8210843	F-04-041423	4250531360	107-TF LA PERLA RANCH #37
8210958	F-04-042372	4247932447	102-4 LUNDELL #2
8210958	F-04-042372	4247932447	107-TF LUNDELL #2
-GULF ENERGY PRODUCING COMPANY			RECEIVED: 12/17/81 JA: TX
8210937	F-7B-042076	4236332645	103 VIVIAN SIKES MURPHY #1
-GULF OIL CORPORATION			RECEIVED: 12/17/81 JA: TX
8210791	F-08-039911	4213533600	103 GOLDSMITH SAN ANDRES UNIT #5-172
-H-M OIL CO			RECEIVED: 12/17/81 JA: TX
8210834	F-02-041124	4223931535	102-4 ANNIE MARIE VAUGHN #1
8210834	F-02-041124	4223931535	103 ANNIE MARIE VAUGHN #1
-HARRISON INTERESTS LTD			RECEIVED: 12/17/81 JA: TX

FIELD NAME	PROD.	PURCHASER
PANHANDLE WEST	19.0	COLORADO INTERSTA
PANHANDLE WEST	19.8	COLORADO INTERSTA
CARTHAGE (COTTON VALLEY)	365.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALLEY)	365.0	TENNESSEE GAS PIP
BLUEGROVE SOUTH BRYSON	11.0	FAGADAU ENERGY CO
SHORT ELLENBERGER	10.5	FAGADAU ENERGY CO
BLUEGROVE SOUTH (BRYSON)	12.0	FAGADAU ENERGY CO
I A P (MENIELLE PENN)	31.0	SUN GAS CO
GOLDSMITH N (SAN ANDRES	2.5	PHILLIPS PETROLEU
GOLDSMITH N (SAN ANDRES	1.7	PHILLIPS PETROLEU
GOLDSMITH N (SAN ANDRES	2.5	PHILLIPS PETROLEU
GOLDSMITH N (SAN ANDRES	1.7	PHILLIPS PETROLEU
CALANDRIA (H-98)	770.0	ARMCO STEEL CORP
KELSEY DEEP (ZONE 22-A)	175.0	TRUNKLINE GAS CO
KELSEY DEEP (ZONE 22-A S	25.0	TRUNKLINE GAS CO
ROBERTSON (CLFK 7100)	15.0	PHILLIPS PETROLEU
ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
FORD WEST (4100)	15.0	
FORD WEST (4100)	15.0	
DOERING RANCH (SAN MIGUE	86.0	TEJAS GAS CORP
PHYLLIS SONORA	64.8	INTRATEX GAS CO
PHYLLIS SONORA	64.8	INTRATEX GAS CO
GROSVENOR SW (DUFFER)	20.0	ODESSA NATURAL CO
GIDDINGS (AUSTIN CHALK)	36.0	PHILLIPS PETROLEU
OLIVER POINT S (4100')	65.0	DOW CHEMICAL CO
BRUNSON RANCH (PENN LOWE	1752.0	INTRATEX GAS CO
BROWN COUNTY REGULAR (MA	80.0	HARBIN GAS CATHER
ARAPAHO (MORROW)	1825.0	EL PASO NATURAL G
CHARCO (9200)	1460.0	VALERO TRANSMISSI
LA PERLA RANCH (LOBO 920	183.0	VALERO TRANSMISSI
LA PERLA RANCH (LOBO 920	183.0	VALERO TRANSMISSI
LUNDELL (LOBO)	360.0	VALERO TRANSMISSI
LUNDELL (LOBO)	360.0	VALERO TRANSMISSI
PALO PINTO	0.0	TEXAS UTILITIES F
GOLDSMITH	28.1	PHILLIPS PETROLEU
MORALES NORTH (2430)	0.0	HOUSTON PIPE LINE
MORALES NORTH (2430)	0.0	HOUSTON PIPE LINE

8211022	F-7C-042715	4210533501	103	JOHN W HENDERSON III "F" #16	OZONA (CANYON SAND)	100.0	INTRATEX GAS CO
8211022	F-7C-042719	4210533502	107-TF	JOHN W HENDERSON III "F" #16	OZONA (CANYON SAND)	100.0	INTRATEX GAS CO
8210981	F-7C-042506	4210533501	102-4	UNIVERSITY LAND 18-33 G U 1 #23	HOWARDS CREEK (PENN)	500.0	INTRATEX GAS CO
8210981	F-7C-042506	4210533501	103	UNIVERSITY LAND 18-33 G U 1 #23	HOWARDS CREEK (PENN)	500.0	INTRATEX GAS CO
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 12/17/81 JA: TX			
8210923	F-7B-041714	4240131244	102-4	MCWILLIAMS BROS #1	RUFUS (TRAVIS PEAK LO)	140.0	HENDERSON CLAY PR
-HILLIARD OIL & GAS INC				RECEIVED: 12/17/81 JA: TX			
8210816	F-8A-040790	4250131891	102-4	WEBB A #2	BRAHANEY (DEVONIAN)	0.8	SHELL OIL CO
-HNG OIL COMPANY				RECEIVED: 12/17/81 JA: TX			
8210945	F-7C-042169	4243500000	108	BLOODWORTH "140" #5	SAWYER (LEONARD)	35.8	INTRATEX GAS CO
8210812	F-10-040611	4248330803	102-4	BRITT 108	ALLISON - BRITT (12350)	0.0	COLORADO INTERSTA
8210944	F-7C-042168	4243500000	108	FIELDS 21 #1	SAWYER (CANYON)	25.8	INTRATEX GAS CO
8210947	F-7C-042177	4243500000	108	FIELDS 21 #3	SAWYER (CANYON)	25.5	INTRATEX GAS CO
8210946	F-7C-042176	4243500000	108	GALBREATH 67 #3	SAWYER (CANYON)	39.2	INTRATEX GAS CO
8210982	F-7C-042516	4243532544	103	KELLY 102 #4	SAWYER CANYON	323.0	INTRATEX GAS CO
8210982	F-7C-042516	4243532544	107-TF	KELLY 102 #4	SAWYER CANYON	323.0	INTRATEX GAS CO
-HOU-TEX OIL & GAS CO				RECEIVED: 12/17/81 JA: TX			
8210833	F-01-041115	4201300000	107-TF	O R MITCHELL #1 TRRC ID #92456	PAIGE NE	182.0	PGP GAS PRODUCTS
-INDIAN WELLS OIL CO				RECEIVED: 12/17/81 JA: TX			
8211008	F-7C-042629	4241330995	103	GREEN #166	PAGE RANCH (CANYON)	91.3	INTRATEX GAS CO
8211008	F-7C-042629	4241330995	107-TF	GREEN #166	PAGE RANCH (CANYON)	91.3	INTRATEX GAS CO
8211021	F-7C-042701	4223531655	102-2	MCMANUS #44-2	PROBANDT	175.0	NORTHERN NATURAL
8210835	F-7C-041293	4210532275	107-TF	MCMULLAN #1	OZONA (CANYON SAND)	400.0	NORTHERN NATURAL
8210840	F-7C-041314	4210532355	107-TF	MCMULLAN #2-16	OZONA (CANYON SAND)	400.0	NORTHERN NATURAL
-J A WILBURN				RECEIVED: 12/17/81 JA: TX			
8210976	F-7B-042477	4215131091	103	ALTON MCCAIN #1	CLAYTONVILLE (CANYON SD	2.0	TIPPERARY OIL & G
8210978	F-7B-042479	4215131092	103	ALTON MCCAIN #2	CLAYTONVILLE (CANYON SD	1.0	TIPPERARY OIL & G
8210969	F-7B-042470	4215130979	103	J A WILBURN #1	CLAYTONVILLE (CANYON SD	36.0	TIPPERARY OIL & G
8210968	F-7B-042469	4215130996	103	J A WILBURN "A" #1	CLAYTONVILLE (CANYON SD	0.9	TIPPERARY OIL & G
8210967	F-7B-042468	4215131039	103	J A WILBURN "A" #2	CLAYTONVILLE (CANYON SD	31.0	TIPPERARY OIL & G
8210966	F-7B-042467	4215131041	103	J A WILBURN "A" #3	CLAYTONVILLE (CANYON SD	30.0	TIPPERARY OIL & G
8210965	F-7B-042465	4215131080	103	J A WILBURN "B" #2	CLAYTONVILLE (CANYON SD	17.0	TIPPERARY OIL & G
8210972	F-7B-042473	4215131043	103	L L STUART #1	CLAYTONVILLE (CANYON SD	11.0	TIPPERARY OIL & G
8210971	F-7B-042472	4215131045	103	L L STUART #2	CLAYTONVILLE (CANYON SD	10.0	TIPPERARY OIL & G
8210970	F-7B-042471	4215131046	103	L L STUART #3	CLAYTONVILLE (CANYON SD	12.0	TIPPERARY OIL & G
8210975	F-7B-042476	4215131122	103	MORRIS #1	CLAYTONVILLE (CANYON SD	18.0	TIPPERARY OIL & G
8210977	F-7B-042478	4215131123	103	MORRIS #2	CLAYTONVILLE (CANYON SD	19.0	TIPPERARY OIL & G
8210974	F-7B-042475	4215131130	103	NEEPER #1	CLAYTONVILLE (CANYON SD	26.0	TIPPERARY OIL & G
8210973	F-7B-042474	4215131119	103	ROY NEVES #1	CLAYTONVILLE (CANYON SD	11.0	TIPPERARY OIL & G
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED: 12/17/81 JA: TX			
8210962	F-7C-042435	4210533305	102-4	UNIVERSITY 26E #3	UNIVERSITY 31 (QUEEN)	180.0	PHILLIPS PETROLEU
-J WALTER DUNCAN JR				RECEIVED: 12/17/81 JA: TX			
8210799	F-03-040146	4232131065	102-4	LEWIS-MCDONALD #1	DUNCAN SLOUGH (FRIO-9)	135.0	VALERO TRANSMISSI
-JACKSON EXPLORATION INC				RECEIVED: 12/17/81 JA: TX			
8210829	F-7C-041050	4246131688	103	VENABLE #3	SPRABERRY (TREND AREA)	30.0	EL PASO NATURAL G
-JAMES K ANDERSON INC				RECEIVED: 12/17/81 JA: TX			
8211005	F-7C-042609	4239932000	103	PRESLEY D #1 RRC LEASE NO 09058	ENOCH JOHNSON (MORRIS SA	20.0	UNION TEXAS PETRO
-MAY PETROLEUM INC				RECEIVED: 12/17/81 JA: TX			
8210909	F-7C-041584	4209530536	103	W M HARTGROVE #1	PAINT ROCK (STRAWN LIME)	6.0	
-MCCORMICK OPERATING CO				RECEIVED: 12/17/81 JA: TX			
8210804	F-08-040342	4231732364	102-4	DAVIDSON #2	J L M (MISSISSIPPIAN)	100.0	NORTHERN NATURAL
8210912	F-06-041619	4240131216	103	LONGHORN GAS UNIT #2	OAK HILL (COTTON VALLEY)	200.0	HYDROCARBON TRANS
8210912	F-06-041619	4240131216	107-TF	LONGHORN GAS UNIT #2	OAK HILL (COTTON VALLEY)	200.0	HYDROCARBON TRANS

8210911	F-06-041614	4240131217	103	RAIDER GAS UNIT #4	
8210911	F-06-041614	4240131217	107-TF	RAIDER GAS UNIT #4	
8210789	F-06-039752	4240131174	103	SOONER GAS UNIT #4	
8210789	F-06-039752	4240131174	107-TF	SOONER GAS UNIT #4	
8210790	F-06-039756	4240131178	103	STRONG GAS UNIT #1	
8210790	F-06-039756	4240131178	107-TF	STRONG GAS UNIT #1	
-MCMAHON-BULLINGTON DRLG CO			RECEIVED: 12/17/81 JA: TX		
8210835	F-09-041135	4223700000	102-4	J F CRAIG #1	
-MEADCO PROPERTIES			RECEIVED: 12/17/81 JA: TX		
8210824	F-7C-040967	4223531693	102-2	E SUGG 1905 RRC #09035	
8210826	F-7C-040965	4223531777	102-2	UT-35 #1 RRC #08888	
8210823	F-7C-040966	4223531656	102-2	UT-3064#1 RRC #92965	
8210832	F-7C-041091	42235315R9	102-2	UT-38 #1 RRC #08550	
8210822	F-7C-040965	4223531549	102-2	UT-39 #1 RRC #08454	
8210831	F-7C-041087	4223531652	102-2	UT-40 RRC ID #08730	
8210825	F-7C-040964	4223531726	102-2	UT-41 RRC#08862	
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/17/81 JA: TX		
8210943	F-09-042162	4233731217	102-4	HENRY D MOORE #1 20610	
8210950	F-7B-042027	4236700000	108	J G HEIDELMAN #1 77498	
8210795	F-09-040001	4249732005	103	J J LARGENT #3L 94394	
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 12/17/81 JA: TX		
8211012	F-08-042674	4210332531	103	SAND HILLS JUDKINS UNIT #9	
8210955	F-08-042334	4230130300	102-4	W D JOHNSON B #1	
-MR OIL CO			RECEIVED: 12/17/81 JA: TX		
8211000	F-08-042567	4247500000	108	RICHTER LOUIS #36	
8210999	F-08-042566	4247500000	108	RICHTER LOUIS #4	
8210998	F-08-042565	4247500000	108	RICHTER LOUIS #43	
8210997	F-08-042564	4247500000	108	RICHTER LOUIS #44	
8210996	F-08-042563	4247500000	108	RICHTER LOUIS #46	
8210995	F-08-042562	4247500000	108	RICHTER LOUIS #49	
8210994	F-08-042561	4247500000	108	RICHTER LOUIS #57	
8210993	F-08-042559	4247500000	108	RICHTER LOUIS #61	
8210992	F-08-042558	4247500000	108	RICHTER LOUIS #66	
8210991	F-08-042557	4247500000	108	RICHTER LOUIS #69	
8210990	F-08-042556	4247500000	108	RICHTER LOUIS #76	
8210989	F-08-042554	4247500000	108	RICHTER LOUIS #79	
8210988	F-08-04553	4247500000	108	RICHTER LOUIS #81	
8210987	F-08-042552	4247500000	108	RICHTER LOUIS #82	
8210986	F-08-042551	4247500000	108	RICHTER LOUIS B #6	
-REO INDUSTRIES INC			RECEIVED: 12/17/81 JA: TX		
8210841	F-10-041328	4223300000	103	WHITTENBURG B-16	
8210846	F-10-041474	4223300000	103	WHITTENBURG B-27	
8210842	F-10-041331	4223300000	103	WHITTENBURG B-32	
-RETAMCO INC			RECEIVED: 12/17/81 JA: TX		
8210953	F-03-042319	4244730379	103	FUCHS #1	
-RIDGE OIL CO			RECEIVED: 12/17/81 JA: TX		
8210838	F-7B-041240	4242932937	102-4	DEMPSEY #1	
8210838	F-7B-041240	4242932937	103	DEMPSEY #1	
-RK PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX		
8210824	F-RA-042747	4211531490	102-4	DAVIS #2	
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX		
8211001	F-02-042589	4229731866	102-4	GEFFERT GAS UNIT #1	
-SENTINEL PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX		

FIELD NAME	PRO	PURCHASER
OAK HILL (COTTON VALLEY)	250.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	250.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANS
HEBA (4900)	37.0	SOUTHWESTERN GAS
ELA SUGG (CISCO)	11.0	NORTHERN NATURAL
ACKER (CANYON)	46.0	CRA INC
ELA SUGG (WOLFCAMP)	117.0	
ACKER (CANYON)	51.0	CRA INC
ACKER (CANYON)	114.0	CRA INC
ACKER (CANYON)	11.0	CRA INC
ACKER(CANYON)	229.0	CRA INC
BINGHAM CREEK (MISS LO)	55.0	
LAKE MIN WELLS (4000 CON	6.8	NATURAL GAS PIPEL
MORRIS (CONSOLIDATED CON	180.0	NATURAL GAS PIPEL
SAND HILLS (JUDKINS)	286.9	EL PASO NATURAL G
DIMMIT (CHERRY CANYON)	80.7	INTRATEX GAS CO
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
GIDDINGS (AUSTIN CHALK-G	94.2	CLAJON GAS CO
RANGER NW (MARBLE FALLS)	108.0	COMPRESSOR RENTAL
RANGER NW (MARBLE FALLS)	108.0	COMPRESSOR RENTAL
LAMESA NORTH (7850)	27.4	PHILLIPS PETROLEU
GEORGE WEST WEST (8500)	500.0	TEXAS EASTERN TRA

VOLUME 47 PAGE 2194

JD NO	JA KT	API NO	R C DIST WELL NAME
8210959	F-7B-042380	4213331079	108 STEPHAN A 14035
			RECEIVED: 12/17/81 JA: TX
-SOUTHLAND ROYALTY CO			
8210956	F-7C-042337	4238300000	108 SPRAGBERRY ALDWELL UNIT #14-3
			RECEIVED: 12/17/81 JA: TX
-STEVE JERNIGAN INC			
8210922	F-10-041713	4229530897	103 DAISY #1
			RECEIVED: 12/17/81 JA: TX
-SUBSURFACE ENERGY CORP			
8210821	F-7B-040905	4208332437	103 CARVES #1
			RECEIVED: 12/17/81 JA: TX
-SUN OIL COMPANY (DELAWARE)			
8210949	F-04-042209	4235531773	102-4 H L MCCANN #25
			RECEIVED: 12/17/81 JA: TX
-T SQUARE PETROLEUM CO			
8210930	F-7B-041908	4213300000	103 TAFF #1
			RECEIVED: 12/17/81 JA: TX
-TEN OIL OPERATING CO			
8211028	F-7C-042766	4210533407	103 UNIVERSITY BLOCK 46 #1002
8211025	F-7C-042763	4210533409	103 UNIVERSITY BLOCK 46 #901
8211026	F-7C-042764	4210533410	103 UNIVERSITY BLOCK 46 #902
			RECEIVED: 12/17/81 JA: TX
-TENNECO OIL COMPANY			
8210929	F-7B-041697	4239330853	103 MCMORDIE #2-7
			RECEIVED: 12/17/81 JA: TX
-TEXACO INC			
8210928	F-8A-041771	4221933122	103 IRA P DELOACH #17
8210951	F-8A-042251	4221933121	103 IRA P DELOACHE #18
8211020	F-8A-042720	4221933120	103 IRA P DELOACHE #19
8210814	F-7B-040791	4243100000	108 L R COCKRELL #1
8210921	F-8A-041658	4221933119	103 MONTGOMERY EST DAVIES NCT-2 #78
8210927	F-8A-041765	4221933114	103 MONTGOMERY EST DAVIES NCT-2 #79
-TEXAS GENERAL PETROLEUM CORP			
8211010	F-03-042655	4205130954	102-2 OFCZARZAK #2/12777
			RECEIVED: 12/17/81 JA: TX
-TRANS-AMERICAN DEVELOPMENT CORP			
8210934	F-7B-042024	4238700000	103 HOTT #1
			RECEIVED: 12/17/81 JA: TX
-WARREN PETR CO A DIV OF GULF OIL CO			
8210979	F-08-042501	4210332543	103 W A ESTES 111
8210980	F-08-042502	4210332587	103 W N WADDELL 1204
8210926	F-08-041737	4210332615	103 W N WADDELL 1207
			RECEIVED: 12/17/81 JA: TX
-WINDSOR PRODUCING CO			
8210808	F-03-040593	4228730987	102-2 SELMA STORK #2
8210808	F-03-040593	4228730987	103 SELMA STORK #2
			RECEIVED: 12/17/81 JA: TX
-WINN EXPLORATION/DULCE CO			
8210893	F-01-041549	4250731135	102-4 BENNETT 3
8210860	F-01-041516	4250731121	102-4 FLOWERS 1
8210894	F-01-041551	4250731126	102-4 HASKETT 5
8210895	F-01-041551	4250731179	102-4 HASKETT 6
8210896	F-01-041552	4250731172	102-4 JACKSON 2
8210859	F-01-041515	4250731173	102-4 JACKSON 3
8210897	F-01-041553	4250731115	102-4 JACKSON 4
8210898	F-01-041554	4250731118	102-4 JACKSON 5
8210899	F-01-041555	4250731125	102-4 KING-WILSON 1
8210900	F-01-041556	4250731124	102-4 LAFFERE 1
8210887	F-01-041543	4250731234	102-4 PRYOR RANCH "A" 2C
8210867	F-01-041523	4250731192	102-4 PRYOR RANCH 11C
8210868	F-01-041524	4250731192	102-4 PRYOR RANCH 11T
8210853	F-01-041508	4250731193	102-4 PRYOR RANCH 12C
8210854	F-01-041509	4250731193	102-4 PRYOR RANCH 12T
8210869	F-01-041525	4250731197	102-4 PRYOR RANCH 13C
8210855	F-01-041510	4250731197	102-4 PRYOR RANCH 13T

FIELD NAME	PRD	PURCHASER
FOSTER MARBLE FALLS	0.0	ODESSA NATURAL CO
SPRAGBERRY	3.2	UNION TEXAS PETRO
LIPSCOMB (CLEVELAND)	0.0	PHILLIPS PETROLEU
TRUAX (GRAY SAND)	35.0	UNION TEXAS PETRO
ARNOLD-DAVID (7240)	5.5	
EASTLAND COUNTY REGULAR	20.1	SOUTHWESTERN GAS
BLOCK 46 EAST (GRAYBURG)	10.0	
BLOCK 46 EAST (GRAYBURG)	10.0	
BLOCK 46 EAST (GRAYBURG)	10.0	
MENDOTA NW (GRANITE WASH	450.0	PIONEER NATURAL G
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	22.6	AMOCO PROD CO
MOON MARBLE FALLS	11.9	LONE STAR GAS CO
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
GIDDINGS	350.0	CLAJON GAS CO
TINTOP ATOKA	182.0	SOUTHWESTERN GAS
SAND HILLS WEST (SILIURI	88.0	EL PASO NATURAL G
SAND HILLS (TUBB)	23.6	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	32.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
JUDGE MILLS	52.0	NORTHERN NATURAL
JUDGE MILLS	155.0	NORTHERN NATURAL
JUDGE MILLS	143.0	NORTHERN NATURAL
JUDGE MILLS	145.0	NORTHERN NATURAL
JUDGE MILLS	48.0	NORTHERN NATURAL
JUDGE MILLS	134.0	NORTHERN NATURAL
JUDGE MILLS	135.0	NORTHERN NATURAL
JUDGE MILLS	137.0	NORTHERN NATURAL
JUDGE MILLS	164.0	NORTHERN NATURAL
JUDGE MILLS	144.0	NORTHERN NATURAL
WINN/DULCE	216.0	VALERO TRANSMISSI
WINN/DULCE	168.0	NORTHERN NATURAL
WINN/DULCE	191.0	NORTHERN NATURAL
WINN/DULCE	162.0	VALERO TRANSMISSI
WINN/DULCE	36.0	VALERO TRANSMISSI
WINN/DULCE	165.0	NORTHERN NATURAL
WINN/DULCE	168.0	NORTHERN NATURAL

8210870	F-01-041526	4250731200	102-4	PRYOR RANCH 14C
8210871	F-01-041527	4250731200	102-4	PRYOR RANCH 14T
8210872	F-01-041528	4250731198	102-4	PRYOR RANCH 15C
8210873	F-01-041529	4250731198	102-4	PRYOR RANCH 15T
8210856	F-01-041511	4250731205	102-4	PRYOR RANCH 16C
8210874	F-01-041530	4250731205	102-4	PRYOR RANCH 16T
8210875	F-01-041531	4250731199	102-4	PRYOR RANCH 17C
8210876	F-01-041532	4250731199	102-4	PRYOR RANCH 17T
8210877	F-01-041533	4250731195	102-4	PRYOR RANCH 19C
8210878	F-01-041534	4250731195	102-4	PRYOR RANCH 19T
8210848	F-01-041503	4250731183	102-4	PRYOR RANCH 2C
8210847	F-01-041502	4250731183	102-4	PRYOR RANCH 2T
8210879	F-01-041535	4250731209	102-4	PRYOR RANCH 20C
8210880	F-01-041536	4250731209	102-4	PRYOR RANCH 20T
8210881	F-01-041537	4250731194	102-4	PRYOR RANCH 21C
8210882	F-01-041538	4250731194	102-4	PRYOR RANCH 21T
8210883	F-01-041539	4250731213	102-4	PRYOR RANCH 23C
8210884	F-01-041540	4250731203	102-4	PRYOR RANCH 23T
8210885	F-01-041541	4250731213	102-4	PRYOR RANCH 25C
8210886	F-01-041542	4250731213	102-4	PRYOR RANCH 25T
8210888	F-01-041544	4250731521	102-4	PRYOR RANCH 29C
8210889	F-01-041545	4250731521	102-4	PRYOR RANCH 29T
8210862	F-01-041518	4250731184	102-4	PRYOR RANCH 3C
8210852	F-01-041507	4250731184	102-4	PRYOR RANCH 3T
8210857	F-01-041512	4250731249	102-4	PRYOR RANCH 31
8210890	F-01-041546	4250731226	102-4	PRYOR RANCH 32C
8210891	F-01-041547	4250731226	102-4	PRYOR RANCH 32T
8210863	F-01-041519	4250731185	102-4	PRYOR RANCH 4C
8210864	F-01-041520	4250731185	102-4	PRYOR RANCH 4T
8210892	F-01-041548	4250731322	102-4	PRYOR RANCH 40C
8210858	F-01-041513	4250731322	102-4	PRYOR RANCH 40T
8210850	F-01-041505	4250731188	102-4	PRYOR RANCH 7C
8210849	F-01-041504	4250731188	102-4	PRYOR RANCH 7T
8210851	F-01-041506	4250731189	102-4	PRYOR RANCH 8
8210865	F-01-041521	4250731190	102-4	PRYOR RANCH 9C
8210866	F-01-041522	4250731190	102-4	PRYOR RANCH 9T
8210901	F-01-041557	4250731170	102-4	SMYTH 2
8210861	F-01-041517	4250731169	102-4	SMYTH 3
8210902	F-01-041558	4250731093	102-4	SMYTH 5A
8210903	F-01-041559	4250731095	102-4	SMYTH 6
8210904	F-01-041560	4250731086	102-4	SMYTH 7
8210905	F-01-041561	4250731119	102-4	SMYTH 9
8210906	F-01-041562	4250731091	102-4	SPILLAR 1A
8210907	F-01-041563	4250731085	102-4	SPILLAR 2
8210908	F-01-041564	4250731096	102-4	SPILLAR 3

-4

WINN/DULCE	170.0	NORTHERN NATURAL
WINN/DULCE	198.0	NORTHERN NATURAL
WINN/DULCE	166.0	NORTHERN NATURAL
WINN/DULCE	194.0	NORTHERN NATURAL
WINN/DULCE	131.0	NORTHERN NATURAL
WINN/DULCE	151.0	NORTHERN NATURAL
WINN/DULCE	169.0	NORTHERN NATURAL
WINN/DULCE	191.0	NORTHERN NATURAL
WINN/DULCE	200.0	NORTHERN NATURAL
WINN/DULCE	180.0	NORTHERN NATURAL
IKE PRYOR	0.0	VALERO TRANSMISSI
IKE PRYOR	139.0	VALERO TRANSMISSI
WINN/DULCE	109.0	NORTHERN NATURAL
WINN/DULCE	129.0	NORTHERN NATURAL
WINN/DULCE	171.0	NORTHERN NATURAL
WINN/DULCE	166.0	NORTHERN NATURAL
WINN/DULCE	203.0	NORTHERN NATURAL
WINN/DULCE	75.0	NORTHERN NATURAL
WINN/DULCE	179.0	NORTHERN NATURAL
WINN/DULCE	152.0	NORTHERN NATURAL
WINN/DULCE	180.0	NORTHERN NATURAL
WINN/DULCE	180.0	NORTHERN NATURAL
WINN/DULCE	166.0	NORTHERN NATURAL
WINN/DULCE	203.0	NORTHERN NATURAL
IKE PRYOR	0.0	VALERO TRANSMISSI
WINN/DULCE	173.0	NORTHERN NATURAL
WINN/DULCE	191.0	NORTHERN NATURAL
WINN/DULCE	166.0	NORTHERN NATURAL
WINN/DULCE	200.0	NORTHERN NATURAL
WINN/DULCE	211.0	VALERO TRANSMISSI
WINN/DULCE	108.0	VALERO TRANSMISSI
WINN/DULCE	172.0	NORTHERN NATURAL
WINN/DULCE	191.0	NORTHERN NATURAL
IKE PRYOR	31.0	VALERO TRANSMISSI
WINN/DULCE	165.0	NORTHERN NATURAL
WINN/DULCE	203.0	NORTHERN NATURAL
JUDGE MILLS	97.0	NORTHERN NATURAL
JUDGE MILLS	130.0	NORTHERN NATURAL
JUDGE MILLS	101.0	NORTHERN NATURAL
JUDGE MILLS	142.0	NORTHERN NATURAL
JUDGE MILLS	40.0	NORTHERN NATURAL
JUDGE MILLS	130.0	NORTHERN NATURAL
JUDGE MILLS	104.0	NORTHERN NATURAL
JUDGE MILLS	103.0	NORTHERN NATURAL
JUDGE MILLS	90.0	NORTHERN NATURAL

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1021 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-C

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of further comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding over $21 million in consent order funds. These funds were obtained from 25 different firms and individuals in settlement of enforcement proceedings brought by the Office of Enforcement [now the Office of Special Counsel] of the Department of Energy.

DATES AND ADDRESSES: Applications for refund must be postmarked on or before April 14, 1982, and should be addressed to Alfred B. Alkek *et al.* Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. Further comments must be postmarked on or before February 16, 1982, and should also be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. Applications and comments should refer to Case No. DFF–0002.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to consent orders entered into by Alfred B. Alkek and 23 other firms and individuals and a remedial order issued to James M. Forgotson. The names of the parties and amount of each consent order are listed in the decision. All 25 parties are producers or resellers of crude oil. Pursuant to the consent orders, these parties have agreed to make refunds totaling over $21 million with respect to violations of DOE crude oil pricing regulations alleged to have occurred at various times between 1973 and 1978.

The Office of Hearings and Appeals had previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper dispostion of the consent order funds. The proposed decision and order discussing the distribution of funds obtained through these consent orders was issued on May 8, 1981. 46 FR 26681 (1981).

The final decision and order reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than April 14, 1982. *See* 10 CFR 205.283. We will accept applications from all claimants that can affirmatively demonstrate that they have been directly injured by the violations alleged in the consent orders. A detailed discussion of what information a party must provide in order to assert a successful claim is set forth in the final decision and order appended to this notice.

The final decision additionally discusses the comments received in response to the portion of the proposed decision and order concerning the funds, if any, which may remain after all meritorious claims have been paid. It states DOE's views that the funds remaining after completion of the first-stage proceeding may be apportioned among state governments, or may be deposited into the United States Treasury. The final decision reaches no determination with regard to the disposition of any funds in the second stage of the proceeding, however, because the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first stage of the proceeding. Instead, the final decision solicits further comments on the appropriate distribution of these funds.

Commenting parties are requested to submit two copies of their comments. Comments should be postmarked on or before February 16, 1982 and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

January 6, 1982.

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Alfred B. Alkek and others listed in Appendix A

Dates of Filing: April 19, 1979, and others listed in Appendix A

Case Numbers: DFF–0002 and others listed in Appendix A

This proceeding concerns Petitions for the Implementation of Special Refund Procedures submitted to the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V, by the Economic Regulatory Administration's Office of Enforcement (OE). (*1*) In the petitions, OE requests that the Office of Hearings and Appeals establish procedures for the disposition of over $21 million obtained by the DOE in connection with consent orders entered into by Alfred B. Alkek and the other 23 firms and individuals listed in Appendix A, and a remedial order issued to James M. Forgotson. (*2*) The consent orders settled DOE claims that these firms violated the DOE Mandatory Petroleum Price Regulations found in 6 CFR Part 150 and 10 CFR Part 212. The funds are now being held in escrow pending receipt of instructions from the OHA regarding their distribution.

In four previous decisions, the Office of Hearings and Appeals accepted jurisdiction over the refund amounts involved in this proceeding. *Office of Enforcement*, 8 DOE ¶82,516 (1981) (all cases except Alkek, Delta, Enserch, Forgotson and Guenther); *Office of Enforcement*, 8 DOE ¶82,515 (1981) (Forgotson, Delta, and Enserch cases); *Office of Enforcement*, 6 DOE ¶82,571 (1980) (Guenther case); *Office of Enforcement*, 4 DOE ¶82,574 (1979) (Alkek case).

On May 8, 1981, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively established special refund procedures to be used in adjudicating claims to the consent order funds and solicited comments from interested parties concerning the proper disposition of the funds. 46 FR 26681 (May 14, 1981). In that determination we tentatively established a two-stage refund procedure. We stated that in the first stage of the process we would consider Applications for Refund made

by parties who believed they could show a demonstrable injury arising from the violations alleged in the consent orders. In addition, we proposed a second-stage procedure which would apply in the event that the consent order funds were not exhausted by claims paid in the first stage of the refund process. For the second stage we proposed a scheme through which the funds could be distributed to ultimate consumers of petroleum products through state governments on the basis of average use of petroleum products within a state during the period 1973 through 1978.

The focus of this decision is the establishment of the procedures to be employed for filing claims in the first stage of the refund process. This decision will discuss the special circumstances involved in these proceedings, and then outline in general terms which parties may be able to establish that they are entitled to a portion of the consent order funds, and what types of information they should submit in connection with their Applications for Refund. In establishing these requirements, we will address comments filed in response to the first stage proposal in the May 8 Proposed Decision. This Decision will also briefly address the second stage of our refund proposal and the comments filed in response to that proposal.

I. Background

We described the background surrounding the consent order funds involved here in detail in the May 8 Proposed Decision and Order. *Office of Enforcement*, No. DFF–0002, slip op. at 2–3 (proposed decision) (May 8, 1981) (hereinafter cited as Proposed decision), 46 FR 26681, 26682. As we stated in that determination the consent orders in this proceeding resulted from audits or investigations conducted by the DOE and its predecessor agencies. As a result of these audits, the DOE enforcement authorities alleged that the parties in these cases were involved in sales of crude oil at prices in excess of the ceiling prices permitted by the DOE Mandatory Petroleum Price regulations set forth in 6 CFR Part 150 and 10 CFR Part 212. Each party except one against whom enforcement action was taken has settled the outstanding compliance proceeding by executing a consent order. *See* 10 CFR 205.199J.

The types of violations allegedly committed by the parties that entered into the consent orders involved in this proceeding fall into three broad categories. Most of the violations alleged concern firms that were "producers" of crude oil as defined in 10 CFR 212.31. These firms were alleged to have sold domestic, price-controlled oil at uncontrolled prices. Specifically, they were alleged to have incorrectly certified "old" price-controlled crude oil as "new" or "stripper well" oil subject to less stringent price controls. The firms were therefore alleged to have overcharged purchasers by the amount per barrel which represents the difference between "new" or "stripper well" prices and the ceiling price permitted for "old" oil.(*3*)

The second type of alleged violation concerns four producers that were alleged to have miscertified "old" oil. These producers additionally sold oil for which the "base" or May 15, 1973 price was incorrectly computed. Thus this crude oil, though properly certified, was sold at a price higher than that permitted by the regulations.(*4*) The third type of alleged violation concerns parties which were not producers of crude oil. These parties were alleged either to have been resellers of crude oil that miscertified "old" crude oil and sold it as "new" or imported oil, or to have been parties that received commissions for their participation in schemes in which they arranged for others to miscertify crude oil.(*5*)

In all but one case, these parties have entered into consent orders with the DOE or the Department of Justice.(*6*) In each consent order, the government agreed to terminate the pending investigation and administrative or judicial proceeding, and the parties agreed to remit a stipulated sum of money to the DOE. The terms contained in each consent order, including the amount of the monetary settlement, were arrived at through negotiation. Although the amount of money remitted to the DOE can be viewed as based in part upon the magnitude of the violations alleged by the government, additional factors—such as each party's views as to the probable length, expense, and success of litigation—would normally influence the size of the monetary settlement. In addition, the parties' knowledge of ongoing audits would also be reflected in the negotiated settlements. Because of these factors, each of the consent orders contains a stipulation that the DOE does not find that a violation of the regulations actually occurred. Thus, the consent orders involved in this proceeding cannot be considered to be adjudications on the merits of the violations alleged against the parties that entered them, and the amounts of the violations alleged in charging documents previously issued to the firms involved bear only an attenuated relationship to the funds obtained by the DOE.

As stated above, the May 8 Proposed Decision tentatively established a two-stage refund procedure for the consent order funds. In that decision, we noted that all parties theoretically injured by the violations would not necessarily be entitled to refunds. Instead, only those parties who could demonstrate they were adversely affected by the alleged violations would be appropriate refund recipients. We explained that in prior decisions involving special refund procedures we had defined an injured purchaser to be any purchaser which could show that it purchased petroleum products sold by the party that entered into the consent order and which could demonstrate that it did not pass on all overcharges to subsequent purchasers. *See, e.g., Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereinafter cited as *Vickers*). We pointed out that the entities which appeared to be most directly affected by the alleged crude oil price violations in the consent orders involved in this proceeding are refiners that directly purchased the crude oil which was the subject of the individual consent orders, and the other refiners that participated in the Entitlements Program, 10 CFR 211.67. However, we stated our tentative view that these entities might not be the most appropriate recipients of the total pool of refund money available. We reached this position because the effects of crude oil pricing violations were generally spread by the Entitlements Program through the entire United States and among all domestic refiners. In this regard we pointed out:

> Because of the manner in which the Entitlements Program operated, the effects of the miscertifications were spread among all domestic refiners. Miscertifications caused price-controlled crude oil to disappear. This disappearance caused the volume of old oil to be distributed through the Entitlements Program to decline and caused the DOSR [domestic old oil supply ratio] to be reduced. Thus, refiners who included more than the national average percentage of price-controlled oil in their crude oil receipts and runs to stills had to purchase a *greater* number of entitlements. Similarly, refiners with less than the national average percentage of price-controlled crude oil had *fewer* entitlements to sell. As a result, every refiner's cost of crude oil was increased. Thus, all refiners were affected by the alleged miscertification violations involved in the Consent Orders. To the extent the refiners pass through these increased costs to customers, the customers who purchased refined products were harmed by the miscertifications. *See Getty Oil Co.*, 1 DOE ¶80,102 (1977).

Proposed Decision, slip op. at 5–6, 46 FR 26683 (emphasis in original).

From this we articulated two preliminary views. First, we explained that because of the operation of the Entitlements Program, refiners that purchased crude oil from the parties that had signed these consent orders were not injured in a manner distinct from all other refiners. This is because the amount the individual refiners paid in excess of the controlled price for the miscertified crude oil was balanced by the extra benefits they received by the operation of the Entitlements Program. Thus, we reasoned that if all refiners as a group were not appropriate refund recipients, individual refiners which directly purchased the crude oil involved also would not be appropriate refund recipients. *Id.*, slip op. at 6, 46 FR at 26683. Secondly, we stated that through the operation of the Entitlements Program, all refiners lost benefits as a result of the miscertifications of crude oil. We noted that to some extent the refiners probably passed on these increased costs to subsequent purchasers. Also, to the extent these costs were not passed on, we stated that because of such factors as the accumulation of refiners' banks of increased costs, changes in supplier/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the relatively lengthy period covered by the consent orders, it would be extremely burdensome to compute with precision the degree to which each refiner absorbed any increases in costs engendered by the miscertifications. We therefore questioned the practicality of channeling the consent order funds to Entitlements Program participants. *Id.* We also noted that the decontrol of crude oil was another factor which weighed against making refunds directly to the refiners that purchased the crude oil or to all refiners that participated in the Entitlements Program. We observed that had the DOE regulatory scheme still been in effect, any refunds which a refiner received would have been reflected as a decrease in the cost of crude oil and may have affected its maximum lawful selling prices of covered products. In this manner, the parties further down the distribution chain that were likely to have been adversely affected by the alleged overcharges would have received some benefit associated with the refunds. However, since decontrol occurred on January 28, 1981, the mechanism of price rollbacks is of doubtful effectiveness. *Id.*, slip op. at 7, 46 FR 26683.

We did note, however, that certain identifiable parties might be able to show demonstrable injury from the alleged violations. We found that one such class of potentially injured parties was the group of direct purchasers or refiners that obtained crude oil from the parties which entered into consent orders in which an improper computation of the base price for crude oil was alleged. We noted that because this oil appeared to be properly certified, the alleged overcharges were not passed through the mechanism of the Entitlements Program. We stated that these direct purchasers and refiners thus may have borne the effect of such overcharges and may be eligible for refunds to the extent that they could show that the alleged overcharges were not passed through to subsequent purchasers. *Id.*

Refiners were additionally included in the second class of potentially injured parties we identified. This class is composed of refiners that obtained crude oil from parties that entered into consent orders concerning violations alleged to have occurred before the commencement of the Entitlements Program on November 1, 1974. Because the effects of these overcharges has not been passed through the Entitlements Program, we stated that these refiners were directly affected and may have absorbed the effects of the alleged overcharges. Thus we concluded that refiners in this class could be eligible for refunds to the extent they could show that they did not pass these increased costs on to subsequent purchasers. *Id.*

We also stated that, for periods subsequent to November 1, 1974, refiners and subsequent purchasers that obtained crude oil or refined products produced or sold by the parties that entered into the consent orders involved in the proceeding could be eligible for refunds if they could show that the Entitlements Program did not negate the adverse effects caused by the alleged violations and if they could accurately calculate the impact of those effects on them. *Id.*, slip op. at 8 & n.12, 44 FR 26683. Finally, we noted that if our tentative conclusions were correct, the effects of the alleged overcharges were spread among all refiners by the Entitlements Program and were largely passed on by them and subsequent purchasers. In this case, the effects of the alleged overcharges would actually have been borne by all ultimate consumers of refined products. Thus, we determined that consumers could also be appropriate refund recipients. *Id.* We stated that instructions for the filing of refunds for all potentially aggrieved parties would be provided in a final decision.

In a separate section of the May 8 Proposed Decision, we considered ways of distributing whatever funds remained after appropriate refunds to first-stage claimants have been made. We proposed that these funds should be apportioned among state governments to reflect each state's level of petroleum consumption between 1973 and 1978, the years in which the violations were alleged to have occurred. *Id.*, slip op. at 9–10, 46 FR 26684. We chose to distribute the money to state governments because we believed that they would be able to design a distribution scheme for the refund proceeds which would benefit all injured consumers in each state, and account for the varying energy-related needs of their citizens. We also believe that the states would be able to expend the proceeds in an administratively efficient and cost-effective manner. In order to minimize the difference between the recipients of the refunds and the groups which bore the burden of the allegedly illegal pricing practices, we proposed that each state's portion of refund proceeds would be divided among three categories or "pools" relating to the consumption of different types of petroleum products. We stated that within each of the three pools, the refund proceeds would be allocated to organizations which are best suited to passing through the proceeds to the ultimate consumers of that type of product. *Id.*, slip op. at 10–12, 46 FR 26684–85. We additionally stated that an alternaive distribution scheme, should giving the money to state governments prove impractical, would be to deposit all the refund money into the United States Treasury. *Id.*, slip op. at 12–13, 46 FR 26685.

II. Analysis

A. Initial Refund Procedures

In the Proposed Decision, we described our proposal to refund money to parties directly injured by the violations alleged in the consent orders through the first stage of these refund proceedings. The Proposed Decision stated in very general terms that such parties would be eligible to file Applications for Refund with the Office of Hearings and Appeals. In this Decision, we shall set forth in detail the procedures we will follow in the first stage. We will specify clearly the information a refund applicant should submit to demonstrate that it is entitled to a refund. As we will explain in greater detail below, however, it is not

possible for us to articulate with precision how every conceivable applicant in these proceedings should document its refund application. We will therefore describe the issues which an applicant must address and the types of evidence which we believe will tend to support an applicant's claim for a refund. This discussion is not meant to be inclusive, and we will consider *all* evidence which an applicant submits to substantiate its claim. We will also address specific suggestions filed in response to those portions of the Proposed Decision which concern the implementation of the first stage of the refund process.

Since the issuance of the Proposed Decision, we have received numerous comments addressing the proposed first-stage refund mechanism. A number of comments were filed by refiners of crude oil, (*7*) such as Texas City Refining Inc., which objected to the discussion in the Proposed Decision which stated that refiners were generally able to pass on increased costs to their own customers, and that refiners might therefore not be able to qualify for direct refunds. These refiners claim that as a result of market forces, they were actually unable to pass through increased costs to their customers. In support of this contention, the refiners point out that until January 28, 1981, when crude oil and refined petroleum products were exempted from the DOE price and allocation regulations, the firms continuously maintained substantial banks of unrecovered costs. *See, e.g.*, Comments filed by Marathon Oil Company. One refiner, Mount Airy Refining Company, claimed that since it sold only uncontrolled products, it was forced to absorb the effects of any unlawful certifications because it usually sold its product at market prices. According to Mount Airy, it therefore could not have passed on any price increases due to miscertifications. Other refiners, such as Crown Central Petroleum Corporation, suggest that all refunds attributable to miscertified crude oil should be distributed directly to refiners through the Entitlements Program. In this regard, they refer to the mechanism established by the Economic Regulatory Adminsitration for entitlement adjustments for periods prior to the decontrol of crude oil. 46 FR 36902 (July 13, 1981). The refiners point out that that mechanism will liquidate rights and obligations of participants in the Entitlements Program that accrued before decontrol, without regard to whether those participants were actually able to pass through increased costs that may have resulted from the erroneous issuance of entitlements benefits or obligations. Several refiners suggest that we should adopt a similar approach in this proceeding and return all refund moneys directly to them.

We cannot agree with the suggestion that all refunds should automatically be distributed directly to the refiners that purchased crude oil from the producers involved in this proceeding. While we recognize that it may well have been reasonable for the ERA to decide to rectify errors in the apportionment of entitlements benefits and obligations through the Entitlements Program itself, we are not persuaded that such a policy is appropriate with respect to moneys that the DOE has received as a result of consent orders settling enforcement matters involving alleged violations of the crude oil price regulations. Rather, we believe that the benefits associated with the moneys received as refunds for possible overcharges should be distributed in a manner that will inure to the maximum extent possible to those who were actually injured by the alleged overcharges. Nothing in the Proposed Decision and nothing in this decision is intended to foreclose the right of a refiner or any other party that believes that it can prove it was injured by the alleged violations to file an Application for Refund. Indeed, to the extent a refiner can demonstrate an injury, it will be eligible to receive an appropriate share of the refund pool. We wish to point out, however, that the burden in these proceedings is not on the DOE to demonstrate that a prospective claimant or class of claimants is ineligible for refunds. Rather, a claimant must affirmatively demonstrate that it has been injured by the alleged violation and that it should consequently receive a refund. A claimant that does no more than reiterate an argument which presumes the existence of injury without documenting it will not have met this burden.

We now turn to the question of what documentation a claimant must provide in order to establish eligibility for a portion of the consent order funds. In the Proposed Decision we identified certain classes of potentially injured parties that we believe would be able to demonstrate that they were in fact injured by the alleged violations. We wish to point out that the listing of potentially injured parties we gave in the Proposed Decision was intended to be representative rather than exclusive. *Any* party that believes it can prove an injury resulting from the alleged violations may file an Application for Refund. Secondly, while we still believe that many ultimate consumers of refined petroleum products were in all likelihood injured by the violations alleged in these proceedings, consumers cannot in our view show a direct link between the violations alleged in the consent orders and their injuries. Therefore it is not yet appropriate to determine how funds should be apportioned to such consumers.(*8*) That determination can be made only after we know how much of the proceeds must be given to first stage claimants who can prove injury from the alleged overcharges. Thus it would be premature for such consumers and consumer groups who would claim they incurred an injury from the alleged violations merely by virtue of being ultimate consumers to file Applications for Refund at this time. *See Vickers.*

We have recently issued three final determinations establishing special refund procedures. *See Office of Enforcement*, 9 DOE ¶———, No. BEF-0033 (December 28, 1981); *Office of Enforcement*, 9 DOE ¶82,508 (1981); *Vickers.* Each of those decisions provided detailed instructions for filing refund applications. For example, in *Vickers* we suggested a format for the submission of claims. *Vickers*, 8 DOE at 85,402–03. This was possible because the *Vickers* consent order involved only one type of product—motor gasoline. Moreover, the effects of the alleged overcharges were limited to a sixteen-state area in which Vickers marketed motor gasoline and also were limited to the parties within Vickers' distribution chain. Because Vickers' motor gasoline sales volume during the period covered by the consent order was known, it was possible to apportion a definite amount of the consent order fund to each gallon of gasoline purchased, and consequently to calculate refund amounts on a volumetric basis. *Id.* at 85,396 & n.4.

A markedly different situation exists here. Some of the consent orders involved in this proceeding involve both certification and non-certification violations alleged to have been committed by the same firm. The crude oil involved was then transformed into a multitude of refined products by the time it reached ultimate consumers. Indeed, many refined products were not used in their "raw" form but to manufacture other items produced in the national economy. Because of the Entitlements Program, the effects of the overcharges were not restricted to the distribution chain of the firms which purchased the crude oil involved, but were in fact spread among all refiners of crude oil and all consumers of refined

products nationwide. Because the effects of the overcharges were diffused among all refines it is entirely possible that the market reflected these changes by raising the price levels generally charged by all refiners in the United States.

Under these circumstances, it is not possible for us to specify how every potential applicant for refund should document its claims. Nor do we think such specification is necessary at this time. Rather than establishing general rules for the submission of refund applications in this proceeding, we will give some examples of the kinds of documentation certain classes of applicants should provide to prove entitlement to a refund. Applicants should bear in mind that the following examples are not intended to be comprehensive; applicants may find it appropriate to file additional or substitute information in support of their claims. All applicants must provide sufficient information to prove that the violations alleged in one of the consent orders had a direct, measurable impact on them and that this impact caused an injury that they were unable to minimize or eliminate by passing on to subsequent purchasers. The type of documentation a claimant must submit will vary depending on whether a claimant's injury was caused or affected by the Entitlements Program.(*9*) A claimant's injury was not caused or affected by the Entitlements Program if it was caused by violations other than certification violations, by violations which occurred prior to the inception of the Entitlements Program on November 1, 1974, or if the claimant is a party that sells crude oil before it has been refined. A claimant of this type should first provide proof establishing it obtained crude oil from one of the parties that entered into one of the consent orders in this proceeding. That proof should include the volume of crude oil obtained, the price for which it was obtained, and the time when it was obtained. The claimant should also present a detailed description of the nature of its alleged injury. In addition, we will require a showing that the claimant did not pass through price increases caused by the alleged violations to its own customers.Thus, a claimant in this group should submit data showing increased product costs (bank) for each calendar quarter for which it claims a refund, and market data and other relevant information which tends to show that the market would not permit it to recover the price increases involved by raising its own sales prices. If a claimant used its banked costs to increase its selling price at a later date, its refund might be appropriately reduced.

A claimant's injury was caused or affected by the Entitlements Program if the injury was caused by a certification violation occurring after November 1, 1974, and if the claimant is a refiner or a subsequent purchaser. We expect that claimants in this category will make two general types of claims. The first type would be made by a refiner or subsequent purchaser which obtained crude oil originally sold by one of the parties that entered into the consent orders involved in this proceeding. Such a claimant must be able to demonstrate that the product was originally produced or sold by one of the parties that entered into the consent orders. Barring a showing that a refiner obtained all its crude oil from a single reseller or producer, we are uncertain at this time how this showing can be made by a party in the distribution chain other than a refiner. An applicant with this type of claim must also provide the same information about time of purchase, quantity of purchase, and existence of banks that a claimant whose injury was not caused or affected by the Entitlements Program must provide. Moreover, this type of claimant must satisfactorily demonstrate why and to what extent the Entitlements Program did not operate to negate the effect of the violations.

As we stated in the proposed decision in this proceeding and repeated in our discussion here, the violations alleged in the consent orders could conceivably have directly caused all refiners to incur injury through the operation of the Entitlements Program. Thus, a refiner in this category which is able to quantify its individual injury and can show, through the existence of banks and the submission of market data or other relevant information, that it did not pass on those increased costs to subsequent purchasers may be eligible for a refund. Again, we are unable to specify what type of factual information could be used to document such an injury. We must reiterate, however, that the burden of proving eligibility for a refund is on the refiner, not the DOE. Thus it is the refiner that must provide information showing how and to what extent it was injured by the violations alleged in the consent orders. This cannot be done through the use of generalized, unsupported allegations, and the submission of material establishing simply that sizable product cost banks were maintained during the relevant periods is not sufficient. *See e.g., Vickers,* 8 DOE at 85.396–97.

Accordingly, this Decision announces that OHA will accept Applications for Refund from the consent order amounts pursuant to 10 CFR 205.283 beginning immediately. Applications must be filed no later than April 14, 1982. It should be noted that in establishing these procedures, we intend to avoid excessive processing costs that would be out of proportion to the amount of the consent order funds available for distribution. *See* 10 CFR 205.286(b). Consequently, because the cost of considering claims for small refund amounts may render such a process administratively inefficient, we may decide at some point in the future to establish a minimum amount for which an Application for Refund may be filed. That minimum amount could be based upon the administrative cost of processing a claim, issuing a check, and transmitting the check, which we are informed amounts to approximately $15.00. However, we will not impose a lower limit at this time, but will consider all Applications for Refund that are timely filed.

B. Distribution of the Remainder of the Consent Order Funds

Several comments addressed our proposed distribution of whatever consent order funds may remain after the first stage of the refunds process is completed. In this Decision, we are not implementing the second-stage refund procedure. This would be difficult to do before the analysis and processing of Applications for Refund, because the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. *See Vickers,* 8 DOE at 85,397. However, we continue to believe that distribution of refunds to all consumers of petroleum products through state governments may well be appropriate if sufficiently large amounts remain after the claims process has been completed. In order for the public to be made aware of outstanding issues and be able to comment on them, we will summarize and address briefly the comments received concerning the proposed second-stage procedure. We continue to seek comments on those issues.

The comments received from nineteen States and the National Governors Association address in particular the portion of the Proposed Decision where we proposed that the refund proceeds be divided among product pools, and suggested several uses to which the refunds assigned to each pool might be put (*10*). Many of the States pointed out that reductions in fees and utility

charges made to individual citizens, such as those proposed, would provide an insignificant per capita benefit and involve disproportionately high administrative costs. Nearly all of the States filing comments contend that they should be allowed to disregard the pool plan, and that each State be permitted to develop its *own* plans for the disbursement of refund moneys. In this regard, many of the States have suggested numerous alternative uses to the proposals which we set forth in the Proposed Decision. For example, the States of Washington, Maine, Mississippi, and Idaho proposed that refunds be used generally to increase funding for or to implement energy conservation programs. The States of Minnesota, Arkansas, Oregon, and Kentucky proposed that the refunds could be directed to specific energy conservation programs, such as home weatherization, ride-sharing and mass transit. The States of Texas, Oregon, and Arkansas also suggest that the refunds be used to augment energy planning and development programs.

We believe that the States' suggestions for additional uses for the refunds have considerable merit. As noted above, the purpose of the "pools" in the Proposed Decision was to establish mechanisms which would funnel refunds to the class of persons who were likely to have been injured by the allegedly illegal pricing practices. Otherwise, the restitutionary goal of the second-stage proceeding would not be furthered. Nevertheless, the suggested distribution of refunds among the pools was not intended to preclude other appropriate restitutionary schemes, and other types of state plans for the use of the refunds could also be approved, provided a showing is made that the plan will not disproportionately benefit one class of consumers over another. *See* Proposed Decision, slip op. at 19 n.18, 46 FR 26686 n.18.

Several states and individuals who submitted comments in this proceeding also suggested that refund moneys be used exclusively to assist the elderly and the poor in the payment of utility bills. Some states have also suggested that refund moneys be utilized to train new automobile drivers. While we have no doubt that these are useful and even commendable programs, we must reiterate that our authority to approve any state plan depends in part upon a showing that benefits from the plan will be equitably derived by citizens who are likely to have been overcharged. Refunding money to persons who were injured by overcharges is the focus of Subpart V. We therefore are not inclined to approve a plan whose benefits were unduly weighted in favor of one particular sector of the population, however needy that segment may be. (11)

We also would not be inclined to approve a plan, such as a new driver training program, whose primary beneficiaries were individuals who clearly would have made no gasoline purchases during the period in which the alleged violations occurred.

Finally, the funds remaining after the first-stage distribution is completed may be so small as to render a second-stage distribution impractical, or the schemes proposed not sufficiently cost-effective. As we stated on the Proposed Decision, we may then simply direct the deposit of the remainder of the funds into the miscellaneous receipts account of the United States Treasury. *See* 10 CFR 205.287(c); Proposed Decision, slip op. at 12–13, 46 FR 26,688. We will consider this question after all claims are paid. That determination will be made in the form of a Supplemental Order, notice of which will be provided through the **Federal Register.**

III. Conclusion

The refund mechanisms and procedures outlined above for claims filed with the DOE will be adopted. In addition, with respect to the second stage of the refund process, although we continue to believe that the plan for distribution of the remainder of the consent order funds outlined in the Proposed Decision is authorized by the DOE's statutory and regulatory provisions, and represents an equitable and efficient method of distributing the settlement funds, we have concluded that it would be premature at this time to authorize the implementation of that second-stage procedure.

We will therefore accept Applications for Refund of a portion of the consent order funds filed on or before April 14, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Matters of Alfred B. Alkek *et al.*, Case No. DFF–0002. Any application for a refund must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in this proceeding or the underlying enforcement proceedings. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

It is therefore ordered that:

The refund amounts provided in conjunction with the consent orders listed in Appendix A of this Decision and Order will be distributed in the manner set forth in the foregoing Decision.

Dated: January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

References

(1) The Economic Regulatory Administration has recently been reorganized. Under that reorganization, the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(2) For purposes of convenience, the term "Consent Order" will be used below to encompass the Remedial Order issued to James Forgotson.

(3) This type of violation was alleged in the following cases: Beta Development Co., PGP Gas Products, Inc., J. R. Parten, Vaughn Petroleum, Inc., Lundell's Inc., Graner Oil Co., Hixon Development Co., Newmont Oil Co., Tipperary Oil and Gas Corp., Crystal Oil Co., Frank W. Michaux, McFarland Energy, Inc., Quintin Little Co., Union Texas Petroleum Corp., McCulloch Oil and Gas Corp., Gladys O'Donnell Co., Natomas North America, Inc., Shawnee Oil and Gas Corp., John H. Hendrix Corp., Delta Drilling Company, Enserch Exploration, Inc., and James M. Forgotson. These violations were alleged to have resulted from the producers' miscalculation of the "base production control level," misapplication of the definition of "property," or incorrect certification of a well as a "stripper well," as these are defined in the DOE regulations.

(4) This type of violation was alleged in the Crystal Oil Co., Vaughn Petroleum, Inc., Hixon Development Co., and McFarland Energy, Inc. cases.

(5) This type of violation was alleged in the Albert B. Alkek, Jack Guenther, and Coral Petroleum, Inc. cases.

(6) In the one case not involving a consent order, James M. Forgotson, a crude oil producer, paid DOE $76,201 pursuant to a Remedial Order which found that Forgotson charged prices for crude oil in excess of those permitted by the DOE regulations *See* James M. Forgotson, Case No. DRW-0031 (August 9, 1979) (unpublished decision).

(7) Comments were filed by the following refiners: Crystal Petroleum Company, Inc., Golden Eagle Refining Company, Inc., Mount Airy Refining Company, Ergon Refining, Crown Central Petroleum Corporation, Marathon Oil Company, Sun Petroleum Production Company, Amoco Oil Company, Texas City Refining, Inc., Cities Service Company, Mobile Oil Corporation, and Atlantic Richfield Company.

(8) It would be appropriate for an ultimate consumer (or group of consumers) which believes that it can trace back an injury to the violations alleged in the consent orders to file an Application for Refund, however. To do this, of course, the ultimate consumer must be able to show that the product it purchased contained crude oil produced by one of the parties that entered into the consent orders.

(9) Information concerning which consent orders involve violations other than certification violations or violations alleged to have occurred before the inception of the Entitlements Program on November 1, 1974 is provided in the table in Appendix B.

(10) Comments were received from energy offices or other offices of the following states: Indiana, Minnesota, Wisconsin, Florida, Michigan, Texas, California, Idaho, Maine, New York, Tennessee, Arkansas, New Jersey, Kentucky, Vermont, Washington, Mississippi, Nebraska, and Colorado.

(11) The parties that receive benefits from the refunds will be current consumers of refined products. These parties may in some instances not be identical to the injured class, because the overcharges allegedly occurred during the period 1973 through 1978. We have found no administratively feasible technique for ensuring that proceeds go only to those parties who consumed refined products in the 1973 through 1978 period, as opposed to present consumers.

APPENDIX A

Name of Petitioner	Date of filing	Case No.
Office of Enforcement, Economic Regulatory Administration: In the Matters of:		
Alfred B. Alkek	Apr. 19, 1979	DFF-0002.
Jack Guenther	May 14, 1979	DFF-0004.
Beta Development Co.	Nov. 17, 1980	BEF-0009.
PGP Gas Products, Inc.	Dec. 3, 1980	BEF-0010.
J. R. Parten	Dec. 3, 1980	BEF-0011.
Vaughn Petroleum, Inc.	Dec. 5, 1980	BEF-0012.
Lundell's Inc	Dec. 5, 1980	BEF-0013.
Graner Oil Co	Dec. 5, 1980	BEF-0015.
Hixon Development Co.	Dec. 5, 1980	BEF-0016.
Newmont Oil Co	Dec. 5, 1980	BEF-0017.
Tipperary Oil and Gas Corp.	Dec. 5, 1980	BEF-0018.
Crystal Oil Co	Dec. 8, 1980	BEF-0019.
Frank W. Michaux	Dec. 11, 1980	BEF-0020.
McFarland Energy, Inc.	Dec. 19, 1980	BEF-0023.
Quintin Little Co	Dec. 23, 1980	BEF-0024.
Union Texas Petroleum Corp.	Dec. 23, 1980	BEF-0025.
MuCulloch Oil and Gas Corp., McCulloch Oil Corp. of Texas.	Jan. 29, 1981	BEF-0028.
Coral Petroleum Inc.	Feb. 3, 1981	BEF-0031.
Gladys O'Donnell d/b/a Gladys O'Donnell Co.	Feb. 24, 1981	BEF-0035.
Natomas North America Inc.	Mar. 16, 1981	BEF-0037.
Shawnee Oil and Gas Corp.	Mar. 20, 1981	BEF-0039.
John H. Hendrix Corp.	Mar. 20, 1981	BEF-0040.
James M. Forgotson.	Apr. 9, 1981	BEF-0043.
Delta Drilling Company.	Apr. 9, 1981	BEF-0044.
Enserch Exploration, Inc.	Apr. 9, 1981	BEF-0045.

APPENDIX B

Case	Period of alleged violation	Existence of non-certification violations	Refund amount
Alfred B. Alkek.	12/1/75-7/1/77	No	$ 3,240,000
Jack Guenther.	12/1/75-7/1/77	No	841,528
Beta Development Company.	9/1/73-12/31/75	No	[1] 128,000
PGP Gas Products, Inc.	5/1/74-5/1/75	No	[1] 25,484
J.R. Parten	11/1/73-8/31/76	No	275,000
Vaughn Petroleum, Inc.	9/1/74-8/31/76	Yes	1,250,000
Lundell's Inc.	9/1/73-12/31/76	No	71,083
Graner Oil Co.	6/3/75-5/31/79	No	[1] 77,536
Hixon Development Co.	7/1/73-12/31/77	Yes	45,000
Newmont Oil Co.	9/1/73-12/31/77	No	60,000
Tipperary Oil and Gas Corp.	9/1/73-9/1/76	No	213,533
Crystal Oil Co.	9/1/73-12/31/76	Yes	203,596
Frank W. Michaux.	11/16/-8/31/76 73	No	147,482
McFarland Energy, Inc.	9/1/73-6/31/79	Yes	353,132
Quintin Little Co.	9/1/73-4/30/77	No	1,700,000
Union Texas Petroleum Corp.	9/1/73-12/31/79	No	2,100,000
McCulloch Oil & Gas Corp.	9/1/73-9/30/77	No	437,806
Coral Petroleum Inc.	11/1/74-1/11/80	No	[1] 9,000,000
Gladys O'Donnell.	3/1/76-5/31/79	No	81,580
Natomas North America, Inc..	1/1/75/ 12/31/ 78	No	53,000
Shawnee Oil and Gas Corp.	9/1/73-1/31/77	No	680,000
John H. Hendrix Corp.	9/1/73-8/31/77	No	[1] 42,000
Delta Drilling Company.	9/1/73-6/30/77	No	275,000
Enserch Exploration, Inc.	9/1/73-12/31/77	No	495,000
James M. Forgotson.	9/1/73-1/1/77	No	76,201

[1] Plus interest

[FR Doc. 82-921 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of December 21 Through December 25, 1981

During the week of December 21 through December 25, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceeding (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations wil be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of the proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between

the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

January 8, 1982.

George B. Breznay,

Director Office of Hearings and Appeals.

Texas Crude, Inc., Houston, Texas, Bee–1702, reporting requirements

Texas Crude, Inc. filed an Application for Exception from the reporting requirements of Part II, Schedule 2, of Form EIA–23 ("Annual Survey of Domestic Oil and Gas Reserves"). The exception request, if granted, would relieve the firm of the obligation to file the form with the Energy Information Administration. On December 23, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that exception relief should be denied.

[FR Doc. 82–922 Filed 1–13–82; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of December 18 Through December 25, 1981

During the week of December 18, through December 25, 1981, 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.

January 8, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

NOTICES OF OBJECTION RECEIVED

[Week of Dec. 18, 1981 to Dec. 25, 1981]

Date	Name and location of applicant	Case No.
12/24/81	Mid-America Refining Co., Inc. Washington, D.C.	BEE–1117
12/24/81	Mid-America Refining Co., Inc. Washington, D.C.	DEE–1959

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of December 18 through December 25, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 18, 1981	Lampton-Love, Inc., Washington, D.C.	HRS–0015	Request for Stay. If granted: Lampton-Love, Inc. would receive a stay of its obligation to file a Statement of Objection pending a modification of the September 16, 1981 Proposed Remedial Order issued to the firm by the Office of Enforcement (Case No. HRO–0015).
Dec. 21, 1981	Miller & Chevalier, Washington, D.C.	HFA–0022	Appeal of Information request Denial. If granted: The November 20, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Miller & Chevalier would receive access to further documents relating to applications for exception relief filed on behalf of The 341 Tract Unit of the Citronelle Field.
Dec. 22, 1981	Office of Special Counsel/Texaco, Inc., Washington, D.C.	HRD–0021	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO–0199) issued to Texaco, Inc. on May 1, 1979.
Dec. 22, 1981	Professional Analysts, Eugene, Oregon	HFA–0023	Appeal of Information Request Denial. If granted: The November 25, 1981 Information request Denial issued by the Bonneville Power Administration would be rescinded, and Professional Analysts would receive access to a copy of the winning proposal for Solicitation No. DE–RP79–81BP29708 (Environmental Impact Statement for Flathead Valley Reinforcement Project).
Dec. 22, 1981	Texaco, Inc., Washington, D.C.	HRZ–0011	Interlocutory Order. If granted: The December 3, 1981 Decision and Order issued to the Office of Special Counsel and Texaco, Inc. by the Office of Hearings and Appeals (Case No. HRZ–0004) would be vacated, and material stricken from the record by that Order would be reinstated in the record of Case No. DRO–0199.
Dec. 22, 1981	The Crude Company, Washington, D.C.	HES–0004	Request for Stay. If granted: The Crude Company would receive a stay of the December 16, 1981 Decision and Order issued by the Office of Hearings and Appeals (Case No. BEE–1015) pending a determination on the Motion for Modification/Rescission which the firm intends to file.
Dec. 23, 1981	Office of Special Counsel/Conoco, Inc., Washington, D.C.	HRD–0022	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO–1446) issued to Conoco, Inc. on May 6, 1981.

[FR Doc. 82–923 Filed 1–13–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[AH–FRL–1995–8]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Sav-A-Mile"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Sav-A-Mile" device under provisions of section 51 of the Motor Vehicle Information and Cost Savings Act.

SUPPLEMENTARY INFORMATION: Section 511(b)(1) and section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusion as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation: On May 18, 1981, the EPA received a request from Energy Managers of America for evaluation of a fuel saving device termed "Sav-A-Mile". This device is designed to fit between the carburetor and the intake manifold. It is claimed to increase evaporation and atomization of the fuel prior to burning by passing it through a heat-conductive wire mesh screen. It is also claimed to function as an insulating block between the carburetor and the intake manifold.

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Sav-A-Mile Device Under section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–82–2 consisting of 45 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephones: FTS 737–4650, or Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "Sav-A-Mile" device was based on that information.

The "Sav-A-Mile" consists of a piece of copper cloth and a flat piece of insulating material which is placed between the carburetor and intake manifold of a gasoline engine. The stated purpose is to increase the efficiency of the engine and decrease the amount of pollutants generated.

Although the limited amount of test data submitted by the applicant did suggest some improvement over an unmodified induction system, the results were not obtained in accordance with EPA requirements and the data did not adequately quantify the amount of any improvement.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2656 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: November 20, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Nose, and Radiation.

[FR Doc. 82–1028 Filed 1–13–82; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Emergency Training Center, Board of Visitors for the National Fire Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of meeting: January 25–26, 1982.

Place: National Fire Academy, Emmitsburg, Maryland.

Time: 9:00 a.m. to 5:00 p.m.

Proposed Agenda

January 25, 1982: Introductory remarks; Organizational Responsibilities of Board of Visitors; Annual Report to the Administrator; Possible Committee.

Considerations: Target Students, Curriculum and Program Offerings for 1982, Priorities of Course Development, Facilities; Miscellaneous Considerations; Establishment of Proposed Future Meeting Dates.

January 26, 1982: Uncompleted Agenda Items; Tour of Facilities; Administrative Items.

The meeting will be open to the public with approximately 20 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Richard Johnson, National Fire Academy, 16825 S. Seton Avenue, Emmitsburg, Maryland 21727 (phone 301–447–6771) on or before January 19, 1982.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Building N, National Emergency Training Center, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: January 4, 1982.

Fred J. Villella,

Associate Director for Training & Education, National Emergency Training Center.

[FR Doc. 82–955 Filed 1–13–82; 8:45 am]

BILLING CODE 6718–04–M

FEDERAL MARITIME COMMISSION

[Docket No. 82–1]

California Cartage Co., Inc. and Pacific Maritime Association; Filing of Complaint and Assignment

Notice is given that a complaint filed by California Cartage Co., Inc. against Pacific Maritime Association was served January 4, 1982. Complainant alleges that the Container Freight Station Program Fund provisions of Respondent's July 1, 1981 agreement with the International Longshoremen's and Warehousemen's Union are violative of sections 15, 16, and 17, of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Initial decision in this matter will be issued on or before August 31, 1982 (Rule 75). Any hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82–948 Filed 1–13–82; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

[E–82–1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving rates and charges for wholesale service, Docket No. ER 82–86–000.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the

Federal Energy Regulatory Commission involving the application of the Public Service Company of Oklahoma for an increase in its rates and charges for wholesale service, Docket No. ER 82–86–000.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: January 5, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82–935 Filed 1–13–82; 8:45 am]

BILLING CODE 6820–AM–M

[F–82–1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Ohio Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Ohio Public Utilities Commission in Case No. 81–436–TP–AIR involving the application of the Ohio Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: January 6, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82–936 Filed 1–13–82; 8:45 am]

BILLING CODE 6820–25–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 (Public Law 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: February 1–2, 1982
Place: Conference Room F, Floor 3, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Time: 9:30 a.m. to 4:30 p.m.—February 1; 8:30 a.m. to 12:00 noon—February 2
Type of Meeting: Open
Contact Person: Roy M. Fleming, Sc. D., Executive Secretary, 5600 Fishers Lane, Room 8A–46, 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, presentations and discussions on mining program planning, respirator research and certification, surveillance program development, pulmonary function tests for monitoring coal miners' health, status of coal miner x-ray program, and coal mine dust samplers.

Agenda items are subject to change as priorities dictate.

The meeting 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 speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 8, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82–973 Filed 1–13–82; 8:45 am]

BILLING CODE 4160–19–M

Public Health Service

Health Services Research and Development Grants Review Committee; Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the reestablishment by the Secretary, HHS, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Health Services Research and Developmental Grants Review Committee.

Purpose: The Committee shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit of health services research grant applications. Grant appliciations considered by the two Subcommittees of this Committee fall into two general types. One type of application involves primarily analysis and the use of economic, statistical, and other theoretical approaches to examine problems associated with the delivery of health services. The other type of application involves the analysis of the data that derive from both large and small scale experiments and demonstrations which are designed to test more cost-effective or efficient ways to provide health services.

Authority for this Committee will expire on September 30, 1982, unless the Secretary, HHS, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: January 8, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-956 Filed 1-13-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Geological Survey,

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 172 Federal Unit Agreement No. 14-08-0001-8946, submitted on December 31, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 172 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-937 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OSC-G 3288, Block 46, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-938 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed supplemental development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0830, Block 229, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-939 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Carson City District Grazing Advisory Board; Meeting

The Board will meet February 19, 1982, at 10:00 a.m. in the Carson City District BLM Office. The agenda will include discussion of the expanded role of the Board, range improvements, the use of range betterment funds, proposed classification of allotments in the Reno EIS area, and allotment management planning.

The Board is composed of five members elected to represent grazing permittees in the Carson City District in advising the District Manager on the rangeland management program. Any person is welcome to attend the meeting and appear before the Board at 10:45 a.m.

For further information contact Stephen A. Weiss, Public Affairs Officer, Bureau of Land Management, Carson City District Office, 1050 E. William St., Suite 335, Carson City, Nevada 89701, (702) 882-1631.

Dated: January 6, 1982.

Roy Jackson,

Acting District Manager.

[FR Doc. 82-932 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

[M 059318]

Montana; Order Providing for Partial Opening of Public Lands; Correction

January 6, 1982.

Paragraph 2 in **Federal Register** Document 81-36597, dated December 16, 1981, appearing on page 62324 in the issue of Wednesday, December 23, 1981, in the third column reads, "2. Effective December 23, 1981, this order restores 2.76 acres of Power Project No. 2188 to the operation of the mining laws (Act of August 11, 1955, 30 U.S.C. 621 (1976)), and to the operation of the public land laws for direct non-competitive sales (section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713)." Paragraph 2 should be changed to read, "2. Effective December 23, 1981, subject to section 24 of the Federal Power Act, this order restores 2.76 acres of Power Project No. 2188 to the operation of the public land laws for direct non-competitive sales (section 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713).

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-931 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National Advisory Board will hold a meeting on February 4-5, 1982, beginning at 9 a.m. in the Mountainview Conference Room, Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska.

The meeting will cover the following principal subjects:

—Discussion of FY 1983 OCSEAP technical development plans.

—Sale 60 (lower Cook Inlet) phase I status report.

—Proposed mitigating measures, sale 71 (Diaper Field).

—Discussion of a Beaufort Sea regional transportation management plan.

—Presentation on pipeline technologies.

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: January 4, 1982.

Esther C. Wunnicke,

Manager, Alaska OCS Office.

[FR Doc. 82-933 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Yuma County, Arizona; Results of Protest for Special Wilderness Inventory of Revocated Lands

The October 30, 1981 **Federal Register** page 53797 announced the results of a special wilderness inventory on revocated lands in Yuma County, Arizona.

That announcement stated that four wilderness inventory units were being dropped from further wilderness review. The following is a summary of the October 30 announcement.

Inventory unit No.	Unit name	Acres restored	Acres adjacent	Acres total	Decision	
					Acres dropped	Acres WSA
AZ-050-53A	Muggins Mtn	29,330	6,175	35,505	35,505	0
AZ-050-53B	No name	1,920	6,840	8,760	8,760	0
AZ-050-53C	No name	995	6,740	7,735	7,735	0
AZ-050-54	Rifle range	1,280	13,830	15,110	15,110	0
Total		33,525	33,585	67,110	67,110	0

A 30-day protest period followed. During this time three protests were received. All three stated that Unit AZ-050-53A met the requirements of a wilderness study area (WSA) and should be established as a WSA.

The protests were evaluated and field checked. On the basis of the information provided I feel that Unit AZ-050-53A does have wilderness characteristics as described in the Wilderness Inventory Handbook and is established as a WSA of 21,300 acres.

The boundary and detailed description of the WSA are on file and available for inspection in the Yuma District, Bureau of Land Management, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364 (602) 726-6300.

Right to Appeal

The publication of this **Federal Register** starts a 30-day period.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the Notice of Appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

Clair M. Whitlock,

State Director.

January 5, 1982.

[FR Doc. 82-930 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on February 18, 1982.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah. The agenda will include: Predatory Animal Control, Rangeland Management

Program, status of ongoing Planning, and status of water rights adjudications.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:45 a.m. at the District Office or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by February 17, 1982. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Morgan S. Jensen,

District Manager.

January 7, 1982.

[FR Doc. 82-976 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Tuesday, February 9, 1982. The meeting will begin at 9:30 a.m. at the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda items to be discussed are:

1. Grazing Advisory Board organization and general business.
2. Allotment Management Plans and Grazing Systems.
3. Rangeland Management Policy.
4. Rangeland Betterment and Improvement Policy.
5. Animal Damage Control.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 11 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by February 5, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours), within 30 days following the meeting.

Dated: January 8, 1982.

Morgan S. Jensen,

District Manager.

[FR Doc. 82-977 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet February 27, 1982.

The Grazing Advisory Board meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho, 83401. The meeting is open to the public. Interested persons may make oral statements to the Board between 12:00 noon and 12:30 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Idaho Falls BLM District Manager at the above address by February 23, 1982. Depending on the number of people wishing to make oral statements, a per-person time limit may be established.

The agenda for the meeting will include:

1. Election of Officers.
2. Update on status of projects discussed at the last meeting.
3. Discussion of new Advisory Board projects and expenditure of Advisory Board funds.
4. Use of range betterment funds.
5. Discussion of District's maintenance plans for range projects.
6. Discussion of Livestock Grazing Regulation amendments.
7. Arrangements for the next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public review and inspection and reproduction during regular business hours within 30 days of the meeting.

Dated: January 6, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-978 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District, Nevada Stateline-Esmeralda Resource Area; Limited Closure of Scenic Loop

AGENCY: Bureau of Land Management, Interior.

ACTION: Limited closure of Scenic Loop Drive, Red Rock Canyon Recreation Lands, Las Vegas, Nevada.

SUMMARY: The limited closure of specifically identified areas within the Red Rock Canyon Recreation Lands, Las Vegas, Nevada will restrict public use of these areas after dark. These areas will be open to public use during daylight hours only.

DATES: The limited closure of Red Rock Canyon will be effective on January 14, 1982.

ADDRESS: Questions should be addressed to the District Manager, Bureau of Land Management, Las Vegas District Office, Box No. 26569, Las Vegas, Nevada 89126.

FOR FURTHER INFORMATION CONTACT: Rodger Schmitt, Recreation Lands Manager, (702) 877-6720.

SUPPLEMENTARY INFORMATION: All portions of the Red Rock Canyon Recreation Lands Scenic Loop Drive and the use areas associated with the Scenic Loop Drive; including, but not limited to, the Visitor Center, Calico Vista I, Calico Vista II, Sandstone Quarry, White Rock Spring, Willow Spring, La Madre Spring, Ice Box Canyon Overlook, Red Rock Wash Overlook and Pine Creek Canyon Overlook located within Sections 27, 28, 29, 32, 33, 34, and 35, T. 20 S., R. 58 E., MDBM and Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, and 23, T. 21 S., R. 58 E. and Red Spring Picnic Area located within Sections 6 and 7, T. 21 S., R. 58 E., MDBM are designated as limited to public use.

These areas will be restricted to daytime use only, with exact hours of closure posted at the entrance to the areas. This restriction is initiated in order to protect the public health and safety, protect the natural environment, preserve areas having cultural or historical values, and protect other resource values. Red Rock Canyon has a variety of natural features and offers unique recreational opportunities to the greater Las Vegas population. Considerable resource and facility damage and significant public safety problems along the Scenic Loop Drive have been caused by late night activities and large parties. The alcohol, drugs, and vehicle use associated with these activities have created an added, incontrollable threat to the safety of the visitor.

The nighttime closure is consistent with the Red Rock Canyon Master Plan, which identified these areas as day use areas. Public input solicited prior to the restriction being initiated, showed across-the-board support for the closure.

Authority for the closure is contained in CFR Title 43 Chapter II, Sub-chapter H—Recreation Programs, Part 8360, Subpart 83464.1—Closures: "Areas may be closed temporarily to protect public health and safety, prevent excessive erosion, prevent unnecessary destruction of plant life and wildlife habitat, protect the natural environment, and preserve areas having cultural or historical value * * *." Additional

authority for the closure may also be found in CFR Title 43 Chapter II, Subchapter H—Recreation Programs, Part 8340—Off-Road Vehicles.

Edward F. Spang,

State Director, Nevada.

January 8, 1982.

[FR Doc. 82-979 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River

AGENCY: Bureau of Land Management, Interior.

ACTION: Open season for commercial permit applications on the Upper Missouri National Wild and Scenic River.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remain as outlined in the Federal Register, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation Use Permit System for the Upper Missouri National Wild and Scenic River".

DATES: January 25 thru February 28, 1982.

ADDRESS: Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Carl Lind, River Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457 (406-538-7461).

Dated: January 7, 1982.

David E. Little,

Associate District Manager.

[FR Doc. 82-975 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Preparation of Clear Lake Resource Area Management Framework Plan and Subsequent Range and Wilderness Environmental Impact Statements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to 43 CFR 1601.3 and 40 CFR 1501.7, notice is hereby given that the Clear Lake Resource Area of the Ukiah District, Bureau of Land Management, California, will prepare a revision of the Clear Lake Resource Area Management Framework Plan (MFP). This Plan will facilitate the identification of issues for preparation of (1) a districtwide grazing environmental impact statement (EIS) and (2) a wilderness EIS for the Rocky Creek-Cache Creek Wilderness Study Area (WSA) (CA-050-317) and the Cedar Roughs WSA (CA-050-331).

DATES: Land and resource management alternatives for the Clear Lake Resource Area will be developed by September 1982, and final revisions to the plan, including public input and analysis by an interdisciplinary team, are scheduled for completion in January 1984. Final environmental impact statements for the Rocky Creek-Cache Creek and Cedar Roughs wilderness study areas, as well as the grazing environmental impact statement, are scheduled for completion in 1983.

FOR FURTHER INFORMATION CONTACT: William L. Larramendy, Clear Lake Resource Area Manager, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Telephone: (707) 462-3873.

SUPPLEMENTARY INFORMATION: The Clear Lake Resource Area administers Federal land and resources in Colusa, Lake, Mendocino, Napa, Sonoma, and Yolo counties, and the plan will address both the public land and the private land with reserved Federal minerals. General issues identified by the Ukiah District staff are geothermal development, mining, chaparral watershed management, wilderness, off-road vehicle recreation, natural areas, livestock grazing, and retention or disposal of small tracts. The interdisciplinary team, which will complete the plan, will consist of specialists in the fields of range management, botany, soils, geology, wildlife, fisheries, recreation, wilderness, visual resources, cultural resources, economics, sociology, and lands.

Two wilderness study areas, Rocky Creek-Cache Creek and Cedar Roughs, will be studied through this land-use planning process. Alternatives to be addressed are (1) all wilderness, (2) no wilderness (no action), and (3) partial wilderness. Details of one or more partial wilderness alternatives will be developed during the study. The Management Framework Plan will make recommendations regarding wilderness suitability for the two areas. An EIS will be written on the wilderness portion of the plan and a wilderness study report will be prepared presenting the results of the study.

The court-mandated grazing EIS will analyze alternatives ranging from limited investment (no action) to intensive management.

Opportunities for public input and comments will be announced through the media, a mailing list, and personal contact. A public hearing will be scheduled for the wilderness element of the plan. Times, dates, and locations of any public meetings and the hearing will be announced through the media, mail, and the Federal Register.

Dated: January 7, 1982.

Van Manning,

District Manager.

[FR Doc. 82-974 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Long-and-Short-Haul Applications for Relief; (Formerly Fourth Section Applications)

January 11, 1982.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43951, Southwestern Freight Bureau, Agent No. B-145, reduced rates on synthetic rubber and rubber compounds, from Borger, TX to Hopedale, MA, in Supplement 99 to its Tariff ICC SWFB 4973-A, effective February 1, 1982. Grounds for relief—Destination rate relationships.

FSA No. 43952, Southwestern Freight Bureau, Agent, carload tank car rates on vinyl chloride, minimum weight 188,000 pounds, subject to annual volume requirements, from Allemania, LA. to York, WV, in Tariff ICC SWFB 4616-A, Supplement 36 to become effective February 1, 1982. Grounds for relief: Market competition by the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-965 Filed 1-13-82; 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 varified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–05

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143183 (Sub-14), filed December 24, 1981. Applicant: D & L TRUCKING, INC., P.O. Box 1741, Wilmington, NC 28401. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. 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.

MC 144672 (Sub-28), filed December 29, 1981. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant), (513) 277–8933. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (4) as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159833, filed December 22, 1981. Applicant: HAROLD DEAN LOFLIN d.b.a. H & D CARGO CARRIERS, Rt. #3 Box 768, Noah Town Road, Thomasville, NC 27360. Representative: Harold Dean Loflin (same as applicant), (919) 476–3413. Transporting (1) *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.; (2) As a *broker of general commodities* (except household goods) between points in the U.S.

MC 159903, filed December 29, 1981. Applicant: SHIPPERS GENERAL FREIGHT BROKERS, INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Floor, First Tennessee Bldg., Memphis, TN 38103, (901) 526–2000. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP3–04

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 115935 (Sub-5), filed December 29, 1981. Applicant: EXPLOSIVES TRANSPORTS, INC., 25 E. Ranchwood Circle, Oklahoma City, OK 73160. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155004 (Sub-3), filed December 31, 1981. Applicant: JOSEPH LAND AND CO., INC., W. Central Ave., P.O. Drawer 3310, Lake Wales, FL 33853. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. 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.

MC 159875, filed December 22, 1981. Applicant: ALAN JAY MARSHALL, d.b.a. MARSHALL'S TRANSPORTATION, 6084 Vincent Court, San Jose, CA 95123. Representative: Mary E. Marshall (same address as applicant), (408) 226–9409. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159914, filed December 31, 1981. Applicant: RICHARD D. COOK, d.b.a. COOK'S PRODUCE, 2452 N. Hoover, Wichita, KS 67205. Representative: Richard D. Cook (same address as applicant), (316) 942–7221. 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.

Vol. No. OP4–07

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 121667 (Sub-11), filed December 24, 1981. Applicant: SMALLEY TRANSPORTATION COMPANY, P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, (813) 223–2411. 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.

MC 157047 (Sub-1), filed December 29, 1981. Applicant: BENDER TRANSPORTATION CO., 529 Evans Drive, Reno, NV 89512. Representative: Chris N. Bender (same address as applicant), (702) 323–2704. 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.

MC 159897, filed December 30, 1981. Applicant: CHESTER ECKHARDT AND ALLEN ECKHARDT d.b.a. ECKHARDT TRUCKING, Rt. 1, Box 147, Fredericksburg, TX 78624. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. 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.

Vol. No. OPS5–04

Decided: January 5, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 84719 (Sub-10), filed December 21, 1981. Applicant: BEKINS MOVING & STORAGE CO., Aurora Avenue at North 95th, P.O. Box 30728, Seattle, WA 98103. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. (1) 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., and (2) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154648, filed December 14, 1981. Applicant: WAYNE PHILLIPS, INC., 805 N. Cage, P.O. Box 648, Pharr, TX 78577. Representative: Wayne Phillips (same address as applicant), (512) 787–0071. Transporting *general commodities* (except classes A and B explosives and commodities in bulk between Primrose, Luthersville, Weston, and Parriott, GA, Cardwell, Arbyard, Hornersville, Edena, Lewiston, Hurdland, Ewing, Alexandria, Kahoka, Wayland, Memphis, Downing and Lancaster, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allsion, TX, Raymond, Oakley, Adams, Myles, Arm, Oakville, Hathorn, Columbia, Michigan City, Lamar, Hudsonville, Waterford, Abbeville, Oxford, Taylor, Water Valley, Velma and Coffeeville, MS, Snyder and Hamburg, AR, Holly Springs, Stokedale, Dallas, High Shoals and Henrietta, NC, Radcliff, Aurora, Ellsworth, Lawn Hill, Harlan, Irwin, Garwin and Toledo, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, Richmond, Dunkel, Oconee, Hanson, Vera, Shobonier, Vernon, Pataka, Graymont, Flagana, Equality, and Shawneetown, IL, Shell Lake, Cumberland, Gillette, Green Valley, Lake Geneva, and Genoa, WI, Elgin, Edgar and Nelson, NE, Benton, Barlow, LA, Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Malesus, Medon, Toone, Bolivor, Hickory Valley and Lexington, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, Painesville, Chardon, Middlefield, and Clarksville, OH, Paris, Paris Crossing, Malden, Hamilton, Helmer, Wolcottsville, and Wakarusa, IN, South Haven, MI, Filbert, Furman and Edgefield, SC, Monticello and Bell, FL, Clyde, WA, Hosston, LA, Fallbrook and Elsinore, CA, Mottville, NY, Brisbin, Joliet, Boyd, Roberts and Red Lodge, MT, on the one hand, and on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 159779, filed December 18, 1981. Applicant: TULSA EXPEDITING, INC., 10602 East Pine, Tulsa, OK 74112. Representative: William P. Parker, P.O. Box 54657, Oklahoma, OK 73154, (405) 424–3301. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Vol. No. OP5–07

Decided: January 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 128998 (Sub-108), filed December 21, 1981. Applicant: STEVENS TRANSPORTATION COMPANY, INC., 5090 State St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, D.C. 20036, (202) 785–0024. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments* weighing 100 pounds or less if transported in a vehicle in which no one package exceeds 100 pounds, and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 153888 (Sub-1), filed December 28, 1981. Applicant: JOSEPH VALLES, d.b.a. J. VALLES TRUCKING, 43116 Gallegos Ave., Fremont, CA 94538. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–967 Filed 1–13–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special

Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volumn No. OP1–334

Decided: January 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 621 (Sub-8), filed December 21, 1981. Applicant: PAUL ARPIN VAN LINES, INC., 150 Manton Ave., Providence, RI 02909. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432–0940. Transporting *household goods,* between points in NM, UT, NV, OR, WA, CO, NE, SD, ND, KS, OK, TX, LA, AR, MO, MN, MI, IL, WI, IA, IN, OH, KY, TN, MS, AL, FL, GA, SC, NC, VA, WV, MD, PA, DE, NY, NJ, CT, RI, VT, MA, NH, ME, and DC.

MC 35831 (Sub-31), filed December 14, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *metal products* between points in AL, AR, CO, KS, LA, MO, OK, and TX.

MC 82841 (Sub-324), filed December 14, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen, (same address as applicant), (402) 339–3003. Transporting *petroleum lubricating greases, oils, compounds, and anti-freeze,* between points in Pottawattamie County, IA, on the one hand, and, on the other, points in CO, ID, MT, NE, ND, SD, and WY.

MC 120360 (Sub-1), filed December 21, 1981. Applicant: STEPHENS TRUCKS, INC., P.O. Box 1169, Graham, TX 76046. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *Mercer commodities,* between points in AR, CO, KS, LA, MS, NM, OK, TX, and WY. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 124160 (Sub-40), filed December 21, 1981. Applicant: SAVAGE BROTHERS, INC., 585 South 500 East, American Fork, UT 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111, (801) 328–8987. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI).

MC 125951 (Sub-77), filed December 21, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3035 S. 72nd St., Suite 200, Omaha, NE 68124. Representative: Robert M. Cimino (same address as applicant), (402) 393–5005. Transporting *paper and paper products,* between points in NC, ND, SD, NE, KS, TX, MN, IA, IL, OH, WI, MI, MS, MO, PA, NY, VA, NH, LA, and ME.

MC 142810 (Sub-7), filed December 21, 1981. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (505) 227–7326. Transporting *petroleum and petroleum products,* between points in Davidson and Knox Counties, TN, on the one hand, and, on the other, points in KY on and west of U.S. Hwy 127.

MC 145810 (Sub-2), filed December 21, 1981. Applicant: THREE L CORPORATION, Second & Siegel, Tama, IA 52339. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Union-Marshall Packing Co., of Marshalltown, IA.

MC 145921 (Sub-4), filed December 11, 1981. Applicant: NEXT DAY MOTOR FREIGHT, INC., 9470 Aerospace Drive, St. Louis, MO 63134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in Adams, Brown, Schuyler, Pike, Cook, Lake, Du Page, Scott, Morgan, Cass, Mason, Menard, Logan, De Witt, Macon, Piatt, Champaign, Vermilion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Rock Island, McDonough, Knox,

Tazewell, Peoria, and Henry Counties, IL, Warren, St. Louis, St. Charles, Franklin, Jefferson, St. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunklin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasonade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark, and Buchanan Counties, MO, Des Moines, Lee, Scott, Muscatine, and Henry Counties, IA, and Johnson, Wyandotte, and Leavenworth Counties, KS.

MC 147570 (Sub-5), filed December 21, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 4413. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254, (216) 948–2531. Transporting *general commodities* (except classes A and B explosives), between points in IN, KY, MI, OH, PA, and WV on the one hand, and, on the other, points in DE, GA, MD, NJ, NY, NC, OH, PA, SC, and VA.

MC 149281 (Sub-2), filed December 21, 1981. Applicant: FLEIG LEASING, INC., 1267 Burlington Road, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with RPC Corporation, of Roxboro, NC.

MC 150721 (Sub-1), filed December 22, 1981. Applicant: COCKE BROTHERS TRANSPORTATION SYSTEMS, INC., 4919 Old Louisville Rd., Savannah, GA 31408. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290 (404) 969–1980. Transporting *general commodities*, (except classes A & B explosives), between points in GA, on the one hand, and, on the other, points in FL, GA, AL, SC, NC, TN, MS, LA and TX.

MC 153881, filed December 21, 1981. Applicant: MAURICE J. FOYE, d.b.a. FOYE TRUCKING, 14854 Dakota Rd., Apple Valley, CA 92307. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting (1) *ores and minerals* and *clay, concrete, glass or stone products*, between points in CA and NV, and (2) *Chemicals and related products*, between points in Clark County, NV, on the one hand, and, on the other, points in OR, WA, CA, AZ, NM, UT, CO, ID, and MT.

MC 156191 (Sub-4), filed December 18, 1981. Applicant: RAYMOND COSSETTE TRUCKING, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *food and related products*, between points in Clark County, SD and Otter Tail County, MN, on the one hand, and, on the other, points in the U.S.

MC 157801, (Sub-1), filed December 14, 1981. Applicant: SCOTT & SONS MOVING & STORAGE, INC., 2472 So. Santa Fe Ave., Vista, CA 92083. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, (1) between points in WA, OR, CA, NV, AZ, NM, UT, WY, ID, MT, and CO, and (2) between points in WA, OR, CA, NV, AZ, NM, UT, WY, ID, MT, and CO, on the one hand, and, on the other, points in ME, NH, MA, RI, VT, CT, NY, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, AL, OH, KY, TN, MS, MI, IN, WI, IL, IA, MN, MO, AR, LA, ND, SD, NE, KS, OK, TX, and DC.

MC 158101, filed December 14, 1981. Applicant: DIRECT DELIVERY SERVICE, INC., 4204 N.E. 14th St., Des Moines, IA 50313. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *such commodities* as are dealt in by home products distributors, between points in the U.S., under continuing contract(s) with Amway Corporation, of Des Moines, IA.

MC 158551, filed December 18, 1981. Applicant: ROSE TRANSPORTATION CO., P.O. Box 99, Steele, MO 63877. Representative: Lisa Rigdon, P.O. Box 158, Union, MS 39365. Transporting *lumber and wood products*, between points in AL, AR, GA, IL, IN, KY, LA, MI, MN, MS, MO, OH, TN, TX, WI and IA.

MC 159010, filed December 21, 1981. Applicant: CARGO-MASTERS, INC., 27 West 440 Ridgeview, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting (1) *rubber and plastic products*, and (2) *packaging materials and equipment*, between points in Cook, Lake, Will, Du Page, Kane, Kendall, Kankakee Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, MI, MS, OH, PA, and WI.

MC 159641, filed December 21, 1981. Applicant: LAWRENCE REILING, d.b.a. REILING TRUCKING, Rural Route 1, 651 West County Lane, Dekalb, IL 60115. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 698–2235. Transporting *food and related products*, between points in IA, IL, and WI, on the one hand, and, on the other, St. Louis, MO, and points in IA, IL, and those in WI on and south of a line beginning at the MN-WI State line and extending along U.S. Hwy 14 to junction Interstate Hwy 94 at or near Madison, WI, then along Interstate Hwy 94 to Milwaukee, WI.

MC 159790, filed December 21, 1981. Applicant: TRANSPORTERS, INC., Suite 2001B, 225 West 34th St., New York, NY 10001, Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N. W., Washington, DC 20036, (202) 785–0048. Transporting *transportation equipment*, between points in NY, PA, CT, NJ, MD and DE, on the one hand, and, on the other, points in the U.S.

MC 159820, filed December 21, 1981. Applicant: JOHN S. JURICH, JR., R.D.#4, Butler, PA 16001. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 837–0264. Transporting *waste or scrap materials, coal, and building materials*, between points in Summit, Medina, Portage, Ashtabula, and Trumbull Counties, OH, Erie, Crawford, Allegheny, Beaver, Butler, Armstrong, Washington, Westmoreland, Clarion, Elk, and Mercer Counties, PA, and Erie and Chatauqua Counties, NY.

MC 159840, filed December 23, 1981. Applicant: PEACE DOVE CORP., 200 69th Place, Seat Pleasant, MD 20027. Representative: James T. Belton (same address as applicant), (301) 336–0978. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159860, filed December 28, 1981. Applicant: A. L. SHAW & SONS TRUCKING, INC., P.O. Box 272 Riegelwood, NC 28456. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, on the one hand, and, on the other, points in GA, NC, SC, and VA.

Vol. No. OP2–06

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 20722 (Sub-44), filed December 28, 1981. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *motor vehicles*, between points in the U.S., under continuing contract(s) with Volkswagen of America, Inc. of Warren, MI.

MC 35882 (Sub-6), filed December 24, 1981. Applicant: BRANDER BUS LINES, INC., 20 Slater St., Rehoboth, MA 02769. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *passengers and their baggage, in the same vehicle with passengers*, in charter operations, beginning and ending at Quincy, Boston, Worcester and Springfield, MA and Hartford, CT, and extending to points in the U.S.

MC 52322 (Sub-2), filed December 16, 1981. Applicant: JOHN A. SADOVICH, d.b.a. PINE-EAGLE FREIGHTLINE, 1704 Broadway, Baker, OR 97814. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 38702, (208) 344–7714. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck & Co., of Seattle, WA.

MC 77402 (Sub-5), filed December 15, 1981. Applicant: HOWARD M. HOWES, INC., 514 North Main St., Baltimore, OH 43105. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, 614–481–8821. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of San Francisco, CA.

MC 80852 (Sub-24), filed December 17, 1981. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78285. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107012 (Sub-758), filed December 29, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, (same address as applicant), (219) 429–2224. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Payless Cahsways, Inc., of Kansas City, MO.

MC 117373 (Sub-4), filed December 16, 1981. Applicant: NU-WAY TRUCKING, INC., P.O. Box 1129–N, Rosebud, MO 63091. Representative: Michael C. Feagan (same address as applicant), 314–764–2185. Transporting *metal products*, between points in Franklin County, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, MI, KS, OH, OK and TX.

MC 120853 (Sub-2), filed December 29, 1981. Applicant: DAVIES TRANSPORTATION CO., d.b.a. HARBOR TERMINAL SERVICES, 2400 Dominguez, Long Beach, CA 90801. Representative: Arnold Pantus (same address as applicant), (213) 775–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 126473 (Sub-49), filed December 15, 1981. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Doug Dickey, Packwood, IA 52580, 319–695–3601. Transporting *food and related products*, between the facilities of Dubuque Packing Company, at points in IA and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 127812 (Sub-31), filed December 18, 1981. Applicant: TYSON TRUCK LINES, INC., 1300 Gray Fox Rd., St. Paul, MN 43019. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6889. Transporting *such commodities* as are dealt in by food business houses and retail department stores, between points in MN, ND, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 141002 (Sub-2), filed December 16, 1981. Applicant: ARNEL TOURS, INC., 455 Georgia Avenue, S.W., Atlanta, GA 30312. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlantic, GA 30309, (404) 892–8020. Over regular routes, transporting *passengers and their baggage, in the same vehicle with passengers, and express*, between Atlanta, GA and Tallahassee, FL: from Atlanta, GA over Interstate Hwy. 75 to its junction with GA Hwy. 85, then over GA Hwy. 85 to Columbus, GA, then over U.S. Hwy 27 to Tallahassee, FL and return over the same route, serving all intermediate points and serving Hartsfield International Airport near Atlanta, GA, Fort Benning Military Reservation near Columbus, GA and Donalsonville, GA, as off-route points; and (2) *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at Fulton, Clayton, Fayette, Coweta, Meriwether, Talbot, Harris Muscogee, Chattahoochee, Stewart, Randolph, Clay, Early, Miller, and Decatur Counties, GA and Gadsden County, FL and extending to points in the United States.

MC 141212 (Sub-8), filed December 28, 1981. Applicant: JOHN M. RADKE, Route 2 Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent St. Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *pulp, paper and related products*, between points in Marathon County, WI, on the one hand, and, on the other, points in the U.S.

MC 141392 (Sub-2), filed December 16, 1981. Applicant: THE TAURO BROTHERS TRUCKING CO., 1775 N. State St., Girard, OH 44420. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *commodities in bulk*, between points in IN, KY, MI, NY, OH, PA and WV.

MC 142423 (Sub-17), filed December 24, 1981. Applicant: BIG D CARTAGE, INC., 28091 Kingsberry Dr., Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *malt beverages* between those points in the U.S., in and east of MN, IA, MO, AR and LA.

MC 142603 (Sub-64), filed December 28, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same as applicant) (418) 732–6283. Transporting *paper and paper products*, between points in the U.S., under a continuing contract(s) with Coral Paper Crop/Perez Trading Company, Inc., of Miami, FL.

MC 143302 (Sub-8), filed December 28, 1981. Applicant: DON TRIPP TRUCKING, P.O. Box 69, Lolo, MT 59847. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting *lumber and wood products*, between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, those points in the U.S. in and west of OH, IN, IL, MO, AR, and LA.

MC 143683 (Sub-3), filed December 28, 1981. Applicant: AMERICAN CONTRACT EXPRESS, INC., P.O. Box 425, Childersburg, AL 35044. Representative: Terry P. Wilson, 248 South Lawrence Street, Montgomery, AL 36104, (205) 262–2756. Transporting *food and related products*, between points in Jefferson County, AL, on the one hand, and, on the other, points in Vanderburgh County, IN, St. Clair County, IL, Bexar County, TX, and Houston County, GA.

MC 143792 (Sub-3), filed December 16, 1981. Applicant: KEN WATFORD, 2200 Locust Street, NE, St. Petersburg, FL 33704. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632–2300. Transporting *containers and such commodities* as are used in the manufacture and distribution of containers, between points in Clinch County, GA, on the one hand, and, on the other, points in FL and SC.

MC 146442 (Sub-4), filed December 15, 1981. Applicant: CLEARFIELD TRANSPORTATION CO., INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews and Lawrence Rudolph, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036, 202–452–7400. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Diehl Tire Company, of Clinton, MO.

MC 146953 (Sub-4), filed December 15, 1981. Applicant: MONROE FUGATE d.b.a. H & M CARTAGE, 17151 South Overhill, P.O. Box 427, Tinley Park, IL 60477. Representative: William D. Brejcha, 10 South LaSalle St., #1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives) between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147013 (Sub-9), filed December 17, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *food and related products,* between points in Hale, Potter, and Randall Counties, TX, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, NC, PA, RI, VA and DC.

MC 147463 (Sub-1), filed December 14, 1981. Applicant: R. M. GUINTHER, INC., R. D. #1, Box 539, Boyertown, PA 19512. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603, (215) 376–6721. Transporting *chemicals and metal products,* between points in Berks and Montgomery Counties, PA, on the one hand, and, on the other, points in KY and MI.

MC 147973 (Sub-3), filed December 15, 1981. Applicant: B. J. TRANSPORT, INC., Livestock Exchange Bldg., 100 Stockyard Road, South St. Paul, MN 55075. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Minneapolis, MN, and points in Mille Lacs and Wright Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149333 (Sub-6), filed December 29, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION, CO., INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *lumber and wood products,* between points in AL, AZ, AR, CA, GA, ID, IL, IA, KS, KY, LA, MS, MO, NE, OK, OR, TN, TX, WA, and WY.

MC 149402 (Sub-4), filed December 16, 1981. Applicant: R. A. P. T. CORP., 3159 S. 1900 W., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St. #280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products,* between points in UT, on the one hand, and, on the other, points in the U.S.

MC 150522 (Sub-6), filed December 28, 1981. Applicant: VIRGINIAN POWER TRANSPORT CO., INC., 530 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, 304–562–3460. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 150762 (Sub-1), filed December 24, 1981. Applicant: BENN & NOLT CARRIERS, INC., 1523 East Newport St., Lititz, PA 17543. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *modular homes* between points in Schuylkill County, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and WV.

MC 151193 (Sub-20), filed December 29, 1981. Applicant: PAULS TRUCKING CORP., 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), (201) 499–3869. Transporting *such commodities* as are dealt in or used by supermarkets, between points in the U.S., under continuing contract(s) with MC Foods, Inc., of San Diego, CA.

MC 151623, filed December 28, 1981. Applicant: McDOUGALD OIL CO., INC., 459 Nichols Ln., P.O. Box 309, Moab, UT 84532. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209, 303–320–6100. Transporting *chemicals and related products* between points in AZ and NM, on the one hand, and, on the other, points in Grand, San Juan and Garfield Counties, UT.

MC 151703 (Sub-10), filed December 28, 1981. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with (1) Colt Industries, Inc., Colt Industries Operating Corporation, Central Moloney, Inc., Crucible, Inc., and Garlock, Inc., all of New York, NY, (2) Menasco, Inc., of Burbank, CA, and (3) Stemco, Inc., of Longview, TX.

MC 152723 (Sub-7), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting *chemicals and related products,* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 153723 (Sub-6), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121 Transporting *scrap plastic products and plastic resins,* between points in the U.S.

MC 154953, filed December 28, 1981. Applicant: DOKE TRANSPORT CO., INC., P.O. Box 109, Clarks Hill IN 47930. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301 Transporting *rubber and plastic products,* between points in Cook County, IL and Washington County, MN.

MC 155733, filed December 29, 1981. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Bosie, ID 83709 Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (208) 343–3071. Transporting *food and related products,* between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, TX, UT, WA, and WY.

MC 156363, filed December 28, 1981. Applicant: HALL MACHINE & WELDING CO., INC., 102 West Mermod, Carlsbad, NM 88220. Representative: Joe Brininstool, 1010 S Country Club Carlsbad, NM 88220, (505) 887–9117. Transporting *potassium chloride,* between points in the U.S., under continuing contract(s) with KCL Fluids, Inc., of Tyler, TX.

MC 157302 (Sub-2), filed December 16, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 121 W. Trinity Lane, Nashville, TN 37216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201, (615) 244–2926. Transporting (1) *metal products,* between points in Butler County, OH, Cheatham and Madison Counties, TN, on the one hand, and, on the other, points in the U.S., and (2) *lumber,*

between points in Floyd County, GA, on the one hand, and, on the other, points in AL, GA, IL, IN, KY, MI, OH and TN.

MC 157923, filed December 14, 1981. Applicant: TAYLOR TRUCKING, INC., 4080 Lancer Circle, Manitowoc, WI 54220. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A & B explosives, and household goods, between points in the U.S., under continuing contract(s) with (1) Van Der Vaart Brick and Building Supply Company, of Sheboygan, WI, (2) Sheboygan Concrete Corp., of Sheboygan Falls, WI, (3) C. Harvey Co., Inc., of Manitowoc, WI and (4) Harvey Concrete Corp., of Sister Bay, WI.

MC 158102, filed December 18, 1981. Applicant: TALBERT TRUCKING, INC., 554 Earl St., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, A/C 304–562–3460. Transporting *metal products*, between points in the U.S., (except AK & HI), under continuing contract(s) with the McJunking Corporation, of Charleston, WV.

MC 159002, filed December 24, 1981. Applicant: CRUMPLER TRUCKING, INC., 5823 Wingate Dr., Orlando, FL 32809. Representative; Richard B. Austin, 320 Rochester Bldg., 8390 N. W. 53rd. St., Miami, FL 33166 (305) 592–0036. Transporting *Petrolium, natural gas and their products*, between points in Seminole County, FL, and Oklahoma County, OK, on the one hand, and, on the other, points in the U.S.

MC 159052, filed December 16, 1981. Applicant: MER TRUCKING CO. INC., 2241 Bonita Avenue, Vero Beach, FL 32960. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, 305–869–5936. Transporting *food and related products*, between points in Indian River, Brevard, Orange, Polk, Dade and Hillsborough Counties, FL and points in U.S. (except AK & HI).

MC 159303 (Sub-1), filed December 7, 1981. Applicant: TWO WAY TRANSPORTATION, LTD., 2527 N. Carson St., Suite 205, Carson City, NV 89701. Representative: A. R. Fairman (same as applicant), (702) 883–8695. Transporting *golf cars, golf buggies, fuel cells and batteries, and parts for fuel cells and batteries, small electric or gas vehicles and parts for small electric or gas vehicles, gas and electric motors and parts for gas and electric motors*, between points in the U.S., (except HI), under continuing contract(s) with Elmco, Inc., of Cooksville, IL.

MC 159682, filed December 29, 1981. Applicant: A & L DELIVERY SERVICE, INC., P.O. Box 243, Towanda, PA 18848. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Avon Products, of New York, NY. CONDITION: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 159692, filed December 14, 1981. Applicant: CHARLES G. CREWS & SONS, INC., Route 1, Box 230, Moneta, VA 24121. Representative: Robert A. Mega, 25 Esten Avenue, Pawtucket, RI 02860. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Consolidated Brick & Building Supplies, Inc., of Weymouth, MA; *metal products*, between points in the U.S. under continuing contract(s) with Roanoke Electric Steel Corporation, of Roanoke, VA; *lumber & wood products* between points in the U.S., under continuing contract(s) with GMC Hardwoods, Inc., of Dover, MA.

MC 159713 (Sub-1), filed December 14, 1981. Applicant: LEE INDUSTRIES, INC., Ryan Avenue, P.O. Box 5, Westville, NJ 08093. Representative: Martin S. Ettin, 499 Cooper Landing Road, Cherry Hill, NJ 08002, 609–667–6000. Transporting *tar paper, barn board, planking, and lumber and wood products*, between points in the U.S., under contract(s) with (1) Boom, Inc., of Newtown Square, PA, (2) Pan-American Trade Development Corp., Pan-Pacific Overseas Division, of New York, and (3) C. Itoh Corp., of New York, NY.

MC 159723, filed December 15, 1981. Applicant: OUTBOUND TRAVEL AND TOURS, INC., 93 West Little Canada Road, St. Paul, MN 55117. Representative: Dorothy L. Drake (same address as applicant), (612) 483–9373. As a *broker*, at St. Paul, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in MN, WI, ND, SD, IA, IL, NE, MI, and IN, and extending to points in the U.S.

MC 159742, filed December 16, 1981. Applicant: LEE TRUCKING, INC., 124 West Hartford Road, Newington, CT 06111. Representative: Levi Chiaravolloti (same address as applicant), 203–666–4655. Transporting *hardware, handtools, and such commodities* as are used in the manufacture of hardware and handtools, between points in the U.S., under contract(s) with the Allen Manufacturing Co., of Bloomfield, CT.

MC 159752, filed December 17, 1981. Applicant: BOOTH'S TRANSFER, 1300–2 North Glendale, Marion, IL 62959. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703, (217) 753–3925. Transporting *household goods* between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV, and WI.

MC 159753, filed December 23, 1981. Applicant: VESPA TRUCKING CO., INC., 118 Heritage Drive, Box 13, Freehold, NJ 07728. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting (1) *metal products and building materials*, between New York, NY and Camden, NJ, on the one hand, and, on the other, points in CT, MA, RI, NH, VT, ME, NJ, NY, PA, DE, MD, VA, NC and DC, and (2) *food and related products* between New York, NY, on the one hand, and, on the other, points in NJ, CT, MA, RI, NY, PA, DE, MD and DC.

MC 159773, filed December 16, 1981. Applicant: ATLANTIC WOOD TRANSPORT, INC., 269 Amboy Avenue, Edison, NJ 08837. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209, (703) 522–0900. Transporting *lumber and wood products* between points east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 159843, filed December 21, 1981. Applicant: R. MIRR ENTERPRISES, INC., 202 North Fulton Street, Princeton, WI 54941. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting *metal products, tanks, tank parts, water heaters, machinery and accessories* (1) between points in Dane, Green Lake, Waushara, Winnebago and Fond du Lac Counties, WI, on the one hand, and, on the other, points in the U.S., (2) between Detroit, MI, on the one hand, and, on the other, points in the U.S., and (3) between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 159862, filed December 28, 1981. Applicant: CHESTER JACKSON WASTE MANAGEMENT SYSTEMS,

INC., 475 Schuyler Avenue, Kearny, NJ 07032. Representative: Edward F. Bowes, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *amorphous poly propylene* between points in the U.S., under continuing contract(s) with Essex Chemical Corporation of Clifton, NJ.

MC 159873, filed December 28, 1981. Applicant: S.T.S TRUCKING & TRANSPORTATION, INC., 154 William Street, Tonawanda, NY 14150. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, 716–845–6066. Transporting (1) *such commodities as are dealt in by manufacturers and distributors of china,* between points in the U.S., under a continuing contract(s) with Syracuse China Corporation, of Syracuse, NY and (2) *food and related products,* between points in the U.S., under a continuing contract(s) with Russer Foods, Inc., of Buffalo, NY.

MC 159882, filed December 28, 1981. Applicant: ADVENTURE TRAVEL, 1236–A Coast Village Circle, Santa Barbara, CA 93108. Representative: Mitchell Blumenthal, 693 Sutter Street, Sixth Floor, San Francisco, CA 94102, 415–673–3333. As a *broker,* at Santa Barbara, CA, in arranging for the transportation, by motor vehicle of *passengers and their baggage in* round-trip special and charter operations, beginning and ending at points in NV, AZ, CA, and DC, and extending to points in the US.

Volume No. OP2–07

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1872 (Sub-86), filed December 4, 1981. Applicant: ASHWORTH TRANSFER, INC., P.O. Box 26585, Salt Lake City, UT 84126. Representative: James B. Emery, (same address as applicant), 801–972–6996. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

MC 31462 (Sub–30), filed December 28, 1981. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, TX 75146. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods* as defined by the Commission, between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WA, OR, NV, CA, ID, UT, AZ, and DC, on the one hand, and, on the other, points in AK and HI.

MC 73533 (Sub-26), filed December 18, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, 301–840–8565. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between Washington, D.C., on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

MC 100463 (Sub-28), filed December 18, 1981. Applicant: SMITH TRANSPORT (U.S.) LIMITED, 150 Commissioners St., Toronto, Ontario, Canada N5A 3R9. Representative: William J Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716–853–0200. *Transporting ordinance and accessories,* between points in the U.S., under continuing contract(s) with Government of Canada, Department of National Defense, Canadian Forces Ammunition Depot, of Angus, Ontario, Canada.

MC 123872 (Sub-132), filed December 21, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28603. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. *Transporting general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, TN and VA, on the one hand, and, on the other, points in CO, NM, OK and TX.

MC 129923 (Sub-24), filed December 18, 1981. Applicant: SHIPPERS TRANSPORT INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twenieth FL., 1st TN Bldg., Memphis, TN 38103. Transporting *food and related products,* between Hood River, OR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 134552 (Sub-11), filed December 21, 1981. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Weekes Forest Products, Inc., of Minneapolis, MN.

MC 136782 (Sub-37), filed December 31, 1981. Applicant: R.A.N. TRUCKING CO., P.O.Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 141112 (Sub-5), filed December 29, 1981. Applicant: BURWELL RAY GALLOP, d.b.a., GALLOP BUS COMPANY, 600 S. Military Hwy, Virginia Beach, VA 23464. Representative: Burwell Ray Gallop, Sr. (same address as applicant), (804) 420–3135. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at Norfolk, Virginia Beach, Chesapeake, Portsmouth, Suffolk, Newport News, Hampton, and Williamsburg, VA, and points in Nansemond, York, Northampton, Accomack, Mathews, Isle of Wight, Henrico, Southampton, Gloucester, James City, New Kent, and Charles City Counties, VA, and extending to points in MD, PA, NC, VA, NJ, DE, NY, MA, CT, ME, VT, WV, OH, TN, KY, GA, SC, FL, AL, MS, LA, MO, AR, IN, IL, MI, NH, RI, and DC.

MC 144053 (Sub-2), filed December 18, 1981. Applicant: DON MUMMA TRUCKING, INC., Rt. 2 Box 143M, Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, 206–228–3807. Transporting *scrap metal, trailers, farm machinery, and materials and supplies* used in the construction or repair of trailers and farm machinery, between points in Spokane and King Counties, WA, and Portland, OR, on the one hand, and, on the other, AL, MI, KY, OH, IL, PA, CA, WI, NV, CO, GA, MO, MN, OR, ID, MT, NE, FL, TX, AZ, AK, NJ, NY, and IA.

MC 146213 (Sub-15), filed December 18, 1981. Applicant: WISCONSIN FARM LINES, LTD., P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, 612–927–8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal furniture and fixtures, material handling equipment and storage equipment, between points in WI, IL, IN, MI, IA, MN, ND, SD, MO, NJ and PA, on the one hand, and, on the other, points in the U.S.

MC 147013 (Sub-1), filed December 17, 1981. Applicant: DELBERT MILLS, JR., d.b.a., MILLS TRANSPORTATION, R.D. 3, Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg. 1030 Fifteenth St., N.W.,

Washington, D.C. 20005, 202–296–3555. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paints and chemicals, between points in the U.S., under continuing contract(s) with The Sherwin Williams Company, of Cleveland, OH.

MC 147913 (Sub-5), filed December 29, 1981. Applicant: T-LINE, INC., 350 First St., SW., New Brighton, MN 55112. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 149343 (Sub-2), filed December 18, 1981. Applicant: SOUTHERN PRIDE TRUCKING, INC., P.O. Box 84000, San Diego, CA 92138. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515–682–8154. Transporting (1) *aircraft engines, turbines, parts and accessories and ground support equipment,* between points in Maricopa County, AZ, Denver, CO., Miami, FL, Atlanta, GA, Minneapolis-St. Paul, MN, Portland, OR, Salt Lake City, UT, Seattle, WA, and points in CA, on the one hand, and, on the other, points in the U.S., (2) *machinery,* between points in CA, on the one hand, and, on the other, points in the U.S., and (3) *Displays, display equipment and materials, equipment and supplies* used in connection with the setting up of displays and the display of the commodities named in (1) and (2) above, between points in the U.S.

MC 151443 (Sub-2), filed December 16, 1981. Applicant: EDWARD E. SCHULTZ d.b.a. ECS TRUCKING, 13471 Mickey St., Garden Grove, CA 92644. Representative: Edward E. Schultz (same address as applicant), 714–537–7293. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemical products, between points in the U.S., under continuing contract(s) with Great Lakes Chemical Corp., of Irvine, CA and Cargill, Inc., of Synwood, CA.

MC 152572 (Sub-2), filed December 31, 1981. Applicant: BILL J. BILLINGS, d.b.a., BILLINGS TRUCKING COMPANY, P.O. Box 393, Nocona, TX 76255. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *plastic products,* between points in the U.S., under continuing contract(s) with Nocona Athletic Goods Company, of Nocona, TX.

MC 155222 filed December 29, 1981. Applicant: DORRIGAN, INC., 3739 Hillsborough Dr., Concord, CA 94520. Representative: Donald R. Hedrick, P.O.B. 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *car care products,* between points in the U.S., under continuing contract(s) with Wynn Oil Company, of Azusa, CA.

MC 157693, filed December 21, 1981. Applicant: A & J TRUCKING, INC., 2739 12th Street, S.W., Cedar Rapids, IA 52404. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *waste or scrap materials not identified by industry producing,* between points in IL, IN, IA, and MO, (2) *hides,* between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, OK, PA, TX and WI, (3) *machinery, metal products and rubber and plastic products,* between points in CO, IL, IN, IA, KS, MI, MN, MO, NE, OH, PA and WI, and (4) *machinery* between points in Linn County, IA, on the one hand, and, on the other, points in AL, GA, MS, OK and TX.

MC 157702, filed November 17, 1981. Applicant: L. E. BLANCHARD, 804 North Haley, Pine Bluff, AR 71602. Representative: L. E. Blanchard (same address as applicant), 501–247–2622. Transporting *building materials, lumber products, ties, switch ties and related products and tires,* between points in AR, on the one hand, and, on the other, points in IL, IN, KS, LA, MI, MS, MO, OH, OK, TN, TX, IA, NE, MN, and KY.

MC 158923, filed December 16, 1981. Applicant: JOHN R. VALENTINO TRUCKING, R. D. #2 Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same as applicant). Transporting *such commodities* as are dealt in food and feed business houses, between points in PA, NY, DE, NJ, VA, MD and DC.

MC 159203, filed December 29, 1981. Applicant: ARGOSY TRUCKING LTD., 149 Oak Point Rd., Winnipeg, Manitoba—Canada R2R 1T7. Representative: Harold Huppe, 929 St Mary's Rd., Winnipeg, Manitoba—Canada, (204) 257–7280. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with MacKenzie & Feimann Limited, of Winnipeg, Manitoba—Canada.

MC 159223 (Sub-1), filed December 21, 1981. Applicant: S & P PRODUCE, INC., 2668 East Atlantic Blvd., Pompano Beach, FL 33062. Representative: Gary L. Self, 1401 East Atlantic Blvd., Pompano Beach, FL 33060. Transporting *food and related products,* between Miami, FL, on the one hand, and, on the other, Chicago, IL and points in GA, NY, and VT.

MC 159772, filed December 18, 1981. Applicant: BRAKEBUSH BROTHERS, INC., Route #2, Westfield, WI 53964. Representative: Michael J. Wyngaard, 150 East Gilman St. Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Baraboo Sysco Food Services, Incorporated, a subsidiary of Sysco Corporation, of Baraboo, WI.

MC 159913, filed December 31, 1981. Applicant: BROOKS CONTRACT CARRIERS, A DIVISION OF BROOKS RENTAL CO., INC., Hwy 31–E Bypass, Gallatin, TN 37066. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *office furniture and equipment,* between points in the U.S., under continuing contract(s) with G. F. Buinsess Equipment, Inc., of Gallatin, TN.

Vol. No. OP3–03

Decided: January 8, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 584, filed December 30, 1981. Applicant: KUEHNE & NAGEL, INC., P.O. Box 1828, St. Paul, MN 55111. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. As a freight forwarder, transporting *general commodities* (except classes A and B explosives), between points in MN, and points in Barron, Chippewa, Pierce, and Polk Counties, WI, on the one hand, and, on the other, points in the U.S., restricted to traffic having a prior or subsequent movement by water.

MC 49304 (Sub-39), filed December 31, 1981. Applicant: BOWMAN TRUCKING CO., INC., P.O. Box 6, Stephens City, VA 22655. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (301) 654–2240. Transporting *metal products,* between points in Shenandoah County, VA, on the one hand, and, on the other, points in AL, DE, FL, IL, MI, NY, OH, PA and TX.

MV 96345 (Sub-7), filed December 28, 1981. Applicant: AMERICAN EAGLE MOTOR COACH, INC., 72 Sycamore Street, Fairhaven, MA 02719. Representative: Robert J. Brooks, Suite 1111, 1828 L Street, N.W., Washington, D.C. 20036, (202) 466–3892. Transporting *passengers and their baggage,* in the

same vehicle with passengers, in charter and special operations, beginning and ending at points in MA and RI, and extending to points in the U.S. (including AK but excluding HI).

MC 110325 Sub-183), filed December 30, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221–1464. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between San Bernardino, CA and Salt Lake City, UT, over Interstate Hwy 15, (2) between junction Interstate Hwys 15 and 70 and Denver, CO, from the junction of Interstate Hwys 15 and 70 over Interstate Hwy 70 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction Interstate Hwy 70, then over Interstate Hwy 70 to U.S. Hwy 6, to Denver, and return over the same route, (3) between Grand Junction, CO and Newton, KS, over U.S. Hwy 50, (4) between Lawrence, KS and Clayton, NM, from Lawrence over U.S. Hwy 59 to junction U.S. Hwy 56, then over U.S. Hwy 56 to Clayton, and return over the same route, (5) between Belleville, KS and Denver, CO, over U.S. Hwy 36, (6) between Lawrence, KS and junction Interstate Hwy 70 and U.S. Hwy 24, over U.S. Hwy 24, (7) between Topeka and Altoona, KS, over U.S. Hwy 75, (8) between Liberal and Oakley, KS, over U.S. Hwy 83, (9) between Denver, CO and Cheyenne, WY, from Denver, over U.S. Hwy 287 to junction CO Hwy 1, then over CO Hwy 1 to junction U.S. Hwy 87 then over U.S. Hwy 87 to Cheyenne, and return over the same route, and (10) serving all intermediate points in routes (1) through (9), above, and points in Clark County, NV, and points in KS as off-route points in connection with carrier's otherwise-authorized regular route operations.

MC 123265 (Sub-7), filed December 29, 1981. Applicant: SANTRY TRUCKING CO., 10505 N. E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *chemical and related products* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Van Waters & Rogers of Seattle, WA.

MC 126555 (Sub-90), filed December 29, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Manuel Andrade, 770 Grant Street, Suite 244, Denver, CO 80203, (303) 861–4273. Transporting *food and related products,* between points in the U.S. in and west of MN, IA, MO, NE, KS, OK, and TX.

MC 133154 (Sub-13), filed December 28, 1981. Applicant: BELL TRANSPORT CO., 14000 E. 183rd St., La Palma, CA 90623. Representative: Robert C. Rodgers (same address as applicant), (714) 523–4805. Transporting *such commodities* as are dealt in or used by Kimberly-Clark Corporation, Owens-Corning Fiberglas Corporation and Shaklee Corporation, between points in the U.S., under continuing contract(s) with Kimberly-Clark Corporation, of Neenah, WI, Owens-Corning Fiberglas Corporation of Toledo, OH, and Shaklee Corporation, of San Francisco, CA.

MC 134134 (Sub-104), filed December 29, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific Street, Suite #210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and related products,* between points in MN, WI, and MO, on the one hand, and, on the other, points in IA and NE.

MC 140484 (Sub-104), filed December 28, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517 Transporting *rubber and plastic products,* between points in Livingston County, MI, on the one hand, and, on the other, points in the U.S.

MC 147724 (Sub-4), filed December 29, 1981. Applicant: TYRONE SCHULZ, d.b.a. TY SCHULZ TRUCKING, Rt. 1 Box 221, Ione, CA 95640. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pervo Paint Co., of Los Angeles, CA, Stockton Wholesale Lumber Co., Inc., of Stockton, CA, Bemis Co., Inc., of Wilmington, CA, Pacific Modern Homes, Inc., of Elk Grove, CA, and Mineral Aggregates Co., Inc., d/b/a Lone Star Minerals, Inc., of Highland, IN.

MC 148404 (Sub-7), filed December 29, 1981. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 La Monde St., Hacienda Heights, Ca 91745. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting (1) *metal products,* between points in Vigo County, IN, and Montgomery County, PA, on the one hand, and, on the other, points in AZ, CA, OR, TX, and WA, and (2) *petroleum products,* between points in Essex County, NJ, and Lucas County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149105 (Sub-6), filed December 29, 1981. Applicant: BAYOU STATE TRUCKING, INC., 639 S. Rendon St., Suite 303, New Orleans, LA 70119. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield; VA 22151, (703) 941–8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and related products, plastics and related products, containers and closures, and metal products, between points in the U.S., lighting fixtures and furniture fixtures, between Suffolk, VA, and points in Jackson County, AR, Los Angeles County, Ca, and Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 150724 (Sub-6), filed December 23, 1981. Applicant: DONALD SANTISI TRUCKING CO., 340 Victoria Rd., Youngstown, OH 44515. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal and metal products,* (1) between points in Trumbull and Ashtabula Counties, OH and Warren, Franklin and Crawford Counties, MO; and (2) between points in Trumbull and Ashtabula Counties, OH and Warren, Franklin and Crawford Counties, MO, on the one hand, and, on the other, points in WA, CA, AZ, TX, MA, CT, and RI.

MC 150854, filed December 29, 1981. Applicant: NORWALK TRANSFER AND STORAGE, INC., 13900 E. Rosecrans, Santa Fe Springs, CA 90670. Representative: Wayne Nogle (same address as applicant), (213) 921–5501. Transporting (1) *cleaning compounds and related articles,* between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI, and Santa Ana, CA; and (2) *television receving sets and related articles,* between points in the U.S., under continuing contract(s) with RCA Service Company, of Cherry Hill, NJ.

MC 151164 (Sub-3), filed December 21, 1981. Applicant: T.L.C. CHARTER COACH, INC., 157 Summerfield St., Scarsdale, NY 10583. Representative: L. C. Major, Jr., Suite 304, Overlook Building, 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between Fairfield County, CT, Bergen County, NJ, and Rockland County, NY, on the one hand, and, on the other, points in the U.S.

MC 151414, filed December 29, 1981. Applicant: AMERICAN TRAILS, INC.,

1700 Walnut St., Philadelphia, PA 19103. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691–0900. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Philadelphia, Montgomery, Bucks, Berks, Chester and Delaware counties, PA, Burlington, Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic Counties, NJ, and New Castle and Kent Counties, DE, and extending to points in the U.S. (except AK and HI).

MC 153124 (Sub-3), filed December 31, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, NJ 07035. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845–6066. Transporting *chemicals and related products,* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Balchem Corporation, of Slate Hill, NY, and Green Ponds, SC.

MC 158014, filed December 29, 1981. Applicant: PAYLESS AUTO TOWING, LTD., 332 W. 23rd St., N. Vancouver, B.C., Canada V7M2B5. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. Transporting *transportation equipment,* between ports of entry on the international boundary line between the U.S. and Canada, in WA, on the one hand, and, on the other, points in Los Angeles, Orange, and Riverside Counties, CA.

MC 158655 (Sub-5), filed December 28, 1981. Applicant: GRAND EXPRESS, INC., 4750 Clyde Park, S.W., Grand Rapids, MI 49509. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers of furniture, between points in Muskegon County, MI, on the one hand, and, on the other, points in the U.S.

MC 159255, filed December 23, 1981. Applicant: HAROLD LeMAY ENTERPRISES, INC., 13502 Pacific Ave., Tacoma, WA 98444. Representative: A. Donald Visser (same as applicant) (206) 537–8687. Transporting *waste and scrap paper,* and *newsprint,* between points in Grays Harbor, King, Kitsap, Kewis, Mason, Pierce, Snohomish and Thurston Counties, WA, on the one hand, and, on the other, points in Yamhill and Clackamas Counties, OR.

MC 159704, filed December 23, 1981. Applicant: HOMAN TRUCKING, INC., 45 East Franklin St., Chicasa, OH 45826. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Dannon Yogurt, Inc., of Minster, OH, and (2) *forklift trucks,* between points in the U.S., under continuing contract(s) with Crown Control Corp., of New Bremen, OH.

MC 159795, filed December 18, 1981. Applicant: TWIN PORTS TRUCKING COMPANY, INC., 1230 Poplar Ave., Superior, WI 54880. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting (1) *salt,* between points in the U.S., under continuing contract(s) with Cutler Magner Company, of Duluth, MN, (2) *paper and paper products, electrical supplies,* and *cleaning supplies,* between points in the U.S., under continuing contract(s) with Duluth Paper and Specialties Company, Inc., of Duluth, MN (3) *meats,* between points in the U.S., under continuing contract(s) with Elliott Packing Company, Inc., of Duluth, MN (4) *food and related products,* between points in the U.S., under continuing contract(s) with Jeno's Inc., of Duluth, MN, (5) *bottled water,* between points in the U.S., under continuing contract(s) with Lake Superior Water Company, Inc., of Superior, WI, (6) *soft drink concentrate,* between points in the U.S., under continuing contract(s) with NAP Beverage, Inc., of Superior, WI, (7) *such commodities* as are dealt in or used by supermarkets, between points in the U.S., under continuing contract(s) with Twin Ports Grocery Company, of Superior, WI, (8) *coal heating briquets,* between points in the U.S., under continuing contract(s) with Stott Briquet Company, of Duluth, MN, and (9) *sand and concrete mix,* between points in the U.S., under continuing contract(s) with ASDCO, Inc., of Duluth, MN.

MC 159835, filed December 23, 1981. Applicant: LENART TRANSPORTATION, INC., 1154 Quinnipiac Ave., New Haven, CT 06513. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *electrical connectors* and *component parts,* between points in the U.S., under continuing contract(s) with Burndy Corporation, of Orange, CT.

MC 159854, filed December 28, 1981. Applicant: TINA B. ALLEN, d.b.a. ALLEN'S LAS VEGAS BUREAU, INC., 8026 Cornflower Circle, Buena Park, CA 90620. Representative: Franklin F. Naumann, 5400 Orange Ave., Suite 110, Cypress, CA 80630, (714) 827-2900. As a *broker* at Buena Park, CA, in arranging for the transportation of *passengers and their baggage,* beginning and ending at points in CA, and extending to points in the U.S.

MC 159864, filed December 29, 1981. Applicant: UNITED STAR CORP., No. 14 Heather, St. Peters, MO 63376. Representative: W. R. England III, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), between points in the U.S., under continuing contract(s) with Gerber Industries, of St. Peters, MO.

MC 159865, filed December 28, 1981. Applicant: CAPITAL CARRIERS, INC., 3815 Zane Trace Dr., Columbus, OH 43228. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting (1) *rubber and plastic products,* (2) *machinery and supplies,* and (3) *chemicals and related products,* (except in bulk), between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Amoco Container Company, of Atlanta, GA, Milo Corporation, of Stow, OH, R & G Sloane Manufacturing Company, Inc., of Cleveland, OH, and Seymour Manufacturing Company, of Seymour, IN.

MC 159885, filed December 28, 1981. Applicant: TRYAD TRUCKING COMPANY, 5129 Ave. H, Rosenberg, TX 77471. Representative: Norman Clark (same address as applicant), (713) 342–8031. Transporting *iron and steel articles, pipe and related commodities,* between points in the U.S. (except AK and HI).

MC 159884, filed December 29, 1981. Applicant: JOSEPH BARRON, 159 Boulevard Ave., Throop, PA Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *food and related products,* between points in Wayne, Cayuga, and Yates Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 159895, filed December 29, 1981. Applicant: LARRY PHELPS, d.b.a. PHELPS FARMS, 11561 State Rt. 4, Milford Center, OH 43045. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *fertilizer and lawn care products,* between points in the U.S.

MC 159904, filed December 30, 1981. Applicant: W. E. HORTON TRUCKING SERVICE, INC., P.O. Box 4133, Dublin, GA 31021. Representative: Wallace E. Horton (same address as applicant),

(912) 275–1265. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Bassett Furniture Co., Wheelers, Inc., and J. P. Stevens Co., Inc., all of Dublin, GA, Cook & Co., Inc., of Lumber City, GA, M & M Clay Co., of McIntyre, GA, and Evans Clay, Co., of Summit, NJ.

MC 159915, filed December 31, 1981. Applicant: MORRIS McCauley, 4622 Creek Shore Dr., Rockville, MD 20852. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *household goods,* between points in Washington, DC, and its commercial zone, on the one hand, and, on the other, points in theU.S. (except AK and HI).

Volume No. OP4–06

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 105457 (Sub-105), filed December 28, 1981. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant), (704) 373–1933. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 126717 (Sub-16), filed December 29, 1981. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 E. Franklin St., Evansville, IN 47711. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639–4511. Transporting *self-propelled drilling rigs and self-propelled well servicing equipment,* between points in Wichita and Clay Counties, TX, and Vanderburgh County, IN, on the one hand, and, on the other, points in the U.S.

MC 128117 (Sub-46), filed December 22, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting *canned goods,* between points in West Feliciana and Avoyelles Parishes, LA, on the one hand, and, on the other, points in AL, GA, NC, PA, TN, VA, SC, and WV.

MC 128837 (Sub-43), filed December 28, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Keystone Consolidated Industries, Incorporated, of Peoria, IL.

MC 128837 (Sub-44), filed December 28, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 226, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *electrical appliances,* electronic equipment, between points in the U.S.

MC 128927 (Sub-12), filed December 21, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *spirits and wines,* between points in MN and WI, on the one hand, and, on the other, points in FL, IL, IN, KY, MI, MN, MO, OH, and TN.

MC 145917 (Sub-3), filed December 31, 1981. Applicant: STALLMAN TRUCKING, INC., 1114 Brookwood St., Bensenville, IL 60106. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting *such commodities* as are dealt in or used by scrap paper dealers or brokers, between points in IL, IN, IA, MI, OH, and WI.

MC 146067 (Sub-3), filed December 30, 1981. Applicant: CALIFORNIA WASHINGTON EXPRESS, 3554 McReynolds Ave., Modesto, CA 95355. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *plastic and plastic products,* (2) *doors and door sections,* (3) *canned goods,* (4) *dairy equipment,* (5) *tires,* (6) *potting soil, wood chips, fertilizers,* and (7) *such commodities* as are dealt in or used by grocery and department store chains, between points in the U.S., under continuing contract(s) with Jupiter Engineering, Inc., of Menlo Park, CA, Overhead Door Corp., of California, of Rancho Cordova, CA, Tri Valley Growers, of San Francisco, CA, Airle Manufacturing Co., Inc., of Modesto, CA, Prowler Hub Services, of Riverbank, CA, Black Magic Products, of Sacramento, CA, The Price Co., of San Diego, CA, and Seattle, Inc., of Seattle, WA.

MC 147547 (Sub-23), filed December 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Floor, 501 Union Bldg., Nashville, TN 37219, (615) 255–0540. Transporting *floor coverings and wall coverings,* between Long Beach, CA, and points in Orange County, NY and Lehigh County, PA, on the one hand, and, on the other, points in the U.S.

MC 147547 (Sub-24), filed December 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Floor, 501 Union Bldg., Nashville, TN 37219, (615) 255–0540. Transporting *general commodities,* (except classes A and B explosives and household goods), between points in AL, MS, GA, and TN, on the one hand, and, on the other, points in the U.S.

MC 148107 (Sub-9), filed December 22, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald E. Mercier (same address as applicant), (512) 223–1859. Transporting *batteries,* between points in TX, on the one hand, and, on the other, points in NM, AZ, CA, AR, TN, MS, IL, IN, KY, AL, GA, and LA.

MC 150187 (Sub-5), filed December 21, 1981. Applicant: D & L TRUCKING SERVICE, INC., 1419 S. Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety and department stores (except commodities in bulk), between the facilities of the Clorox Company and its wholly owned subsidiaries and contract packers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 159887, filed December 29, 1981. Applicant: JEWELCOR TRAVEL SERVICES, INC., Gateway Shopping Center, Edwardsville, PA 18704. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. To operate as a *broker,* at Luzerne, Lehigh, Lackawanna and Lycoming Counties, PA, in arranging for the transportation of *passengers and their baggage,* between points in PA, on the one hand, and, on the other, points in the U.S.

MC 154937 (Sub-1), filed December 29, 1981. Applicant: COLLEY & COMPANY, INC., 123 E. Grant St., Pauls Valley, OK 73075. Representative: Michael H. Lennox, 531 N. Portland Ave., P.O. Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *iron and steel articles,* between points in AR, CO, IL, IN, KS, LA, MN, MO, NE, NY, OH, OK, SC, TN, and TX.

Volume No. OP4–08

Decided: January 8, 1982.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 7156 (Sub-10), filed December 28, 1981. Applicant: WILLIAMS TRANSFER CO., 2995 Pairie Road, Eugene, OR 97402. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *household goods*, between points in OR, WA, CA, NM, ID, AZ, TX and NV.

MC 77066 (Sub-17), filed December 29, 1981. Applicant: LEWIS BROS. STAGES, INC., 549 W. 5th S., Salt Lake City, UT 84101. Representative: Irene Warr, 311 S. State Street, Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *passengers and their baggage*, in special and charter operations, between points in UT, AZ, MN, CO, NV, ID, and WY.

MC 74416 (Sub-34), filed December 29, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296–3555. Transporting *building materials, pulp, paper and related products, and chemicals and related products*, between the facilities of Georgia-Pacific Corporation at points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX.

MC 83726 (Sub-5), filed December 28, 1981. Applicant: JOSEPH C. LAVOIE, d.b.a. Lavoie Trucking, 50 Ident Road, P.O. Box 161, S. Windsor, CT 06074. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *building materials* between points in CT, MA, Albany, Broome, and Warren Counties, NY, Somerset and Burlington Counties, NJ, Berks, Beaver, Northumberland, McKean, Jefferson, Clearfield, and Adams Counties, PA, Androscoggin and Kennebec Counties, ME, Strafford and Rockingham Counties, NH, Stark, Tuscarawas, Huron and Wayen Counties, OH and Bfaltimore, MD, on the one hand, and, on the other, points in CT, MA, RI, ME, NH, VT, PA, NY, and NJ.

MC 105016 (Sub-15), filed December 29, 1981. Applicant: PELLISSIER TRUCKING, INC., 1002 Hosteler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting (1) *Metal products*, between points in OR and WA, on the one hand, and, on the other, points in NV, MT, UT, CA, OR, and WA, (2) *wood products*, between points in OR and WA, on the one hand, and, on the other, points in UT, NV, MT and CA, and (3) *malt beverages*, between points in CA and OR.

MC 110616 (Sub-5), filed December 28, 1981. Applicant: CHARTER COACHES, INC., 144 32nd St., Dr. Southeast, Cedar Rapids, IA 51403. Representative: Thomas Fleckenstein (same address as applicant), (319) 366–1835. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in IA, and extending to points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 2410.

MC 157626, filed November 17, 1981, previously noticed in the **Federal Register** issue of December 7, 1981, and republished this issue. Applicant: FREIGHT FORWARDER TRANSPORT, INC., 5150 Brighton, Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Acem Fast Freight, Inc., of Los Angeles, CA, and Freight Forwarder, Inc., of Denver, CO. Condition: A grant of authority is condition upon the receipt from applicant of an explanation why the proposed operations are not prescribed by 49 U.S.C. 11323, which limits the ownership and control of other carriers by freight forwarders.

Note.—The purpose of this republication is to impose the above "Condition".

MC159876, filed December 21, 1981. Applicant: K–K JR. TRUCKING, INC., 14266 Catalina St., San Leandro, CA 94577. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro CA 94579, (415) 357–6236. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC159886, filed December 29, 1981. Applicant: DONALD R. BLACKMON, 12610 SE 172nd, Boring, OR 97009. Representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, between Portland, OR, on the one hand, and, on the other, Seattle, WA and points in CA.

Volume No. OP5–05

Decided: January 7, 1982.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 49849 (Sub-3), filed December 24, 1981. Applicant: TRI–BOROUGH TRANSPORTATION CORP., 68 Kent Ave., Brooklyn, NY 11211. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, (212) 755–9400. Transporting *flour*, in bulk, between points in the U.S., under continuing contract(s) with Modern Maid Food Products, Inc., of Jamaica, NY.

MC 65658 (Sub-7), filed December 28, 1981. Applicant: H. E. WAMSLEY TRUCKING, INC., 16600 Jefferson Davis Hwy., Colonial Heights, VA 23834. Representative: Donald M. Schubert, P.O. Box 5010, Richmond, VA 23220, 804–649–7591. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Bethlehem Steel Corporation of Bethlehem, PA.

MC 119798 (Sub-12), filed December 28, 1981. Applicant: CANTRELL MOTOR LINES, INC., 926 Pennsylvania Ave., P.O. Box 3443, Charleston, WV 25334. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, 304–562–3460. Transporting *general commodities* (except classes A and B explosives), between Charleston, WV on the one hand, and, on the other, points in KY, OH, VA and WV.

MC 126159 (Sub-12), filed December 14, 1981. Applicant: APACHE EXPRESS, LTD., P.O. Box 341, Lannon, WI 53046. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *salt and salt products*, between points in WI on the one hand, and, on the other, Chicago, IL, Duluth, MN, Dubuque, IA, and points in Porter County, IN.

MC 129219 (Sub-33), filed December 23, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214, (503) 239–4157. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Pacific Paperboard Products, Inc., of Portland, OR.

MC 133259 (Sub-8), filed December 21, 1981. Applicant: ALLIED FREIGHT SYSTEMS, INC., Griswold Industrial Park, Williston, VT 05495. Representative: David M. Marshall, 101 State St., Springfield, MA 01103, (413)

732–1136. Transporting *such commodities* as are dealt in by a manufacturer of paper and paper products, photocopying equipment and supplies, specialty merchandise and promotional items, and film and film products, between points in the U.S., under continuing contract(s) with Saxon Industries, Inc., of New York, NY.

MC 139248 (Sub-2), filed December 24, 1981. Applicant: BSP TRANS., INC., Richardson Rd., Hillis, NH 03051. Representative: T. J. O'Loughlin, Jr., 18 Baker St., Hudson, NH 03051, 603–882–0880. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Hillsborough and Rockingham Counties, NH and Middlesex and Suffolk Counties, MA on the one hand, and, on the other, points in Androscoggin, Cumberland, Oxford and York Counties, ME; MA (except Berkshire County); NH, RI and VT.

MC 139579 (Sub-14), filed December 28, 1981. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580, (716) 265–9510. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Corson Manufacturing Co., of Lockport, NY.

MC 139858 (Sub-45), filed December 28, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. under continuing contract(s) with Lazarus Department Stores, a Division of Federated Department Stores, Inc. of Columbus, OH.

MC 141318 (Sub-15), filed December 21, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1541. Transporting *building materials* between Chicago, IL, and Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 144969 (Sub-43), filed December 29, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park Rd., Pennsville, NJ 08070. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., P.O. Box 269, Millville, NJ 08332, 609–825–1400 Ext 2414. Transporting *general commodities* (except classes A and B explosives), between points in CA, CT, DE, FL, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WI, WV and DC.

MC 145058 (Sub-4), filed December 28, 1981. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., P.O. Box 16707, Greensboro, NC 27460. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, 202–457–1124. Transporting *textile mill products,* and *printed matter,* between points in the U.S. under continuing contract(s) with J. P. Stevens & Co., Inc. of Greensboro, NC; Foote & Davies, Inc. and Stevens Graphics, Inc. both of Atlanta, GA.

MC 145058 (Sub-5), filed December 28, 1981. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., P.O. Box 16707, Greensboro, NC 27460. Representative: Michael F. Marrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the U.S., under continuing contract(s) with Burlington Industries, Inc., of Burlington, NC.

MC 146248 (Sub-3), filed December 29, 1981. Applicant: QUALITY HAULERS, INC., 606 Hild St., Jefferson City, MO 65101. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting (1) *glass, glass products, and fiberboard boxes,* under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH, and (2) *recyclable materials,* under continuing contract(s) with Civic Recycling, Inc., of Columbia, MO, between points in the U.S.

MC 146328 (Sub-4), filed December 28, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IN, KY, MI, NY, PA, and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-968 Filed 1-13-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 82)]

Rail Carriers; Seaboard Coast Line Railroad Co., Exemption for Contract Tariff ICC-SCL-C-0014

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) filed a petition on December 31, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff ICC–SCL–C–0014 to become effective on one day's notice. The tariff was filed with the Commission on December 28, 1982. The contract involves the storage of surplus pulpboard box cars for a period up to six months. The box cars are owned or leased by SCL or the Family Lines Rail System, one of SCL's affiliated railroads.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

Since shipper lacks convenient storage space, it has had to store pulpboard in other cities, which resulted in extensive damage claims. The contract provides that the shipper will load the box cars with its own equipment. The box cars will remain in the SCL yard which should significantly reduce shipper's transportation expenses for storage, and the number of damage claims. The carrier also will benefit from the utilization of idle box cars and additional income generated. Since shipper must begin storage of pulpboard early in January, demurrage will rapidly accrue unless the exemption is granted. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

SCL's contract tariff may become effective on one day's notice. We will apply the following conditions which

have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: January 7, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-966 Filed 1-13-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL SCIENCE FOUNDATION

10-Meter, Submillimeter and Millimeter Wave Telescope Project Preparation of Environmental Impact Statement and Scoping Notice

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969 and the Council on Environmental Quality Regulations of 1978 (40 CFR Parts 1500-1508), the National Science Foundation will prepare a Draft Environmental Impact Statement (DEIS) on the proposed Mauna Kea, Hawaii, site for the California Institute of Technology 10-meter, submillimeter and millimeter wave telescope.

Intent To Prepare an Environmental Impact Statement

This proposed project envisions the installation of an existing 10-meter diameter submillimeter and millimeter wave telescope in a 60-foot diameter dome to be constructed in the Mauna Kea Science Reserve on the island of Hawaii. This site was chosen for its altitude, atmospheric characteristics and geographic location that all contribute to making Mauna Kea an exceptional site for astronomical observation. The schedule for installation is dependent on available funding; however, construction and installation of the dome and telescope as proposed would begin in 1982 or early 1983, with operations beginning in 1985.

Possible alternatives to the proposed action are: no action; alternative site; or alternative site at the Mauna Kea summit.

The National Science Foundation is acting as a joint lead agency (see 40 CFR 1501.5 and 1506.2) with the State of Hawaii for the purposes of the environmental review of this project. The University of Hawaii has been designated as the responsible State agency. An Environmental Impact Assessment (EIA) was prepared from which it was determined that preparation of an EIS is necessary. Copies of the EIA are available from: University of Hawaii, Vice President for Administration, 2444 Dole Street, Honolulu, Hawaii 96882, Attention: Walter Muraoka.

Scoping Process

Pursuant to 40 CFR 1501.7, the National Science Foundation invites the participation of affected Federal, State, and local agencies and of private organizations and individuals in the scoping process for the proposed 10-meter, submillimeter and millimeter wave telescope on Mauna Kea, Hawaii. If any organization or individual wishes to suggest issues to be considered in the preparation of the EIS for this project, please send comments to: University of Hawaii, Vice President for Administration, 2444 Dole Street, Honolulu, Hawaii 96822, Attention: Walter Muraoka, by February 12, 1982.

For the National Science Foundation.

Albert Bridgewater,

Acting Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.

[FR Doc. 82-934 Filed 1-13-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Recommendations, Responses; Availability

- **Safety Recommendations to—**

Federal Aviation Administration (Jan. 5) A-81-161: Issue General Aviation Airworthiness Alert to follow overhaul engine manual procedures in masking machined bosses when crankcase areas are painted. *(Jan. 5) A-81-162:* Require instrument/multiengine rating holders to demonstrate ability to operate multiengine aircraft by flight instruments only as a prerequisite to instrument rating in multiengine aircraft.

U.S. Coast Guard (Dec. 31) M-81-91: Improve working relationship with Mexican authorities for timely entry of USCG rescue aircraft into Mexican territory when U.S. boating accidents occur in Mexican waters. *(Dec. 29) M-81-93 and -94:* Develop and promulgate guidelines for U.S.-flag tankships entering idle or layup status similar to those in Marine Safety Manual (CG-495) for foreign-flag vessels; review approved plans of modified tankships to permit retention of engineroom bilge water, investigate unsafe practices and promulgate safe guidelines.

USCG and National Association of State Boating Administrators (Dec. 29) M-81-90: Inform State child care authorities re boating programs.

Vision Quest National, Ltd. (Dec. 29) M-81-87 through -89: Comply with USCG regulations for small passenger vessels, 46 CFR Subchapter T, carrying more than six passengers; provide adequate number of USCG licensed operators when carrying passengers; require visual contact at all times between boats in programs similar to Ocean Quest.

Victory Carriers, Inc. (Dec. 29) M-81-92: Develop written instructions and safety precautions for transfer of bilge water from engineering spaces to cargo tanks.

New York City Transit Authority (Dec. 30) R-81-103 through -115: Establish a systemwide program of initial and recurrent training for repair and maintenance personnel; provide for more frequent scheduled car maintenance; increase maintenance surveillance and quality assurance of subway car inspections; in "hands on" training, assign top priority to motormen and conductors; train motormen and conductors in immediate evacuation of passengers; provide at conspicuous places in all subway cars instructions for passengers on what to do in an emergency; provide fire extinguishers at each motorman and conductor position; prohibit introduction of untried or untested equipment into passenger service; clarify to Command Center notification of fire department *immediately* when fire is detected; prevent dispatch or operation of passenger train in fire and smoke areas; relocate main airbrake line of subway cars away from motor control group to reduce possibility of rupture; modify air lines to prevent unrestricted flow of air if ruptured; revise NYCTA automated management information system.

Governor, State of New York (Dec. 30) R-81-116: Authorize independent agency to oversee and regulate safety of NYCTA.

Secretary, U.S. Department of Transportation (Dec. 30) R-81-117: Amend Section 107, National Mass Transportation Assistance Act of 1974, to authorize investigation of any mass transit accident or condition affecting passenger safety.

Urban Mass Transportation Administration (Dec. 30) R-81-118: Establish procedures to monitor, evaluate, and assure that approved plans to correct unsafe conditions are carried out by transit authorities.

• **Recommendation Responses From—**

National Oceanic and Atmospheric Administration (Dec. 3) A–80–139 and –140: Will soon complete review of operational guidelines of Center Weather Service Units governing issuance of Center Weather Advisories to update or supplement convective SIGMET's; NOAA area managers will meet with local FAA personnel to review exchange of weather intelligence between agencies.

National Safety Council (Dec. 4) H–81–79: Has support of two hazardous materials transportation associations in expanding Operation Lifesaver to include hazardous grade crossing accident problems.

Note.—Single copies of recommendation letters and responses are free on written request, identified by recommendation number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Margaret L. Fisher,

Federal Register Liaison Officer.

January 8, 1982.

[FR Doc. 82-957 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Electrical Systems and Emergency Core Cooling Systems; Meeting Cancellation

The ACRS Subcommittees on Electrical Systems and Emergency Core Cooling Systems scheduled to meet January 23, 1982, at the Holiday Inn Convention Center, Los Angeles, CA has been cancelled indefinitely. Notice of this meeting was published Tuesday, December 29, 1981, 46 FR 62988.

Dated: January 7, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-988 Filed 1-13-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18398]

National Association of Securities Dealers, Inc.; Receipt of Application for Exemption

January 7, 1982.

Notice is hereby given that the National Association of Securities Dealers ("NASD") has applied, pursuant to paragraph (d) of Rule 11Ac–1 ("Rule") under the Securities and Exchange Act of 1934 (the "Act"), for exemptions from certain requirements of that Rule.

Upon the effectiveness of designation of certain over-the-counter securities as National Market System ("NMS") securities pursuant to Rule 11Aa2–1 under the Act, as amended, those securities will become reported securities, as the term is defined in Rule 11Ac–1(a)(6).[1] Therefore, on March 1, 1982, NMS securities will be subject to the quotation reporting and dissemination requirements contained in Rule 11Ac–1.[2] One of those requirements, contained in Rule 11Ac–1(b)(1) under the Act, requires the NASD to make available to vendors of securities information the bid, ask, and quotation size of each market maker in a reported security.

The NASD has applied to the Commission for two permanent exemptions and one temporary exemption from this requirement. First, the NASD requests an exemption from making available quotations and size for each market maker in an NMS security. The NASD states that such information is equivalent to the quotation montage contained in NASDAQ level II service and has been offered to vendors in the past. The NASD continues that while no vendor has requested access to this information, the NASD shortly will renew its offer to make this information available. Thus, the NASD requests an exemption from this requirement until such time as a vendor has requested this data, a suitable agreement with the vendor is negotiated, appropriate charges are established and the NASDAQ system is modified accordingly.

Second, the NASD requests an exemption which would premit the NASD, with respect to NASDAQ Level I service[3] for NMS securities, to delete specific market maker identifiers associated with the quotations disseminated to the vendors.[4] The NASD believes that the identification of market makers in NASDAQ Level I service "may tend to encourage retail customers to attempt to execute transactions directly with the identified market makers under a mistaken impression that a better execution is available from that market maker." The NASD did indicate, however, that aggregate CAES quotations displayed in the inside quote would be identified generically as originating from CAES.[5]

Third, the NASD requests a temporary exemption with respect to making available the size of the inside quote for NASDAQ Level I service. The NASD indicates that due to significant pressures associated with its other technical enhancements to its NASDAQ system, the NASD will need an additional six months after the start-up of Tier I under Rule 11Aa2–1 before it will be able to make available quotation size for NMS designated securities. The NASD states, however, that size will be included in NASDAQ Level II/III service at the start-up of Tier I.

In order to assist the Commission in evaluating the NASD's exemption request, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before February 4, 1982. The NASD's application will be available for public inspection in the Commission's public reference room. All commentators should refer to File No. S7–787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-989 Filed 1-13-82; 8:45 am]

BILLING CODE 8010-01-M

---

[1] The Commission today amended Rule 11Aa2–1 under the Act to, among other things, defer the application of rule 11Ac–1 to NMS securities until March 1, 1982. For further information regarding the effects of designation of NMS securities, see Securities Exchange Act Release No. 18397 (January 7, 1982).

[2] As reported securities, NMS securities also will be subject to the Commission's vendor display rule, rule 11Ac1–2, and last sale reporting rule, Rule 11Aa3–1.

[3] Level I service currently makes available the best bid and offer ("BBO") with respect to each security quoted in the NASDAQ system.

[4] The NASD will make available the quotation size for the BBO. However, the NASD indicates that it would permit NMS designated securities to trade in its Computer Assisted Execution system ("CAES") and that CAES will be available to all market makers in those securities. As a result, the NASD states that when a CAES quotation is displayed as the inside quote, that quotation would represent the aggregate size of all market makers quoting the best bid or best offer in CAES.

[5] The NASD notes that, should it receive its requested exemption from the commission, vendors of securities information would require an exemption from rule 11Ac–2(c)(2) under the Act. That rule requires vendors to display a BBO which includes identifiers of the market makers making available the best bid and offer. The NASD, however, pursuant to the above discussed exemptions, would not be making identifiers available to vendors. In addition, because the NASD will be aggregating CAES quotes, those quotes will not represent individual market makers as required by the rule. Therefore, should the Commission grant the NASD its requested exemptions, the Commission invites all affected vendors to apply for an appropriate exemption from Rule 11Ac–2(c)(2) under the Act.

[Rel. No. 18399; File No. S7-787]

Order Approving Proposed Designation Plan for National Market System Securities and Notice of Effectiveness of an Amendment to That Plan

January 7, 1982.

On July 24, 1981, pursuant to Rule 11Aa2-1 [1] under the Securities Exchange Act of 1934 (the "Act"), the National Association of Securities Dealers ("NASD") filed with the Commission its proposed "National Market System Securities Securities Designation Plan With Respect to NASDAQ Securites" ("Designation Plan"). Generally, the Designation Plan provides (i) procedures for the designation of national market system securities; (ii) procedures for determining substantial compliance with the criteria established in the Rule; (iii) maintenance criteria for national market system securities; (iv) procedures and criteria for terminating or suspending the designation of securities; and (v) procedures for publication of lists of designated securities.

Notice of the proposed Designation Plan was given by issuance of a Commission release [2] and by publication in the **Federal Register.** [3] One comment was received. [4] The Commission has determined that the NASD has proposed acceptable procedures for the designation of national market system securities [5] and, having due regard for the purposes of the Act, including the public interest, the protection of investors, the maintenance of fair and orderly markets, and the need to remove impediments to, and perfect the mechanisms of, a national market system, has declared the Designation Plan effective as of the date of this release. [6]

In addition, the NASD, on July 31, 1981, filed an amendment to the Designation Plan to provide a procedure by which issuers of securities subject to mandatory designation may make certain limited appeals to the NASD concerning the NASD's numerical calculations in determining that the issuer's securities are subject to mandatroy designation. Generally, the procedure allows an issuer 15 days to appeal the NASD's decision, and, in the event of an appeal, will stay the effectiveness of the designation decision for 10 days. Pursuant to the Rule, because the NASD has designated that the amendment is concerned solely with the administration of the Designation Plan, this amendment will become effective on publication of notice of the amendment. The Commission, however, may summarily abrogate the amendment within 60 days of the date of publication of notice of the amendment, if it appears that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment, interested persons are invited to submit their views to Geroge A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 4, 1982. The amendment will be available for public inspection in the Commission's public reference room. All commentators should refer to File No. S7-787.

In accordance with the above, it is ordered, pursuant to Section 11A of the Act, that the NASD's "National Market System Securities Designation Plan With Respect to NASDAQ Securities" be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-990 Filed 1-13-82; 8:45 am]

BILLING CODE 8010-01-M

[1] 17 CFR 240.11A2.1 ("Rule").

[2] Securities Exchange Act Release No. 18133 (October 1, 1981).

[3] 46 FR 50451 (October 13, 1981).

[4] Letter dated November 16, 1981 from Richard O. Scribner, Executive Vice President, American Stock Exchange, Inc. ("Amex"), to George A. Fitzsimmons, Secretary, Commission.

[5] The NASD, in its recent comments on proposed amendments to the Rule, (letter dated November 27, 1981, from S. William Broka, Secretary, NASD, to Douglas Scarff, Director, Division of Market Regulation, *see* Securities Exchange Act Release No. 18397 (January 7, 1982)), indicated that it planned to propose amendments to the Designation Plan to allow for the phasing-in of the designation of securities eligible for voluntary designation. As indicated in Release No. 18397, the Commission views such phasing-in with favor, and expects to process such amendments expeditiously upon submission by the NASD.

[6] In its comment letter, the Amex questioned the proposed procedures which would allow issuers, in certain circumstances, to terminate voluntarily their company's designation withour any requirement that such issuers trake action to protect shareholders, who the Amex believes may be affected adversely by such termination. While the Commission is sympathetic to the Amex's concerns, the Commission has adopted the general view that issuers of securities subject to voluntary designation are in the best position to make determinations concerning the designation of their securities. *see* Securities Exchange Act Release No. 18397 (January 7, 1982). The Commission believes that, in making such determinations, issuers will abide by their general duty to act only in furtherance of proper corporate purposes. *See* United Funds, Inc. v. Carter Products, Inc., [1963] FED. SEC. L. (CCH) ¶ 91,288 (Md. Baltimore, Civ. Ct., 1963).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace System Plan

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration has completed an intensive review of the National Airspace System and chartered a comprehensive plan for modernizing and improving air traffic control and airway facilities services from now to the year 2000.

The National Airspace System Plan addresses the compelling problems of how best to safely and expeditiously accommodate spiraling demand for aviation services, constrain costs, recast the required technical framework, and deal with aging facilities.

The plan delineates specific improvements to facilities and equipment, and supporting research and development, associated with the National Airspace System. Particular emphasis focuses on en route and terminal air traffic control, flight service stations and weather services, ground-to-air services, interfacility communications, and auxiliary services; such as, airway facilities maintenance and flight inspection of navigational aids.

Due to limited space available, firms are requested to restrict their representation to one or two individuals.

DATE: firms interested in the National Airspace System Plan are invited to attend a briefing session on Janaury 28, 1982.

ADDRESS: DOT/Federal Aviation Administration, Third Floor Auditorium, 800 Independence Avenue, S.W., Washington, D.C. The briefing will commence at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Charles A. Murchison, Assistant Administrator for Public Affairs, 426-3883.

Charles A. Murchison,

Assistant Administrator for Public Affairs.

[FR Doc. 82-562 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Vanderburgh County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed Section of I–164 from S.R. 66 just west of the Warrick-Vanderburgh County Line, south and west to U.S. 41 and Southlane Drive on the south side of Evansville in Vanderburgh County.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Breitwieser, Staff Environemtalist, Federal Highway Administration, Federal Office Building, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317–269–7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Highways, will prepare an environmental impact statement (EIS) on a proposal to construct I–164 from S.R. 66 just west of the Warrick-Vanderburgh County Line, south and west to U.S. 41 and Southlane Drive on the south side of Evansville. The I–164 extension will be a four-lane freeway-type facility with possible interchanges at U.S. 41, Boeke Road, Green River Road, Covert Avenue and S.R. 66. Also, each interstate alternative may possibly require 4 grade separations at various locations. The number of street closings vary from five to ten depending on the alternative selected. Total proposed project length is approximately 7.50 miles.

The existing transportation system cannot efficiently accommodate the existing and forecasted traffic volumes. The proposed I–164 must be built or the existing transportation network must be improved to provide sufficient capacity for existing and future travel demands.

The following alternatives are being considered: (1) Do-Nothing; (2) Constructing a four-lane, interstate facility on a new location; and (3) Transportation System Management Alternatives.

The project has been coordinated with the following: U.S. National Park Service, Indiana Department of Natural Resources, U.S. Fish and Wildlife Service, Glenn A. Black Laboratory of Archaeology, Department of Anthropology of Ball State University, U.S. Soil Conservation Service, Indiana Aeronautics Commission, Indiana Geological Survey, Water Pollution Control Division State Board of Health, Wayne-Hoosier National Forest, U.S. Corps of Engineers, Evansville E.P.A., Evansville City Parks Department, Evansville Board of Public Works, Evansville-Vanderburgh School Corporation, Evansville Dress Memorial Airport, Warrick County Commissioners, Vanderburgh County Commissioners, Evansville Department of Metropolitan Development, Evansville Historic Preservation Office, Evansville-Vanderburgh Area Plan Commission, Evansville Urban Transportation Study, Evansville Levee Authority, Warrick County Area Plan Commission, Metropolitan Evansville Transit System, Southwestern Indiana and Kentucky Regional Council of Governments, and Evansville Redevelopment Commission. Public information meetings were held on November 17, 18 and 19, 1981. Also, a presentation was made for the elected area officials at the December 9, 1981 Evansville Urban Transportation Study Policy Committee meeting.

In addition, the opportunity for a public hearing will be advertised. Public notice will be given of the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. At this point in the planning process, it is not expected that a formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments and/or questions should direct them to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: January 7, 1982.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 82–928 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Boston, Massachusetts

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Frank Bracaglia, Staff Specialist for Environment, Federal Highway Administration, 31 St. James Avenue, Room 211, Boston, Massachusetts, 02116. Telephone: (617) 223–2875.

SUPPLEMENTARY INFORMATION: The proposed action involves the construction of a four-lane toll tunnel in the Fort Point Channel across the Boston Inner Harbor to East Boston, a distance of approximately 2.5 miles. There will be access from the Southeast Expressway (I–93) and the Massachusetts Turnpike (I–90) in Boston and tunneled connections to Airport Road and Route 1A in East Boston. The proposed project will divert traffic from the Sumner and Callahan Tunnels and the Central Artery (I–93) and relieve present rush hour traffic congestion.

There are five alternatives under consideration. Alternative I is the no-build alternative. Alternative II is a northbound tunnel in the Fort Point Channel which connects to the Central Artery and a two-way tunnel that crosses the harbor, follows a nearly abandoned railroad right-of-way and emerges in East Boston. This alignment across the harbor is called the railroad alignment. Alternative II also involves improvements to the Central Artery Dewey Square Tunnel to serve southbound traffic.

Alternative III is a northbound tunnel in the Fort Point Channel which connects to the Central Artery and a two-way tunnel that crosses the harbor diagonally and emerges either on or adjacent to Bird Island Flats (Logan Airport property) in East Boston. This alignment across the harbor is called the airport alignment. Alternative III also includes improvements to Dewey Square Tunnel.

Alternative IV is a two-way tunnel in the Fort Point Channel which connects to a two-way tunnel on the railroad alignment. Alternative V is a two-way tunnel in the Fort Point Channel which connects to a two-way tunnel on the airport alignment.

Two formal scoping meetings have been scheduled for January 28, 1982. One meeting will be held at 1:30 p.m. at the McCormack Building, One Ashburton Place, 27th Floor, Room 7, in Boston. The other meeting will also take place in Boston at 7:30 p.m. at the New England Aquarium, Long Wharf.

All appropriate Federal, State, and local agencies and private organizations and citizens who express interest in this proposal will be kept informed of the progress of the environmental impact study throughout the preparation process.

The Draft Environmental Impact Statement will be available for public

and agency review and comment. In addition, a public hearing will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the environmental impact statement should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 7, 1982.

P. Robinson,

Transportation Planner, Boston, Massachusetts.

[FR Doc. 82-927 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Lansing, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed completion of Edgewood Boulevard in the City of Lansing, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas A. Fort, Jr., District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone: (FTS) 374-1879 or (Commercial) (517) 377-1879 or Mr. Kunwar Rajendra, Chairman, Mayors Transportation Advisory Committee, Planning Department, City of Lansing, 119 North Washington Square, Lansing, Michigan 48933, Telephone: (517) 487-1400.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the City of Lansing and Michigan Department of Transportation is preparing an Environmental Impact Statement (EIS) for the proposed completion of Edgewood Boulevard in the City of Lansing, Michigan. The proposed project is approximately 2 miles in length and will provide a through east-west connection between Logan and Cedar Streets in south Lansing. The proposed project is needed to accommodate current and anticipated east-west through travel between Logan and Cedar Streets and relieve congestion, noise and safety problems currently being experienced on Miller Road, a residential street and only other through east-west route in this area. The proposed project will also provide access to approximately 200 acres of developable land in the vicinity of the project. Plans for completing Edgewood Boulevard have been under study since 1958 and included in subdivision plats since 1964. Two segments of Edgewood Boulevard have previously been built in conjunction with existing subdivision development in the area. The proposed project was included as a revision to the City's 1974 comprehensive plan and is presently in the approved 1981 comprehensive plan.

A final Negative Declaration was previously approved in 1978 for the proposed completion of Edgewood Boulevard. Citizens living along portions of the proposed boulevard, however, were concerned about the project's impact on their neighborhood and sought relief in the Federal District Court. In July 1980 the court issued a preliminary injunction restraining the City and other defendants from taking further action or otherwise proceeding with the project pending the preparation and issuance of an EIS.

Alternatives presently under consideration include: (1) Taking no action; (2) alternative modes of travel; (3) low capital investment alternatives; and (4) two location alternates with varying cross-section design concepts. One of the location alternatives is along the previously selected alignment addressed in the final Negative Declaration. The other location alternative being considered will require the use of land from Georgetown Park, a section 4(f) property. A section 4(f) evaluation will be included in the EIS.

Coordination with a number of Federal, State and local agencies to date, as well as the Court Order issued in 1980 have identified the more significant issues to be addressed in the EIS. Accordingly, no scoping meeting is planned at this time. A scoping document has been prepared identifying the alternatives and issues involved. All will have varying degrees of transportation, social, economic and environmental effects. The scoping document is available to all interested agencies, organizations and individuals on request. A public meeting will be held in the near future. Comments and suggestions on the scoping document and the issues identified are invited from all interested parties and should be submitted to the above contact persons by February 23, 1982.

The draft EIS is scheduled for completion in early 1982 and will be made available for public and agency review and comment.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on January 7, 1982.

John C. Kliethermes,

Acting Division Administrator, Lansing, Michigan.

[FR Doc. 82-926 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On November 27, 1981, there was published in the **Federal Register** (Vol. 46, No. 228), pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, a Notice of Request for Removal, Without Disapproval, from the Roster of Approved Trustees pursuant to the request of Savings Banks Trust Company, with offices at 200 Park Avenue, New York, New York.

Therefore, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, Savings Banks Trust Company is removed from the Roster of Approved Trustees.

This notice shall become effective January 14, 1982.

Dated: January 6, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-688 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-81-M

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On December 14, 1981, there was published in the **Federal Register** (Vol. 46, No. 239), pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, a Notice of Request for Removal, Without Disapproval, from the Roster of Approved Trustees pursuant to the request of Crocker National Bank, with offices at 111 Sutter Street, San Francisco, California.

Therefore, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, Crocker National Bank is removed from the Roster of Approved Trustees.

This notice shall become effective January 14, 1982.

Dated: January 6, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-686 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-81-M

Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, that Bank of Sturgeon Bay, with offices at 215 North Third Avenue, Sturgeon Bay, Wisconsin, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Bank of Sturgeon Bay certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: January 6, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-687 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-81-M

Tuition Fee for Collision Avoidance Radar Training Courses, Change of Procedures

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: This notice sets forth revised tuition fees that are assessed for the "Collision Avoidance Radar Courses" offered at the Maritime Administration Radar Training Centers.

EFFECTIVE DATE: These revised tuition fees are effective with enrollments on and after February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Friedberg, Director, Office of Maritime Labor Training, MAR 250, Room 7302, U.S. Department of Transportation, Maritime Administration, 400 7th Street, SW., Washington, DC 20590, Phone: (202) 426-5755.

SUPPLEMENTARY INFORMATION: The tuition fees that are assessed for the Collision Avoidance Radar courses offered at the Maritime Administration Radar Training Centers were last changed effective July 1, 1975, as published in the Federal Register May 22, 1975 (40 FR 22288). The costs of conducting these courses have risen and necessitate increases in the tuition fees. Accordingly, beginning February 1, 1982, the tuition fees that are assessed for the Collision Avoidance Radar courses offered at the Maritime Administration Radar Training Centers will be increased to the following:

8 day course	$240.00
5 day course	150.00
3 day course	90.00
Recertification course	50.00

Payment shall be made to the registrar at the Center attended in the form of a check or money order made payable to "Maritime Administration—Transportation" in the amount of the fee assessed for the course selected. Such receipts shall be deposited in an appropriate account as general receipts of the Treasury of the United States.

(Catalog of Federal Domestic Assistance No. 20.810, Supplementary Training)

Dated: December 31, 1981.

By order of the Administrator, Maritime Administration.

Robert J. Patton, Jr.,

Secretary, Maritime Administration.

[FR Doc. 82-689 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. EX82-1; Notice 1]

Anden Holdings Ltd.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Classic Cars of London, Ontario, Canada, a division of Anden Holdings Limited ("Anden" herein), has petitioned for temporary exemption of its Auburn Speedster replica from two Federal motor vehicle safety standards. The basis of the petition is that compliance would cause substantial economic hardship.

Notice or receipt of the petition is published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Anden intends to produce a replica of the 1935 Auburn boat tail speedster, and had manufactured only eight such vehicles as of the end of August 1981. The basis of the vehicle is a full size passenger car manufactured by General Motors from which the body has been removed and the Auburn body installed. Petitioner therefore believes that the vehicle will comply with all applicable Federal motor vehicle safety standards with two exceptions, the requirement in Standard No. 201 that sun visors be provided, and minimum areas specified in Standard No. 104 for windshield wiping. The two exemptions are requested for 3 years.

With respect to Standard No. 201, the configuration of the open vehicle is such that there is no header above the windshield and therefore it is physically impossible to install sun visors. As for Standard No. 104, the replication of the narrow two-piece windshield of the 1935 Auburn means that current standards cannot be met. Federal requirements establish three areas of visibility which must be cleared by wipers. The most critical of them, Area C, must be 99% cleared, Area B, 94%, and Area A, 80%. The Auburn's system clears only 48.6%, 53.7%, and 48%, respectively. However, overall, it wipes a 15% greater area than the system provided on the original 1935 Auburn. Anden has calculated its percentages for vehicles whose overall width is 68 inches or more, although the body width at the cowl where the windshield is mounted is 47 inches. The windshield itself is only 41 inches wide. The company concluded that it was undesirable to mount a wiper motor above the windshield because of the potential safety hazard. To redesign the vehicle to incorporate a complying wiper system would require a windshield 7 inches greater in depth, and a new top design, both of which would destroy the replica appearance. Retooling costs are estimated at $46,500 with additional costs of $31,000 attributable to delays. In its latest fiscal year ending November 30, 1980, Anden had a net income of $57,000 though it claims that the Classic Cars of London Division had a net loss of $91,000.

Anden argues that an exemption would be in the public interest because several components of the finished car are imported from the United States, and that a dealer network will be established throughout the country. As for the effect on motor vehicle safety, Anden projects that it will sell only 175 cars in the U.S. during the intended 30-month production run, and that the vehicle will be used only occasionally.

Interested persons are invited to submit comments on the petition of Anden Holdings Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after

the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: February 16, 1982.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 7, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–961 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

Contents

	Items
Federal Communications Commission	1
Federal Election Commission	2
Federal Deposit Insurance Corporation	3, 4
Federal Home Loan Bank Board	5
Federal Maritime Commission	6
Federal Reserve System	7
Libraries and Information Science, National Commission	8
Nuclear Regulatory Commission	9
Railroad Retirement Board	10
Securities and Exchange Commission	11

1

FEDERAL COMMUNICATIONS COMMISSION

Rescheduling of an Item Considered at the January 5th, 6th and 7th briefings

The Federal Communications Commission will hold a Closed briefing on the matter listed below on Monday, January 11, 1982 to commence at 1:30 P.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda and Subject

General—Continuation of FY Budget Proposals.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this additional item.

This briefing is closed to the public because it concerns internal personnel rules (See 47 CFR 0.603 (b)).

Additional information concerning this briefing may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–49–82 Filed 1–12–82; 11:14 am]

BILLING CODE 6712–01–M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 19, 1982 at 2:00 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, January 20, 1982 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Continuation of agenda of January 19, 1982; Executive Session, if necessary.

* * * * *

DATE AND TIME: Thursday, January 21, 1982 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1981–54: David H. Stoughton, Fairchild Industries
Draft AO 1981–55: Michael A. Nemeroff, Sidley & Austin
Draft AO 1981–58: Don Edwards, Member of Congress
Revision of Proposed Regulations, Communications by Corporations and Labor Organizations, 11 CFR 114.3 and 114.4
Revision of Proposed Regulations, Collecting Agents and Joint Fundraising, 11 CFR 102.6 and 102.7
Notice of Proposed Rulemaking, Disclaimer Notices, 11 CFR 110.11
Appropriations and budget
Budget Execution Report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S–56–82 Filed 1–12–82; 3:43 pm]

BILLING CODE 6715–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 11, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Boston Five Cents Savings Bank, Boston, Massachusetts, for consent to merge, under its charter and title, with Atlantic Savings Bank, Chelsea, Massachusetts, and for consent to establish the five offices of the latter institution as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,018–L (Amended)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–51–82 Filed 1–12–82; 11:16 am]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 11, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the

Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Applications of The Howard Savings Bank, Newark, New Jersey, for consent to establish two branches at the following locations: the northwest corner of Bay Avenue and Hooper Avenue, Dover Township, New Jersey; and at 78 Allendale Avenue, Borough of Allendale, New Jersey.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-50-82 Filed 1-12-82; 11:15 am]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47, FR 1238, Monday, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, January 14, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting.

Application for General Trust Powers—Citizens Savings, Federal Savings and Loan Association, San Francisco, California

[No. 4, January 12, 1982]

[S-57-82 Filed 1-12-82; 3:50 pm]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., January 20, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Reduced incentive loading rates of South East Alaska Barge Lines, Inc.
2. Agreement No. 6200-22: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to increase its admission fee.
3. Agreement No. 7680-39: Request of American West African Freight Conference for further hearing.
4. Special Docket No. 844: Application of Sea-Land Service, Inc. for the Benefit of Aquatech Marketing Ltd.—Consideration of the record.
5. Special Docket No. 835: Application of South Atlantic and Gulf-Panama and Costa Rica Rate Agreement 10045 Sea-Land Service, Inc. for the Benefit of H.E. Schurig & Co., Inc. as Agent for Polyment United—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary (202) 523-5725.

[S-52-82 Filed 1-12-82; 11:16 am]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, January 20, 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 proviously anounced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 12, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-55-82 Filed 1-12-82; 3:23 pm]

BILLING CODE 6210-01-M

8

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Meeting

TIME: 9:00 a.m.-5:00 p.m.

DATE: Wednesday, January 13, 1982.

PLACE: Washington Hilton Hotel, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

I. Composition of Commission
  (a) New Appointments
  (b) Congressman Paul Simon Hearings
  (c) Senate Actions
II. Funding and Personnel
  (a) Budget Review/Appeal
  (b) System Development Foundation Proposal
  (c) Kellog Foundation (Rural America)
  (d) Personnel Considerations
III. Public/Private Sector—Short-Long-Term Implementation Strategy
IV. International
  (a) UNESCO/PGI
  (b) IFLA Government Information Workshop
  (c) FID
  (d) US/UK
  (e) Need for Commission Committee
  (f) Some Thoughts for August Commission Meeting During IFLA in Montreal, Canada
V. Advising Congress and Executive Branch
  (a) LSCA Oversight Hearings and *Next Steps*
  (b) Office of Management and Budget—Government Information Publications; Public/Private Sector Task Force Review Under Auspices of OMB
VI. Preparation for Next Commission Meeting
  (a) Orientation of New Commissioners
  (b) Planning/Futures Committee Report
  (c) Legislative Activities (See Memorandum from Chairman)
  (d) Task Forces Status and Next Steps
  (e) Ad Hoc Law Libraries
VII. Federal Standards for Librarians

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director (202) 653-6252.

January 7, 1982.

Toni Carbo Bearman,

Executive Director.

[S-48-82 Filed 1-12-82; 9:49 am]

BILLING CODE 7527-01-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 18, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, January 20:

10:00 a.m.
Discussion and Possible Vote on Waste Confidence Proceeding (open/closed status to be determined)

2:00 p.m.
Discussion of Region V Report on Diablo Canyon (closed meeting)

Thursday, January 21:

10:00 a.m.
Discussion and Possible Decision on Region V Report on Diablo Canyon (closed meeting)

3:00 p.m.
Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Delegation of Part 70 Jurisdiction to Licensing and Appeal Boards

b. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance (10 CFR Part 73) (postponed from January 14)
c. Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations (postponed from January 14)
d. Proposed Rule Change on Technical Specifications (postponed from January 14)
e. Dr. George V. Taplin's Petition (PRM 35–1) Regarding 10 CFR Part 35, "Human Uses of Byproduct Material"
f. Proposed Changes to Part 2: Management of Discovery

ADDITIONAL INFORMATION: Discussion of Export Licensing Policy, announced for January 13, has been cancelled. Item "d" at the affirmation session scheduled for January 14 will be Commission Response to FOIA Appeal (81–A–15C) Regarding Transcripts of Zimmer Meetings.

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.

January 11, 1982.

Walter Magee,

Office of the Secretary.

[S–58–82 Filed 1–12–82; 3:54 pm]

BILLING CODE 7590–01–M

10

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., January 21, 1982.

PLACE: Board's meeting room, eighth floor, headquarters building, at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Detection and prevention of fraud, waste, and abuse at the Railroad Retirement Board.

(2) Bureau of Audit and Investigation and Bureau of Planning and Information Management.

(3) Bureau of Unemployment and Sickness Insurance action program.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Charles M. Pope.

(B) Appeal from referees denial of disabled widow's insurance annuity, Evelyn P. Van Meter.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–751–4920, FTS No. 387–4920.

[S–53–82 Filed 1–12–82; 2:47 pm]

BILLING CODE 7905–01–M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 6, 1982.

CHANGES IN THE MEETING: Additional items.

The following additional items will be considered at a closed meetng scheduled for Wednesday, January 13, 1982, following the 10:00 a.m. open meeting:

Formal order of investigation.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Logstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Siegelbaum at (202) 272–2468.

January 12, 1982.

[S–54–82 Filed 1–12–82; 3:17 pm]

BILLING CODE 8010–01–M

Federal Register

Thursday
January 14, 1982

Part II

Department of Agriculture

Federal Grain and Inspection Service

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services; and Revisions to Weighing Services

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services; and Revisions to Weighing Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is revising fees to recover as nearly as practicable: (1) The estimated cost to FGIS for official inspection and weighing services including related administrative and supervisory costs; and (2) the estimated cost to FGIS for supervision of delegated States and designated official agencies, as required by the United States Grain Standards Act (Act), as amended by the Omnibus Budget Reconciliation Act of 1981. FGIS published revised fees in an interim final rule in the **Federal Register** on August 25, 1981 (46 FR 43032–43034) and further revised these fees in an interim final rule published in the **Federal Register** on September 23, 1981 (46 FR 47042–47045). This final rule adopts the interim final rule published on September 23, 1981, with one change to the footnotes in Schedule B.

In this action, FGIS is also adopting without change as a final rule, the interim final rule published in the **Federal Register** on June 5, 1981 (46 FR 30322–30325), except that portion of the rule relating to fees which was republished as in the August 25 and September 23 interim final rules. This portion of the June 5 interim final rule provides: (1) The exemption from mandatory official weighing of certain grain transfers resulting from Pub. L. 96–437; (2) provisions for the issuance of Class Y weight certificates by approved weighers; and (3) revisions to requirements for requests for Class Y weighing services.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken Jr., Regulations and Directives Management, FGIS, USDA, Room 1636, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone 202/382–0231.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures pursuant to the Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions.

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) It applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the mandated delegation/designation process; and (2) most other users of the FGIS services are not considered to be small entities. Further, FGIS is required by statute to eliminate certain of the mandatory inbound grain weighing requirements on export elevators at export locations, make the inspection and weighing services available, and to recover the costs from the users of the service.

Official Grain Inspection and Weighing Fees

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981), amended sections 7(j) and 7a(1) of the Act to require that FGIS fees for inspection and weighing services cover, as nearly as practicable, the estimated costs incident to providing such services, including related administrative and supervisory costs. It further amended these sections to require that delegated States and designated official agencies shall pay fair and reasonable fees to cover the estimated costs to the FGIS to supervise these agencies.

It also amended these sections of the Act to provide that failure by delegated States or designated official agencies to pay such fees within 30 days after due shall result in automatic termination of the delegation or designation; and provided that the delegation or designation may be reinstated upon payment of the fee, with interest, as prescribed by the Secretary.

The Omnibus Budget Reconciliation Act of 1981 also added a section (7C) to the Act which provides that the total administrative and supervisory costs incurred by FGIS for inspection and weighing activities shall not exceed 35 percent of the total costs for such activities carried out by the Service.

On August 25, 1981, FGIS published an interim final rule revising fees for original inspection, supervision of official inspection services, official weighing, and supervision of official weighing services to comply with the mandate of this new amendment to the Act. No substantive corrections were made to this interim final in the **Federal Register** (46 FR 43824) on September 1, 1981.

These fees were based upon information available to FGIS at the time of publication. Public meetings were held on September 3 and 4, 1981, in Washington, D.C. and St Louis, Missouri, respectively, to discuss the fee changes mandated by the Omnibus Budget Reconciliation Act of 1981. FGIS benefitted from comments made during these meetings and otherwise by representatives of the grain industry and members of the delegated States and designated official agencies.

Based on a further review of costs and fees, and in light of comments received and other data within the knowledge of FGIS, a second interim final rule was published on September 23, 1981, in the **Federal Register** (46 FR 47042–47045) which revised the fees published in the **Federal Register** on August 25, 1981. This revision lowered FGIS fees for supervision of official truck, rail, and submitted sample inspection services performed by delegated States and designated official agencies. This revision also increased FGIS fees for supervision of official barge and ship inspection services performed by delegated States and designated official agencies. The comment period for this interim final rule and the interim final rule published on August 25, 1981, ended on October 26, 1981.

Both these interim final rules republished fees for supervision of weighing services (Class Y) as published in the June 5, 1981, interim final rule in order to provide complete schedules of fees for comment.

FGIS received 49 written comments on the fees published in the **Federal Register** on August 25 (46 FR 43032–43034) and September 23, 1981 (46 FR 47042–47045). All written comments contained opposition to the fees. These comments are summarized into the following general areas of concern:

1. Many commentors stated that the truck, rail, and/or submitted sample inspection and/or weighing fees for FGIS supervision of delegated States and designated official agencies were too high. A major concern was that because of the level of these fees non-export official inspection and weighing of grain would decrease and that this decrease may force many delegated States and/or designated official agencies to discontinue providing the official inspection and/or weighing service. In addition, some commentors were concerned with the impact on the interior marketing of grain if these services were no longer utilized. The

user fees for supervision of truck, rail, and submitted sample official inspection services provided by delegated States and designated official agencies were decreased from those published on August 25, 1981, when the fees were revised in the **Federal Register** on September 23, 1981. This revision was based on verbal and written comments received at that time, anticipated reductions in FGIS staff and other costs, and a projected modification to the inspection supervision policy. Information currently available to FGIS does not justify a further revision to these fees at this time.

2. Several commentors objected to any level of user fees for supervision of official inspection and weighing services and recommended that FGIS eliminate these fees. The user fees for supervision are mandated by the Act, as amended by the Omnibus Budget Reconciliation Act of 1981. FGIS must adhere to the Act, and therefore cannot eliminate or defer these fees.

3. Some commentors objected to the level of all of the user fees for supervision of official inspection and weighing services on the basis that the level was not justified by the services provided.

Many of these commentors recommended changes to the supervision program. FGIS, in an effort to increase the cost effectiveness and efficiency of the service, is currently undergoing a restructuring and a reduction in staffing. In addition, all FGIS programs and activities are being reviewed to determine which activities are necessary. Those programs and activities determined necessary are being further analyzed for cost effectiveness. Currently projected reduced staffing levels and associated costs, and changes to the inspection supervision program were considered in the fee revision published on September 23, 1981. FGIS has in the past and will continue to monitor and adjust its fees to maintain them at the minimum level needed to carry out an effective program. At this time sufficient data is not available to warrant further revisions to the level of the fees.

FGIS also received verbal comments and questions on the fees for supervision of "factor only" inspections performed by delegated States and designated official agencies. Changes in the assessment of this fee are not within the scope of this final rule. However, a docket requesting comments on a change to the method of assessment of supervision fees for "factor only" services performed by delegated States and designated official agencies will be published in the **Federal Register** as soon as possible.

In the interim final rule on fees published on August 25 and September 23, the footnotes for Schedule B, Table 1 referred to supervision of weighing services (Class Y) in Canada. Since FGIS does not provide these services in Canada, footnote 1 to Schedule B, Table 1 is being deleted and the footnotes are being renumbered accordingly.

FGIS will monitor and periodically adjust its fees to maintain them at the minimum level needed to carry out an effective program.

Weighing Services

In addition to the fees for supervision of weighing services (Class Y) discussed above, in the interim final rule published in the June 5, 1981, **Federal Register** (46 FR 30322–30325), FGIS revised various sections of Part 800 of the regulations to reflect the amendment to the Act by Pub. L. 96–437, dated October 13, 1980, whereby certain types of grain shipments transferred into or out of export elevators at export port locations were exempted from mandatory official weighing. The following types of shipments were exempted: (1) Intracompany shipments of grain into an export elevator by any mode of transportation; (2) intercompany shipments of grain transferred into an export elevator by transportation modes other than barges; and (3) grain transferred out of an export elevator by any mode of transportation to destinations within the United States.

In the same June 5, 1981, **Federal Register** publication, FGIS also revised the Class Y weighing service to: (1) Provide that Class Y weight certificates may be issued by approved weighers; and (2) reduce the sevice requirement from 6 to 3 months on requests for Class Y services. The comment period for this interim final rule ended on August 4, 1981.

Two written comments were received on this interim final rule on weighing services. One comment reflected general disagreement with the revisions to Class Y weighing service requirements and the exemption from mandatory official weighing of the transfers of grain into export elevators at export port locations. This revision in the regulations was mandatory in order to reflect the amendment to the Act resulting from Pub. L. 96–437. The second comment questioned whether the revisions would require related revisions in the uniform grain storage agreement. This is an agreement between a farmer or grain elevator operator and the Agricultural Stabilization and Conservation Service, USDA to store a certain quality and quantity of grain. This agreement requires official weighing of grain moved into and out of storage under the agreement. This revision to Class Y weighing requirements does not impact on the Uniform Grain Storage Agreement.

Accordingly, the regulations published as an interim final rule in the **Federal Register** on September 23, 1981, (46 FR 47042–47045) are hereby adopted without change with the exception of § 800.71(a), Schedule B, Table 1, which is amended by revising it to delete references to Class Y weighing services and to renumber the footnotes accordingly. Further, FGIS is also adopting without change as a final rule the changes §§ 800.15, 800.19, 800.77, 800.115, 800.160, 800.161, and 800.170 of the regulations published as an interim final rule on June 5, 1981 (46 FR 30322–30225).

PART 800—GENERAL REGULATIONS

In 7 CFR 800.71(a), Schedule B, Table 1 is amended by revising it to read as follows:

§ 800.71 Fees assessed by the Service.

* * * * *

Schedule B—Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in Canada[1]

TABLE 1

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(1) Original inspection, or official weighing, or special services:[2]		
(i) Contract service (per man-hour per Service representative)	$24.40	$28.40
(ii) Noncontract service (per man-hour per Service representative)	34.40	40.40
(2) Reinspection and appeal inspection (per man-hour per Service representative)[3 4]	36.40	42.40
(3) Board appeal inspection (per sample)[3 4]	38.40	44.40
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative)[3]	94.40	112.40
(ii) Reinspection, or appeal inspection (per Service representative)[3 6]	100.40	118.40
(5) Standby (per man-hour per Service representative)[7]	34.40	40.40
(6) Extra copies of certificates (per copy)[8]	2.50	2.50

[1] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs. For incidental costs included in the fees, and fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).

[2] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

[3] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection,

or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[4] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $15.00 per sample.

[5] Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.

[6] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.

[7] For application of fee for standby, see § 800.72(b).

[8] For application of fee for extra copies of certificates, see § 800.160(c)(3).

(Secs. 8, 9, and 18, Pub. L. 94–582, 90 Stat. 2873, 2875, 2877, and 2884 (7 U.S.C. 79(j), 79a, and 87e), as amended by Pub. L. 97–35, 95 Stat. 371, 372)

Dated: December 28, 1981.

D. R. Galliart,

Acting Administrator.

[FR Doc. 82–891 Filed 1–13–82; 8:45 am]

BILLING CODE 3410–EN–M

federal register

Thursday
January 14, 1982

Part III

Department of Education

Educational Opportunity Centers Program

DEPARTMENT OF EDUCATION

34 CFR Part 644

Educational Opportunity Centers Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Educational Opportunity Centers Program. These regulations reflect statutory changes contained in the Education Amendments of 1980. They also clarify and simplify requirements governing the program.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mary Kathleen Smith, Office of Postsecondary Education, (Room 3514, ROB–3), Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–3314, Telephone: (202) 245–2511.

SUPPLEMENTARY INFORMATION: On May 14, 1976, the Commissioner of Education published in the **Federal Register** the final regulations for the Educational Opportunity Centers Program. Those regulations govern the grant awards made during fiscal year 1981. The Education Amendments of 1980 changed the Educational Opportunity Centers Program in several respects, and a notice of proposed rulemaking reflecting those changes was published in the **Federal Register** on December 31, 1980 (45 FR 86894–86898). These final regulations will govern grant awards made in fiscal year 1982 and thereafter.

These regulations incorporate by reference 34 CFR Parts 75 and 77 of the Education Department General Administrative Regulations (EDGAR); therefore, the regulations do not repeat certain types of information and requirements found in EDGAR. However, the general selection criteria found in EDGAR (34 CFR Part 75.202 through 75.206) have been repeated in these regulations for the convenience of the applicant (§ 644.31 (a) through (e)).

To avoid any implication of overregulation, the Secretary has deleted from these final regulations all of the nonrequired project activities that had been included in § 644.10 (a), (b), and (f) of the notice of proposed rulemaking.

However, to aid potential applicants, the following is a list of *examples* of activities the Secretary may consider for funding under this program in addition to the required activities in § 644.10(a) and the optional activities in § 644.10(b). Centers may:

(1) Identify those eligible persons in the target area with an interest in pursuing a postsecondary education and encourage them to continue or resume their educational careers;

(2)(i) Identify and establish a relationship with those public and private programs in the target area providing counseling services and educational and career information that could benefit the Educational Opportunity Center participant; and

(ii) Refer participants, as needed, to these programs;

(3) Collect and disseminate information regarding the variety of postsecondary educational opportunities and career options available to participants;

(4) Advise and counsel each participant regarding available student financial assistance, career options, and the appropriate postsecondary institution or institutions for that person;

(5) Determine each participant's interests, career goals, academic potential, and need for services through the use of standardized measurement instruments or other verifiable indicators such as written recommendations from educators, counselors, or employers; and

(6) Serve as a centralized recruiting resource for institutions of higher education desiring to admit educationally disadvantaged persons. The Secretary encourages the center, in carrying out this function, to develop relationship with a variety of institutions offering postsecondary educational programs.

In addition, an applicant submitting an application for an Educational Opportunity Center that would also serve veterans may propose to carry out under its grant appropriate related activities. For example, such centers may:

(1) Refer veterans to high school equivalency certification programs, if necessary; and

(2)(i) Establish a relationship with the Veterans Administration, State veterans agencies, and other veterans associations so that the center is aware of the various benefits and services available to veterans; and

(ii) Refer veterans to these agencies and associations as appropriate.

In the notice of proposed rulemaking, the Secretary invited comments on the proposed regulations. A summary of substantive comments received and the Secretary's responses to those comments, including any changes, is contained in the appendix to these regulations.

The Secretary has made a number of other changes in these regulations in an effort to deregulate and to reduce burdens on applicants, participants, and grantees. Each of these changes is also described in the appendix together with an explanation for the change.

In addition, some technical and editorial revisions have been made in the language of the regulations.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Invitation to Comment

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: January 8, 1982.

(Catalog of Federal Domestic Assistance No. 84.066, Educational Opportunity Centers Program)

T. H. Bell,

Secretary of Education.

The Secretary revises Part 644 of Title 34 of the Code of Federal Regulations to read as follows:

PART 644—EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

Subpart A—General

Sec.

644.1 The Educational Opportunity Centers Program.

Sec.

644.2 Eligible applicants.
644.3 Eligible project participants: general.
644.4 Eligible project participants: selection requirements.
644.5 Regulations that apply to the Educational Opportunity Centers Program.
644.6 Definitions that apply to the Educational Opportunity Centers Program.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

644.10 Kinds of projects the Secretary assists under the Educational Opporutunity Centers Program.

Subpart C—How Does One Apply for a Grant?

644.20 Assurances.

Subpart D—How Does The Secretary Make a Grant?

644.30 How the Secretary evaluates an application for a new award.
644.31 Selection criteria the Secretary uses.
644.32 Past performance.

Subpart E—What Conditions Must Be Met by a Grantee?

644.40 Allowable costs.
644.41 Nonallowable costs.
644.42 Matching.
644.43 Other requirements of a grantee.

Authority: Secs. 417A and 417E of the Higher Education Act of 1965, as amended by sec. 405, Pub. L. 96–374, 94 Stat. 1407–1411 (20 U.S.C. 1070d, 1070d–1c), unless otherwise noted.

Subpart A—General

§ 644.1 The Educational Opportunity Centers Program.

The Educational Opportunity Centers Program provides Federal financial assistance to establish and operate Educational Opportunitity Centers. Each center is designed to provide participants with—

(a) Information concerning financial and academic assistance available for individuals desiring to pursue a program of postsecondary education; and

(b) Assistance in applying for admission to institutions at which a program of postsecondary education is offered, including preparing applications for use by admissions and financial aid officers.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.2 Eligible applicants.

The following are eligible to apply for a grant to establish and operate an Educational Opportunity Center:

(a) Institutions of higher education.

(b) Public and private agencies and organizations.

(c) Secondary schools, in exceptional cases, if there are no other applicants capable of providing this program in the target areas to be served by the proposed project.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.3 Eligible project participants: general.

An individual is eligible to participate in an Educational Opportunity Center if the individual—

(a)(1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Resides in the target area;

(c) Is at least 19 years old, except that if there is no Talent Search project serving the same target area as the Educational Opportunity Center, an individual may be younger than 19;

(d) Needs one or more of the services provided by the center in order to pursue a program of postsecondary education; and

(e) Expresses a desire to pursue or is pursuing a program of postsecondary education.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.4 Eligible project participants: selection requirements.

(a) At least two-thirds of the eligible individuals an applicant proposes to serve under an Educational Opportunity Center must be low-income individuals who are also first-generation college students or potential first-generation college students.

(b) A "low-income individual" means an individual whose family's taxable income did not exceed 150 percent of the poverty level in the calendar year preceding the year in which the individual participates in the project. Poverty level income is determined by using criteria of poverty established by the Bureau of the Census, U.S. Department of Commerce.

(c)(1) A "first-generation college student" or a "potential first-generation college student" means a person neither of whose parents received a bachelor's degree.

(2) With respect to an individual 18 years and under, only the natural or adoptive parents who are currently residing with the individual are considered the individual's parents in determining whether the individual meets the criterion of being a first-generation college student or a potential first-generation college student.

(3) With respect to an individual over 18, only the natural or adoptive parents who were residing with the individual before the individual's eighteenth birthday are considered the individual's parents in determining whether the individual meets the criterion of being a first-generation college student or a potential first-generation college student.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.5 Regulations that apply to the Educational Opportunity Centers Program.

The following regulations apply to the Educational Opportunity Centers Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 644.

(20 U.S.C. 1221e–3(a)(1))

§ 644.6 Definitions that apply to the Educational Opportunity Centers Program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant	Grantee
Application	Nonprofit
Award	Private
Budget	Project
EDGAR	Public
Equipment	Secondary school
Facilities	Secretary
Fiscal year	State
Grant	Supplies

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

"Institution of higher education" means an educational institution as defined in Sections 1201(a) and 481 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a), 1088)

"Postsecondary education" means a program of education beyond the high school level.

(20 U.S.C. 1070d, 1070d–1c)

"Target area" means a discrete geographic area—as determined by the applicant—that will be served by an Educational Opportunity Center.

(20 U.S.C. 1070d, 1070d–1c)

"Veteran" means a person as defined in 38 U.S.C. 1652(a).

(38 U.S.C. 1652(a))

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 644.10 Kinds of projects the Secretary assists under the Educational Opportunity Centers Program.

(a) The Secretary gives consideration to an application for an Educational Opportunity Center that, in its target area, proposes to—

(1) Collect and disseminate information regarding available financial and academic assistance to participants desiring to pursue a program of postsecondary education; and

(2) Assist participants in preparing applications and other necessary materials—

(i) For admission to postsecondary institutions; and

(ii) For financial assistance at these institutions.

(b) The Secretary gives consideration to an applicant that, in addition to the activities listed in paragraph (a) of this section, proposes to provide tutoring and counseling for project participants who are not enrolled in an Upward Bound or a Special Services project that provides tutoring or counseling.

(c) The Secretary will consider an application that proposes to carry out activities in addition to the ones listed in paragraphs (a) and (b) of this section if the activities support the purposes of the Educational Opportunity Centers Program.

(20 U.S.C. 1070d, 1070d–1c)

Subpart C—How Does One Apply for a Grant?

§ 644.20 Assurances

(a) If the applicant is an institution of higher education, the applicant shall submit as part of its application an assurance that it will not use the center as a part of its recruitment program.

(b) An applicant shall submit as part of its application an assurance that individuals participating in the project proposed in the application do not have access to services from another Educational Opportunity Center or from a Talent Search project.

(20 U.S.C. 1070d, 1070d–1c)

Subpart D—How Does the Secretary Make a Grant?

§ 644.30 How the Secretary evaluates an application for a new award.

(a) The Secretary evaluates an application on the basis of the criteria in § 644.31.

(1) The Secretary awards up to 100 points for these criteria.

(2) The maximum possible score for each complete criterion is indicated in parentheses next to the heading of that criterion.

(b) For applicants that have conducted an Educational Opportunity Center project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary considers the experience of the applicant on the basis of § 644.32.

(c) In the final selection of similarly rated applications, the Secretary considers the relative need for a project in the area the applicant proposes to serve as compared to the need in areas other applicants propose to serve.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.31 Selection criteria the Secretary uses.

The Secretary uses the following criteria—in paragraphs (a) through (h)—to evaluate applications:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applicantions for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need for the center.* (25 points)

(1) The Secretary reviews each application for documented evidence that a need for an Educational Opportunity Center exists in the target area the applicant plans to serve.

(2) The Secretary looks for information that shows—

(i) (9 points) The number and percentage of individuals who are eligible to be served by an Educational Opportunity Center who reside in the target area;

(ii) (9 points) The extent to which the target area lacks the services and activities to be provided by the proposed Educational Opportunity Center;

(iii) (2 points) The estimated number of veterans in the target area who need services of an Educational Opportunity Center to pursue postsecondary education; and

(iv) (5 points) Other data that show the need of the adults in the target area for services that are provided by an Educational Opportunity Center.

(g) *Likelihood of success.* (20 points)

(1) The Secretary reviews each application for information that shows the likelihood of success.

(2) The Secretary looks for information that shows—

(i) (12 points) The comprehensiveness of the applicant's plan for carrying out the activities under § 644.10(a), those activities under § 644.10(b) that the applicant chooses to propose, and any other activities that the applicant proposes that relate to the goal of the program; and

(ii) (8 points) The extent to which the activities that the applicant proposes are likely to result in increases in the enrollment and retention in and successful completion of postsecondary educational programs by program participants.

(h) *Community participation and coordination.* (15 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to use and coordinate community and other resources.

(2) The Secretary looks for information that shows—

(i) (3 points) The extent to which representatives of the community, secondary schools, and postsecondary schools have participated in the formulation of the application;

(ii) (4 points) The extent to which the applicant has received and has included in the application written commitments by community organizations and other appropriate groups for the use of community and other resources to supplement authorized activities;

(iii) (4 points) The center's defined relationship with Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects in the target area and similar programs and services in the target area in terms of—

(A) Coordinating services to individuals who participate in more than one program;

(B) Providing services not otherwise available from other projects and programs; and

(C) Avoiding duplication of services; and

(iv) (4 points) The degree to which the center is likely to develop relationships with a variety of institutions offering postsecondary educational programs to coordinate the resources and efforts of those institutions in admitting disadvantaged persons.

(20 U.S.C. 1221e–3(a)(1); 1070d, 1070d–1c)

§ 644.32 Past performance. [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 644.40 Allowable costs.

Allowable project costs not specifically covered by 34 CFR Part 74 may include the following costs reasonably related to operating an Educational Opportunity Center:

(a) Transportation and meal costs for participants and staff for—

(1) Approved visits to postsecondary educational institutions in the area;

(2) Participation in "College Days" activities; and

(3) Field trips to observe and meet with persons who are employed in various career fields and who can act as role models for participants.

(b) Purchase of testing materials.

(c) In-service training of project staff.

(d) Tutorial and counseling services if none are available to participants through an Upward Bound or a Special Services project in the target area.

(e) Rental of space if space is not available at the sponsoring institution and the space rented is not owned by the sponsoring institution.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.41 Nonallowable costs.

Costs that may not be charged against a grant under this program include the following:

(a) Tuition, fees, stipends, or other forms of direct financial support for participants.

(b) Application fees for enrollment or financial aid.

(c) Lodging for project participants.

(d) Duplication of services that are available to participants through—

(1) State, local, or private sources;

(2) The institution or agency sponsoring the project; or

(3) Other Federal programs.

(e) Research not directly related to the evaluation or improvment of the project.

(f) The purchase of major equipment, unless the grantee demonstrates to the Secretary's satisfaction that purchase is less expensive than renting.

(g) The construction, renovation, or remodeling of any facilities.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.42 Matching.

(a) The Secretary pays up to 75 percent of the costs reasonably related to the establishment and operation of an Educational Opportunity Center.

(b) A grantee shall provide at least 25 percent of the costs related to the establishment and operation of an Educational Opportunity Center.

(c) The grantee's share may be derived from cash or in-kind contributions.

(d) In order to be considered as part or all of the grantee's share, in-kind contributions must be activities or services that qualify as allowable costs.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.43 Other requirements of a grantee.

Each grantee shall—

(a) Design and implement an evaluation mechanism to test the effectiveness of the center's progress in meeting the approved goals and objectives;

(b) Engage a full-time project director. However, the Secretary may waive the full-time requirement as specified in EDGAR, 34 CFR 75.511; and

(c)(1) Determine the eligibility of each participant at the time that individual is selected to participate in the project.

(2) The grantee does not have to revalidate a participant's eligibility after this time.

(20 U.S.C. 1070d, 1070d–1c)

Note.—This Appendix is included for information, it is not to be codified in the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

In the notice of proposed rulemaking published in the **Federal Register** on December 31, 1980 (45 FR 86894–86898), the Secretary invited comments on the proposed regulations.

The following includes a summary of the substantive public comments received and the Secretary's responses to those comments including any changes. The comments and responses and any changes are organized in the same order as the referenced sections are organized in these final regulations.

Section numbers and section headings in parentheses are the numbers and headings that appeared in the notice of proposed rulemaking but that have been renumbered, retitled, or deleted in these final regulations.

General Comments

Comment. One commenter suggested that the new regulations not become effective until program year 1982–83.

Response. No change has been made. Regulations usually become effective 45

days after they are published in the **Federal Register**. However, projects do not begin operating under these new regulations until they are funded with fiscal year 1982 funds.

Comment. One commenter suggested that the name of the Educational Opportunity Centers Program be changed to reflect the altered focus of the program.

Response. No change has been made. The legislation authorizing this program continues to name it the Educational Opportunity Centers Program; therefore, these regulations do not rename the program.

§ 644.1 The Educational Opportunity Centers Program.

Comment. One commenter recommended removing the 25 percent non-Federal matching requirement from § 644.1 and § 644.42 (Matching). The commenter stated that since Educational Opportunity Centers have been in existence for several funding cycles, they have already demonstrated that they receive support from the local community.

Response. No change has been made in the regulatory requirement. The legislation authorizing this program requires a non-Federal match of at least 25 percent; therefore, these regulations must also require the non-Federal match. However, reference to the Federal share of up to 75 percent has been dropped from § 644.1 because it is clearly stated in § 644.42.

Comment. Three commenters suggested that reference should be made to financial aid and career and academic counseling in § 644.1. One commenter suggested adding recruitment to the description of the program. Another commenter recommended adding counseling and tutoring.

Response. No change has been made. The description of the Educational Opportunity Centers Program in § 644.1 adheres generally to the language of the statute authorizing this program. Section 644.10 details the activities and services that a center is required to provide and others that it may provide.

§ 644.2 Eligible applicants. (Eligible grantees).

Comment. One commenter recommended that Indian tribes, tribal governments, and Indian organizations be listed as eligible applicants in § 644.2.

Response. No change has been made. The agencies and organizations suggested by the commenter are eligible under the current provisions of this section.

Comment. One commenter noted that combinations of institutions of higher education (formerly § 644.2(b)) are not eligible to apply for a grant under the Educational Opportunity Centers Program because the statute does not authorize them as eligible.

Response. A change has been made. Combinations of institutions of higher education have been deleted from this section as eligible applicants and the paragraphs have been relettered.

§ 644.3 Eligible project participants: general.

Comment. One commenter expressed concern over the requirement of § 644.3(a)(3) that a participant must provide proof from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose. The commenter stated that this could promote discrimination against individuals with "immigrant appearances or names" since it would be a discriminating practice to place on them the burden of proving eligibility.

Response. No change has been made. A potential participant is required to provide evidence from the Immigration and Naturalization Service only if he or she states on the application form for participants that he or she does not qualify under the conditions of paragraphs (a)(1), (2), or (4) of this section.

Comment. Four commenters expressed concern that in order to be served by a center an adult had to have completed the sixth grade (§ 644.3(c)). In many instances adults may not have completed the sixth grade but could benefit from postsecondary education.

Response. A change has been made. Section 644.3(c) has been revised and the provision requiring completion of the sixth grade has been deleted.

Comment. One commenter expressed concern over the requirement of § 644.3(d) that an individual must need one or more of the services provided by a center before the individual may participate.

Response. No change has been made. The Secretary believes that a center should offer services to only those individuals who need these services in order to pursue a program of postsecondary education. Statutory language supports—by implication, at least—the Secretary's position. To provide services to those who do not need them would be a misuse of program funds.

Comment. One commenter questioned the requirement of § 644.3(e) that an individual, in order to participate, must express a desire to pursue a program of postsecondary education. The commenter stated that the statute has no such requirement.

Response. No change has been made. The authorizing legislation (section 417E(a)(1)) states that Educational Opportunity Centers shall be designed to provide information and assistance "for individuals desiring to pursue a program of postsecondary education."

Comment. One commenter suggested adding as eligible participants "members of Indian tribes or individuals that can document tribal affiliation, regardless of citizenship."

Response. No change has been made. The legislation authorizing the Educational Opportunity Centers Program and the General Provisions Relating to Student Assistance Programs (Part F of Title IV of the Higher Education Act of 1965, as amended) specify eligibility requirements for participants. Members of Indian tribes who meet those requirements are eligible to participate.

§ 644.4 Eligible project participants: selection requirements.

Comment. Thirteen commenters expressed numerous concerns over the new restrictions on those who may be served by an Educational Opportunity Center (§ 644.4(a)). Many stated that the requirement that two thirds of those served had to be *both* low-income individuals and first-generation college students was too restrictive. Many recommended that two thirds be *either* low-income individuals *or* first-generation college students.

Several commented that this new two-thirds requirement makes it likely that the centers will lose their very valuable community role as a non-stigmatizing service. Other commenters noted that the two-thirds requirement will curtail a center from serving anyone who lived in the service area and will increase the burden on the center to verify eligibility and thus take time away from providing services. Still others suggested that this requirement will hinder the referral processes that have been set up in communities that currently have centers.

Response. No change has been made. This requirement is mandated by the statute authorizing the Educational Opportunity Centers Program.

Comment. One commenter questioned how an Educational Opportunity Center will document the criterion that each participant be a first-generation or potential first-generation college student.

Response. No change has been made. Both the House and Senate committee reports state that the determination as to whether a participant has met the

first-generation eligibility criterion should rest solely on a written response by the participant or the participants's parents to an inquiry regarding the participant's parents' educational attainment. The inquiry appears on the application for services form used by each local project.

Comment. One commenter questioned the wording of § 644.4(c). Specifically the commenter asked why "received a bachelor's degree" was used instead of the statutory language, "completed a baccalaureate degree" (section 417A(d)(1) of the Act).

Response. No change has been made. While both phrases have the same meaning, the Secretary decided that "received a bachelor's degree" would be more widely understood. This is in keeping with the Secretary's determination to issue regulations written in clear, simple English.

Comment. One commenter questioned the language of § 644.4(b) of the proposed regulations, which differed from the language of the statute. The statute mandates the Secretary to "require an assurance that individuals participating in the project * * * *do not have access to services* from" a Talent Search project or another Educational Opportunity Center. The language of the regulations is less restrictive than that of the law.

Response. A change has been made. This requirement has been revised to more accurately reflect the language of the law. The requirement has been included in § 644.20 (Assurances) as paragraph (b) because it is logically an assurance from the applicant.

Comment. Four commenters questioned the rationale, need, and authority for § 644.4(c) of the proposed regulations. They stated that this requirement has no basis in the law and contradicts the language of the House and Senate committee reports which gave project administrators at the local level the discretion to choose from among the eligible populations those individuals who are most in need of services in a given area.

Response. A change has been made. The Secretary agrees with the commenters. Paragraph (c) of the proposed regulations has been deleted from these final regulations. (Formerly § 644.5) (*Target Area.*)

Change. The Secretary has determined that this section is unnecessary and has deleted it from the final regulations.

§ 644.6 (§ 644.7) Definitions that apply to the Educational Opportunity Centers Program.

Comment. Six commenters expressed concern over the definition of "target area". Several stated that the requirement that at least 20 percent of the resident families be low-income was too restrictive. The commenters said that many areas have a mix of high- and low-income populations, which would preclude those areas from being served. Others stated that since the centers will be serving participants who meet the low-income criteria, it should not be necessary for the geographic area to have a minimum level of low-income families. The important factor, these commenters suggested, should be the number of eligible individuals in the area.

Response. A change has been made. The Secretary has revised the definition of "target area" and has dropped the requirement that at least 20 percent of the resident families be low-income. However, the Secretary has retained the concept of a target area being a center's service area. It is essential for responsible program and project management that a service area be defined by each applicant. The concept of a target area being a discretely defined service area is supported by the language of the House and Senate committee reports. The reports, in discussing the placement of Talent Search projects and Educational Opportunity Centers, direct the Secretary to assure that there is no overlap of target areas when more than one project or center is funded at any location.

Comment. Two commenters questioned the definition of "veterans." One recommended that the prohibition of services to veterans who had been dishonorably discharged be removed so that even though they would not be eligible for veterans' benefits, they could avail themselves of other center services. The other commenter noted that the definition for veteran did not meet the statutory requirement that the term be defined according to 38 U.S.C. 1652(a).

Response. A change has been made. The regulations now read: "Veteran means a person as defined in 38 U.S.C. 1652 (a)." The amended definition also prohibits centers from providing services to dishonorably discharged veterans on the basis of their being veterans. However, those individuals may receive all the services of centers if they meet the requirements of eligible participants.

Other Change. The Secretary has added to these final regulations a definition of "postsecondary education". As defined in § 644.6(b), the term means a program of education beyond the high school level.

§ 644.10 Kinds of projects the Secretary assists under the Educational Opportunity Centers Program.

Comment. One commenter questioned the authority to require centers to conduct outreach activities (§ 644.10(a)(3) of the proposed regulations). The commenter noted that although it was implicit in some of the statutory language, there is no explicit authority for the outreach activities.

Two commenters recommended that more emphasis be placed on career counseling and that programs other than the Educational Opportunity Centers Program should provide personal and academic counseling. They suggested that § 644.10(a)(6)(i) of the proposed regulations be revised to make career counseling the primary function of the centers.

Six commenters expressed their concerns about § 644.10(a)(7) of the proposed regulations. Two of the commenters stressed that nothing in the statute supported a needs assessment and urged that the requirement be dropped. Another commenter suggested that the requirement be made optional. Other commenters noted that the methods of assessment must be flexible and chosen to meet the needs of the participants.

One commenter questioned the authority of §644.10(f)(2) of the proposed regulations that permits a center to serve as a centralized recruiting resource. The commenter noted that, although the recruiting pool concept had been in the previous legislation, the Education Amendments of 1980 deleted this activity.

One commenter questioned the authority for Educational Opportunity Centers to refer veterans to high school equivalency certification programs (644.10(b)(1) of the proposed regulations).

Response. A change has been made. The Secretary has deleted these requirements to avoid the appearance of prescribing non-required project activities and to permit applicants greater flexibility. Some of these activities appear in the preamble as examples of activities the Secretary may consider for funding.

Comment. Two commenters recommended that § 644.10(a)(8) of the proposed regulations be deleted as a requirement. One commenter suggested that once a participant is placed in a postsecondary institution, that institution has the primary responsibility for retention. In addition, institutions are

hesitant to release information because of the Privacy Act. Both commenters noted that follow-up is extremely time consuming and, therefore, costly; the time and money could be better spent in providing services to participants.

Response. A change has been made. The Secretary has deleted the requirement of follow-up from these final regulations.

Comment. Four commenters suggested that the clearinghouse function that centers were required to perform under the previous regulations be added to these regulations. The commenters claimed that by serving as a clearinghouse for information on counseling techniques effective with the disadvantaged, the centers received recognition as a training resource in the local and educational communities. This function also enabled centers to work with postsecondary schools, secondary schools, and agency personnel to improve support services to low-income populations.

Response. No change has been made. The previous legislation authorizing the Educational Opportunity Centers Program required centers to serve a clearinghouse function. However, the Education Amendments of 1980 changed the program in many aspects, one of which was to delete this function as a required activity.

Comment. Two commenters recommended that recruitment be added to the final regulations. They noted that many individuals who desire to pursue a program of postsecondary education are not aware of the services of an Educational Opportunity Center unless the center actively seeks them.

Response. No change has been made. The commenters are referred to the preamble that lists activities the Secretary may fund. Example (1) permits the active recruitment of participants for the program.

Other Changes. Section 644.10 has been revised and reorganized to more accurately reflect the legislation authorizing the program.

Paragraphs (a) (1) and (2) of the proposed regulations remain the same in these final regulations since these activities are required by the program statute.

Paragraphs (a) (3), (4), (5), (6), (7) and (f)(2) have been deleted from the regulations and appear in the preamble as examples of activities the Secretary may consider for funding.

Paragraphs (b) (1) and (2) of the proposed regulations concerning veterans are likewise deleted from the regulations and are listed in the preamble as examples of activities the Secretary may consider for funding.

The requirements of paragraphs (d) and (e) of the proposed regulations have been rewritten and transferred to a new section, § 644.43, "Other requirements of a grantee," where they more logically belong.

Paragraph (a)(6)(ii) of the proposed regulations has been transferred to a new section, § 644.20, "Assurances."

Paragraph (f)(1) of the proposed regulations has been relettered paragraph (b).

Paragraph (c) of the proposed regulations has been deleted.

A new paragraph (c) has been added that informs applicants that the Secretary does not restrict activities under this program to only those listed as required or optional. (Formerly § 644.11) (*Project location.*)

Comment. One commenter questioned the statutory authority for this section. The commenter said that the requirement appeared to be placing on a grantee an additional burden that was not required by the law.

Response. A change has been made. The Secretary has deleted § 644.11 from these final regulations to decrease the burden on grantees.

§ *644.20 Assurances. (How to apply for funds.)*

Changes. Section 644.20 of the NPRM (How to apply for funds) has been omitted from these regulations because it duplicates § 644.5(a) regarding the applicability of EDGAR. A new § 644.20 (Assurances) has been added to these final regulations. The requirement was previously listed as an activity under § 644.10(a)(6)(ii) of the proposed regulations. However, the Secretary has determined that the requirement is more logically an assurance and, therefore, has placed it in this section as paragraph (a).

§ *644.30 How the Secretary evaluates an application for a new award.*

Comment. One commenter questioned the limitation of experience to the three previous years (§ 644.30(b)).

Response. No change has been made. The Secretary has determined that a three-year period is most feasible administratively: project records are available on location, and grant records are readily available in the Department. In addition, applicants that have had poor experience will not be penalized indefinitely.

Changes. Paragraph (b) has been revised. The sentence concerning the awarding of up to 30 additional points for experience has been deleted. Point assignments for past performance appeared in a separate notice of proposed rulemaking for § 644.32.

§ *644.31 Selection criteria the Secretary uses.*

Comment. Several commenters expressed concerns over the requirements of § 644.31(f) (Need for the Center). One commenter recommended changing paragraph (f)(2)(i) of the proposed regulations to reflect the change in the target area concept. Other commenters noted that the information called for in paragraphs (f)(3) (i through iii) of the proposed regulations focused mainly on high school youth, while the Educational Opportunity Centers are intended to focus on adults.

Response. A change has been made. The Secretary has deleted paragraph (f)(2)(i) of the proposed regulations to reflect the deletion of the requirement that to qualify as a target area an area must have at least 20 percent of its resident families qualify as low-income.

In addition, the Secretary has deleted paragraphs (f)(3) (i), (ii), and (iii) as recommended by the commenters. Paragraphs (f)(3) (iv) and (v) have been renumbered (f)(2) (iii) and (iv), respectively.

The Secretary has made these changes to place increased emphasis on the focus of the Educational Opportunity Center—the adult population.

Other Changes: The Secretary has assigned points to each separate criterion in paragraph (f), (g), and (h) of this section.

§ *644.32 Past performance. (Prior experience.)*

Changes. This complete section has been revised. It appeared separately as a notice of proposed rulemaking. The reference to § 644.43 of the proposed regulations has also been deleted because the Secretary has decided not to develop performance standards.

§ *644.40 Allowable costs.*

Comment. Two commenters expressed concern over the requirement (§ 644.40(c)) that all in-service training required prior approval by the Secretary. The commenters stated that once the project has an approved application there should be no need for further approval. In addition, it is impractical to expect that the Secretary will be able to respond in a timely manner to requests made by project directors during the project year.

Response. A change has been made. The phrase, "if approved by the Secretary" is deleted from these final regulations. As long as in-service training activities conform to the approved budgetary and programmatic guidelines, there is no need for additional approval. (Formerly § 644.43) (*Performance standards.*)

Changes. The Secretary has deleted this section as worded in the proposed regulations. The Secretary has decided not to propose performance standards.

§ 644.43 Other requirements of a grantee.

Comment. One commenter recommended that § 644.10(d) of the proposed regulations—redesignated as § 644.43(a) of these final regulations—be deleted. The commenter stated that while a center must be responsible for collecting and using demographic information, assessing the impact of the program in the target area is a job that would be impossible to accomplish, would not be cost effective, would require additional funding and manpower, and could be manipulated by statisticians without producing valid information.

Response. A change has been made. Paragraph (d) of § 644.10 of the proposed regulations—now paragraph (a) of this section—has been revised so that evaluation is still a requirement of the grantee but is limited to measuring the effectiveness of a center in meeting its goals and objectives.

Other Changes. Those requirements previously listed in the proposed regulations as § 644.10 (c) and (d) have been consolidated, rewritten, and moved to this section as paragraph (a). Paragraph (e) of § 644.10 of the proposed regulations has been moved to this section as paragraph (b). The Secretary has determined that these requirements are more logically post-award requirements of a grantee and, therefore, belong in this subpart.

The Secretary has added a new paragraph (c) which states that centers need to determine the eligibility of each participant only at the time of initial selection of that participant. The Secretary has made this change to reduce the burden on a grantee by not requiring revalidation of the eligibility of each participant every year. (*Formerly § 644.50*) (*Recordkeeping.*)

Comment. Several commenters recommended simplifying the recordkeeping section. They suggested that documentation not be so intensive as to interfere with the quality of services provided. In addition, the commenters said that maintaining different types of records for participants (as required by § 644.50 (b) and (c) of the proposed regulations) is confusing and burdensome.

Five commenters noted problems involved when a grantee is required to obtain high school transcripts and test scores on all participants (§ 644.50(b)(2)(ii) of the proposed regulations). Since a center provides services mainly to adults, many participants have been outside of the educational system for years and many have relocated. Additionally, the commenters noted high school transcripts very often are not accurate measures of present academic aptitude for adults. The commenters also said that requiring high school transcripts would preclude individuals from receiving services since many persons could not obtain transcripts or could not afford to request them.

Four commenters expressed concern over the follow up required by § 644.50 (b)(4)(iii) of the proposed regulations. The commenters said that this requirement places an increased burden on the grantee. They also noted that requirements of privacy and confidentiality often prevent the transfer of specific information when a participant receives services from a referral elsewhere.

Response. A change has been made. To decrease the burden on grantees and to avoid the appearance of prescribing specific recordkeeping items through regulations, the Secretary has deleted this section. Grantees need only conform to the EDGAR requirements (See 34 CFR Part 75.730–75.734).

[FR Doc. 82-949 Filed 1-13-82; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
January 14, 1982

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

January 1, 1982.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1982 of three rescission proposals and 218 deferrals contained in the first six messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981.

Rescissions (Table A and Attachment A)

One rescission proposal totaling $20.5 million is currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of January 1, 1982, while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of January 1, 1982, $611.3 million in 1982 budget authority was being deferred from obligation and another $1.5 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Friday, October 16, 1981 (Part VII, Vol. 46, No. 200)
Monday, October 26, 1981 (Part IV, Vol. 46, No. 206)
Friday, October 30, 1981 (Part XI, Vol. 46, No. 210)
Tuesday, November 3, 1981 (Part III, Vol. 46, No. 212)
Thursday, November 12, 1981 (Part V, Vol. 46, No. 218)
Thursday, November 19, 1981 (Part IV, Vol. 46, No. 223)

David A. Stockman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1982 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 108.7
Accepted by the Congress	-0-
Rejected by the Congress	-88.2
Pending before the Congress	$ 20.5

* *

TABLE B

STATUS OF 1982 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 2,759.8
Routine Executive releases (-$1,987.8 million and adjustments ($11.8 million) through January 1, 1982.	-1,976.0
Overturned by the Congress	-171.0
Currently before the Congress	$ 612.8 a.

a. This amount includes $1.5 million in outlays for a Department of the Treasury deferral (D82-23).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 01/06/82 20:18

AS OF JANUARY 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force BA	R82- 2	22,500		10 23 81		22,500	12 14 81
DEPARTMENT OF DEFENSE - MILITARY TOTAL BA		88,200				88,200	
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund BA	R81- 3		20,500	11 6 81			
OTHER INDEPENDENT AGENCIES TOTAL BA			20,500				
TOTAL BA		88,200	20,500			88,200	

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
EXECUTIVE OFFICE OF THE PRESIDENT									
White House Office									
Salaries and Expenses	BA	D82- 27	366		10 20 81	-366			
Special Assistance to the President									
Salaries and Expenses	BA	D82- 28	28		10 20 81	-28			
Council of Economic Advisers									
Salaries and Expenses	BA	D82- 86	32		10 23 81	-32			
Council on Envir. Quality & Office of Envir. Qual.									
Salaries and Expenses	BA	D82- 29	9		10 20 81	-9			
Office of Policy Development									
Salaries and Expenses	BA	D82- 30	45		10 20 81	-45			
National Security Council									
Salaries and Expenses	BA	D82- 31	62		10 20 81	-62			
Office of Administration									
Salaries and expenses	BA	D82- 32	139		10 20 81	-139			
OMB, Office of Fed. Procurement Policy									
Salaries and expenses	BA	D82- 33	24		10 20 81	-24			
Office of Science and Technology Policy									
Salaries and expenses	BA	D82- 34	30		10 20 81	-30			
Office of the U.S. Trade Representative									
Salaries and expenses	BA	D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL	BA		813			-813			
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	BA	D82- 1	15,000		10 1 81				15,000
Disaster Relief									
Disaster relief	BA	D82-158	7,000		10 29 81	-7,000			
	BA	D82-159	138,000		10 29 81	-138,000			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		160,000			-145,000			15,000
DEPARTMENT OF AGRICULTURE									
Office of the Secretary									
Office of the Secretary	BA	D82-160	29		10 29 81	-29			
Agricultural Research Service									
Agricultural research service	BA	D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service									
Cooperative state research service	BA	D82-162	2,790		10 29 81	-2,790			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Extension Service								
Extension service								
BA	D82-163	1,990		10 29 81	-1,990			
National Agricultural Library								
National agricultural library								
BA	D82-164	93		10 29 81	-93			
Statistical Reporting Service								
Statistical reporting service								
BA	D82-165	198		10 29 81	-198			
Agricultural Cooperative Service								
Agricultural cooperative service								
BA	D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development								
Scientific activities overseas								
BA	D82-167	700		10 29 81	-700			
Rural Electrification Administration								
Rural electr. and telephone revolving fund								
BA	D82-169	49,368a		10 29 81	-49,368			
Foreign Assistance Programs								
Expenses, P.L. 480								
BA	D82- 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D82- 88	28		10 23 81	-28			
Agricultural conservation								
BA	D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program								
BA	D82-168	1,400		10 29 81	-1,400			
Farmers Home Administration								
Salaries and expenses								
BA	D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor								
BA	D82-173	1,750		10 29 81	-1,750			
Mutual and self-help housing								
BA	D82-174	490		10 29 81	-490			
Rural water and waste disposal								
BA	D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants								
BA	D82-172	490		10 29 81	-490			
Agricultural credit insurance fund								
BA	D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund								
BA	D82-176	21,000		10 29 81	-21,000			
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D82- 89	8,926		10 23 81	-8,926			
Animal and Plant Health Inspection Service								
Animal and plant health inspection service								
BA	D82- 90	4,125		10 23 81	-4,125			
Buildings and facilities								
BA	D82-177	236		10 29 81	-236			
Agricultural Marketing Service								
Payments to States and possessions								
BA	D82-178	210		10 29 81	-210			
Food and Nutrition Service								
Food program administration								
BA	D82-209	487		11 6 81	-487			
Child nutrition programs								
BA	D82-210	472		11 6 81	-472			
Special supplemental food programs (WIC)								
BA	D82-211	13,831		11 6 81	-13,831			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Forest Service								
State and private forestry								
BA	D82- 92	776		10 23 81	-776			
BA	D82-179	657		10 29 81	-657			
Agricultural research								
BA	D82- 91	1,348		10 23 81	-1,348			
National forest system								
BA	D82- 93	12,516		10 23 81	-12,516			
BA	D82-180	1,059		10 29 81	-1,059			
Construction and land acquisition								
BA	D82- 94	6,693		10 23 81	-6,693			
Timber salvage sales								
BA	D82- 2	6,723		10 1 81				6,723
Rangeland improvements								
BA	D82- 96	109		10 23 81	-109			
Acquisition of lands to complete land exchanges								
BA	D82- 95	6		10 23 81	-6			
Expenses, brush disposal								
BA	D82- 3	49,349		10 1 81	-948			48,401
DEPARTMENT OF AGRICULTURE TOTAL BA		234,519			-179,395			55,124
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions								
BA	D82- 4	507		10 1 81	-31			476
Economic and Statistical Analysis								
Salaries and expenses								
BA	D82- 97	420		10 23 81	-420			
Economic Development Administration								
Economic development assistance programs								
BA	D82- 98	38,855		10 23 81	-38,855			
Minority Business Development Agency								
Minority business development								
BA	D82- 99	857		10 23 81	-857			
United States Travel Service								
Salaries and expenses								
BA	D82-181	287		10 29 81	-287			
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D82-100	12,891		10 23 81	-12,891			
Construction								
BA	D82- 5	2,000		10 1 81				2,000
National Telecom. and Information Admin								
Salaries and expenses								
BA	D82-101	277		10 23 81	-277			
DEPARTMENT OF COMMERCE TOTAL BA		56,094			-53,618			2,476
DEPARTMENT OF DEFENSE-MILITARY								
Military Construction								
Military construction, all services								
BA	D82- 6	38,837		10 1 81	-38,299		11,800	12,338
Family Housing, Defense								
Family housing, Defense								
BA	D82- 7	1,992		10 1 81				1,992
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		40,829			-38,299		11,800	14,330

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
DEPARTMENT OF DEFENSE-CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	BA	D82- 37	85		10 20 81	-85			
Corps of Engineers									
General investigations	BA	D82- 38	2,068		10 20 81	-2,068			
Construction, general	BA	D82- 39	14,284		10 20 81	-14,284			
General expenses	BA	D82- 40	370		10 20 81	-370			
Special recreation use fees	BA	D82- 41	59		10 20 81	-59			
Soldiers and Airmen s Home									
Operation and maintenance	BA	D82- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D82- 8	597		10 1 81	-8			589
DEPARTMENT OF DEFENSE-CIVIL TOTAL	BA		17,526			-16,937			589
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy R&D	BA	D82-105	14,769		10 23 81	-14,769			
Fossil energy construction	BA	D82- 9	135,000		10 1 81		-135,000		
Strategic Petroleum Reserve	BA	D82- 10	8,000		10 1 81				8,000
Gen. science & research-plant & capital	BA	D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses	BA	D82-103	49,393		10 23 81	-49,393			
Energy supply R&D-plant and capital equip	BA	D82-104	11,949		10 23 81	-11,949			
Energy conservation	BA	D82-106	14,007		10 23 81	-14,007			
Energy information administration	BA	D82-107	2,042		10 23 81	-2,042			
Economic regulation	BA	D82-108	2,436		10 23 81	-2,436			
Federal Energy Regulatory Commission	BA	D82-109	490		10 23 81	-490			
Geothermal resources development fund	BA	D82-110	18		10 23 81	-18			
DEPARTMENT OF ENERGY TOTAL	BA		239,786			-96,786	-135,000		8,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D82- 11	1,508		10 1 81				1,508
Indian Health services	BA	D82-212	10,950		11 6 81	-10,950			
Centers for Disease Control									
Preventive Health Services	BA	D82-213	791		11 6 81	-791			
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D82- 12	11,500		10 1 81				11,500

ATTACHMENT B STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Office of Assistant Secretary for Health								
Health services management								
BA	D82-214	1,142		11 6 81	-1,142			
Special foreign currency program								
BA	D82- 13	7,000		10 1 81				7,000
Health Care Financing Administration								
Program management								
BA	D82-215	420		11 6 81	-420			
Social Security Administration								
Refugee assistance								
BA	D82- 43	10,000		10 20 81	-10,000			
Cuban and Haitian entrants, reception & process.								
BA	D82- 44	4,900		10 20 81	-2,500			2,400
Cuban and Haitian entrants, domestic asst								
BA	D82- 45	37,000		10 20 81				37,000
Human Development Services								
Work incentives								
BA	D82-216	10,523		11 6 81	-10,523			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		95,734			-36,326			59,408
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D82-182	79,218		10 29 81	-79,218			
Payments for operation of low income housing								
BA	D82-183	102,452		10 29 81	-102,452			
Housing for the elderly or handicapped								
BA	D82 111	14,294		10 23 81	-14,294			
Solar Energy and Energy Conserv. Bank								
Assist. for solar and conserv. improvements								
BA	D82-184	3,500		10 29 81	-3,500			
Community Planning and Development								
Community development support assistance								
BA	D82-112	61,589		10 23 81	-61,589			
Urban development action grants								
BA	D82-113	8,412		10 23 81	-8,412			
Rehabilitation loan fund								
BA	D82-185	26,959		10 29 81	-26,959			
Neighborhoods, Vol. Assoc. & Consumer Prot								
Housing counseling assistance								
BA	D82- 46	207		10 20 81	-207			
Policy Development and Research								
Research and technology								
BA	D82- 47	420		10 20 81	-420			
Fair Housing and Equal Opportunity								
Fair housing assistance								
BA	D82 48	96		10 20 81	-96			
Management and Administration								
Salaries and expenses								
BA	D82-186	3,590		10 29 81	-3,590			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		300,737			-300,737			
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance								
BA	D82- 49	421		10 20 81	121			
Range improvements								
BA	D82-114	237		10 23 81	-237			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Bureau of Reclamation									
Loan program	BA	D82-115	792		10 23 81	-792			
Construction program	BA	D82-116	4,603		10 23 81	-4,603			
General investigations	BA	D82-117	944		10 23 81	-944			
Operations and maintenance	BA	D82-118	64		10 23 81	-64			
General administrative expenses	BA	D82-119	353		10 23 81	-353			
Office of Water Research & Technology									
Salaries and expenses	BA	D82-120	600		10 23 81	-600			
U.S. Fish and Wildlife Service									
Resource management	BA	D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA	D82- 50	392		10 20 81	-392			
National Park Service									
Urban park and recreation grants	BA	D82-125	1,400		10 23 81	-1,400			
Operation of the National Park Service	BA	D82-122	5,216		10 23 81	-5,216			
John F Kennedy Center for the Performing Arts	BA	D82-124	40		10 23 81	-40			
Construction	BA	D82-123	5,207		10 23 81	-5,207			
Land and water conservation fund	BA	D82-126	16,256		10 23 81	-16,256			
	BA	D82- 14	30,000		10 1 81				30,000
Historic preservation fund	BA	D82-218	108		11 13 81	-108			
Geological Survey									
Surveys, investigations and research	BA	D82- 51	9,019		10 20 81	-9,019			
Exploration of National Petroleum Res. in Alaska	BA	D82- 52	80		10 20 81	-80			
Payments from proceeds, sale of water	BA	D82- 15	45		10 1 81				45
Office of Surface Mining Reclam. and Enforcement									
Regulation and technology	BA	D82- 53	1,245		10 20 81	-1,245			
Bureau of Mines									
Drainage of anthracite mines	BA	D82- 16	991		10 1 81				991
Mines and minerals	BA	D82- 54	2,600		10 20 81	-2,600			
Bureau of Indian Affairs									
Operation of Indian programs	BA	D82-127	16,607		10 23 81	-16,607			
Construction	BA	D82-128	148		10 23 81	-148			
Road construction	BA	D82-129	279		10 23 81	-279			
Office of Territorial Affairs									
Administration of territories	BA	D82- 55	2,439		10 20 81	-2,439			
Trust territory of the Pacific Islands	BA	D82- 56	2,068		10 20 81	-2,068			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Office of the Solicitor and Office of the Secy									
Departmental management	BA	D82-130	414		10 23 81	-414			
Youth conservation corps	BA	D82-131	2,494		10 23 81	-2,494			
DEPARTMENT OF THE INTERIOR TOTAL	BA		110,577			-79,541			31,036
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D82-187	250		10 29 81	-250			
	BA	D82-188	196		10 29 81	-196			
United States Parole Commission									
Salaries and expenses	BA	D82-189	60		10 29 81	-60			
Legal Activities									
Salaries and expenses, Antitrust Division	BA	D82-190	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Settl	BA	D82-191	12		10 29 81	-12			
Federal Prison System									
Buildings and facilities	BA	D82-192	1,922		10 29 81	-1,922			
	BA	D82- 17	2,700		10 1 81				2,700
Office of Justice Assist., Res. and Statistics									
Law enforcement assistance	BA	D82-193	10,729		10 29 81	-10,729			
DEPARTMENT OF JUSTICE TOTAL	BA		15,950			-13,250			2,700
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance	BA	D82-194	407,670		10 29 81	-407,670			
	BA	D82- 18	49,881		10 1 81	-49,881			
Occupational Safety and Health Admin									
Salaries and expenses	BA	D82 195	8,500		10 29 81	-8,500			
DEPARTMENT OF LABOR TOTAL	BA		466,051			-466,051			
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Emergencies in dipl and consular service	BA	D82- 58	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA	D82- 57	514		10 20 81	-514			
International Commissions									
Salaries and expenses	BA	D82- 59	80		10 20 81	-80			
Construction	BA	D82- 60	20		10 20 81	-20			
American sections, internat. commissions	BA	D82- 61	25		10 20 81	-25			
Other									
Emergency refugee and migration assistance fund	BA	D82- 19	35,043		10 1 81				35,043
DEPARTMENT OF STATE TOTAL	BA		35,766			-723			35,043

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D82- 20	3,446		10 1 81				3,446
Facilities & equip. (Airport & airway trust fund)	BA	D82- 21	185,783		10 1 81				185,783
Federal Railroad Administration									
Grants to National Railroad Passenger Corp.	BA	D82-217	93,400		11 6 81	-93,400			
DEPARTMENT OF TRANSPORTATION TOTAL BA			282,629			-93,400			189,229
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
International affairs	BA	D82-196	109		10 29 81	-109			
Office of Revenue Sharing									
Salaries and expenses	BA	D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA	D82- 22	109,738		10 1 81	-2,001		16	107,753
	O	D82- 23	6,287		10 1 81	-4,812			1,475
Federal Law Enforcement Training Center									
Salaries and expenses	BA	D82-198	240		10 29 81	-240			
	BA	D82- 24	4,200		10 1 81				4,200
Bureau of Government Financial Operations									
New York City loan guarantee program	BA	D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program	BA	D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms									
Salaries and expenses	BA	D82-201	1,039		10 29 81	-1,039			
Bureau of the Mint									
Expansion and improvements	BA	D82-132	70b		10 23 81			-70	
Internal Revenue Service									
Payment where energy credit exceeds liab. for tax	BA	D82-202	8		10 29 81	-8			
DEPARTMENT OF THE TREASURY TOTAL BA			115,469			-3,462		-54	111,953
TOTAL O			6,287			-4,812			1,475
ENVIRONMENTAL PROTECTION AGENCY									
Research and development	BA	D82-133	1,889		10 23 81	-1,889			
Abatement, control and compliance	BA	D82-134	8,062		10 23 81	-8,062			
Buildings and facilities	BA	D82-135	69		10 23 81	-69			
Hazardous substance response trust fund	BA	D82-136	3,360		10 23 81	-3,360			
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			13,380			-13,380			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Construction of facilities								
BA	D82-137	2,800		10 23 81	-2,800			
NATIONAL AERONAUTICS & SPACE ADMINISTRATION TOTAL BA		2,800			-2,800			
VETERANS ADMINISTRATION								
Medical and prosthetic research								
BA	D82-138	2,583		10 23 81	-2,583			
Medical admin. and misc. operating expenses								
BA	D82-139	921		10 23 81	-921			
Construction, major projects								
BA	D82-140	91,300		10 23 81		-35,961		55,339
BA	D82-141	7,877		10 23 81	-7,877			
Construction, minor projects								
BA	D82-142	907		10 23 81	-907			
VETERANS ADMINISTRATION TOTAL BA		103,588			-12,288	-35,961		55,339
OTHER INDEPENDENT AGENCIES								
ACTION								
Operating expenses, domestic programs								
BA	D82- 62	2,896		10 20 81	-2,896			
Administrative Conference of the U. S.								
Salaries and expenses								
BA	D82-143	16		10 23 81	-16			
Advisory Committee on Federal Pay								
Salaries and expenses								
BA	D82-144	4		10 23 81	-4			
Arms Control and Disarmament Agency								
Arms control and disarmament agency								
BA	D82- 63	282		10 20 81	-282			
Board for International Broadcasting								
Salaries and expenses								
BA	D82- 64	252		10 20 81	-252			
Comm for the Purchase From the Blind								
Salaries and expenses								
BA	D82- 65	10		10 20 81	-10			
Equal Employment Opportunity Commission								
Salaries and expenses								
BA	D82-145	3,000		10 23 81	-3,000			
Federal Emergency Management Agency								
State and local assistance								
BA	D82-205	1,814		10 29 81	-1,814			
National flood insurance fund								
BA	D82-203	7,140		10 29 81	-7,140			
BA	D82-204	358,860		10 29 81	-358,860			
General Services Administration								
Consumer information center								
BA	D82- 68	26		10 20 81	-26			
Nat. Archives & Records Service-operating								
BA	D82- 66	140		10 20 81	-140			
Federal Property Resources Service-operating								
BA	D82- 67	748		10 20 81	-748			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Automated Data & Telecom. Service-operating	BA	D82-206	120		10 29 81	-120			
Advisory Commission on Intergovt. Relations									
Salaries and expenses	BA	D82- 69	10		10 20 81	-10			
Delaware River Basin Commission									
Salaries and expenses	BA	D82- 70	2		10 20 81	-2			
Contribution to the Del. River Basin Comm	BA	D82- 71	4		10 20 81	-4			
Interstate Commission on the Potomac River Basin									
Contrib. to Interst. Comm. on Potomac Riv Basin	BA	D82- 72	1		10 20 81	-1			
Susquehanna River Basin Commission									
Salaries and expenses	BA	D82- 73	1		10 20 81	-1			
Contrib. to the Susquehanna River Basin Comm.	BA	D82- 74	1		10 20 81	-1			
International Communication Agency									
Salaries & expenses	BA	D82- 75	4,680		10 20 81	-4,680			
Center for cul. and tech. exch. bet. east & west	BA	D82- 76	125		10 20 81	-125			
Interstate Commerce Commission									
Salaries and expenses	BA	D82-146	648		10 23 81	-648			
Japan-U.S. Friendship Commission									
Japan-U.S. Friendship Commission trust fund	BA	D82- 77	34		10 20 81	-34			
Marine Mammal Commission									
Salaries and expenses	BA	D82- 78	11		10 20 81	-11			
National Capital Planning Commission									
Salaries and expenses	BA	D82-207	19		10 29 81	-19			
National Foundation on the Arts & Humanities									
Nat. endowment for the arts: sal. & expenses	BA	D82-147	11,208		10 23 81	-11,208			
Nat. endowment for the human.: sal. and expenses	BA	D82-208	5,892		10 29 81	-5,892			
Nat. endowment for the human.: matching grants	BA	D82-148	2,628		10 23 81	-2,628			
National Mediation Board									
Salaries and expenses	BA	D82- 79	58		10 20 81	-58			
National Science Foundation									
Research and related activities	BA	D82- 80	19,924		10 20 81	-19,924			
Scientific activities overseas	BA	D82- 81	59		10 20 81	-59			
Science and engineering educ. activities	BA	D82- 82	2,623		10 20 81	-2,623			
Neighborhood Reinvestment Corporation									
Payment to Neighborhood Reinvest. Corp	BA	D82- 83	181		10 20 81	-181			
Pennsylvania Avenue Development Corporation									
Salaries and expenses	BA	D82-149	15		10 23 81	-15			
Public development	BA	D82-150	239		10 23 81	-239			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Land acquisition and development									
	BA	D82-151	42		10 23 81	-42			
	BA	D82- 25	30,896		10 1 81				30,896
Selective Service System									
Salaries and expenses									
	BA	D82- 84	192		10 20 81	-192			
Small Business Administration									
Salaries and expenses									
	BA	D82-152	3,137		10 23 81	-3,137			
Surety bond guarantees revolving fund									
	BA	D82-154	373		10 23 81	-373			
Lease guarantees revolving fund									
	BA	D82-153	67		10 23 81	-67			
Smithsonian Institution									
Museum programs and related research									
	BA	D82-155	231		10 23 81	-231			
Restoration and renovation of buildings									
	BA	D82-156	145		10 23 81	-145			
Motor Carrier Ratemaking Study Commission									
Salaries and Expenses									
	BA	D82- 26	150		10 1 81				150
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D82-157	2,321		10 23 81	-2,321			
Water Resources Council									
Water resources planning									
	BA	D82- 85	42		10 20 81	-42			
OTHER INDEPENDENT AGENCIES									
TOTAL	BA		461,267			-430,221			31,046
TOTAL	BA		2,753,515			-1,983,027	-170,961	11,746	611,273
TOTAL	O		6,287			-4,812			1,475

a. Off-budget.

b. This deferral was reported in error. Funds for this budget account were not withheld.

END OF REPORT

[FR Doc. 82-987 Filed 1-13-82; 8:45 am]

BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 47, No. 9

Thursday, January 14, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5
589-744.....6
745-934.....7
935-1108.....8
1109-1256.....11
1257-1366.....12
1367-2072.....13
2073-2282.....14

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1

Executive Orders:
1643 (Revoked by PLO 6101).....789
11157 (Amended by EO 12337).....1367
12171 (Amended by EO 12338).....1369
12337.....1367
12338.....1369

5 CFR

410.....935
1201.....936

Proposed Rules:
Ch. I.....154
352.....956
550.....958
610.....958
890.....961

7 CFR

Subtitle B.....745
1a.....2073
2.....5, 6
68.....129, 2074
282.....532
301.....1257
425.....6
631.....130
701.....937
800.....131, 2254
905.....589
906.....1265
907.....746, 2074
910.....939
944.....747, 1265
1924.....590
1942.....590

Proposed Rules:
102.....631
979.....631
1004.....2118
1006.....814
1007.....962, 2122
1012.....814
1013.....814
1033.....814
1036.....814
1040.....814
1124.....814
1125.....814
1133.....814
1134.....778, 814
1135.....814
1136.....778, 814
1137.....778, 814
1139.....814
1250.....1105
1865.....33
1951.....33

8 CFR

101.....940
204.....942
238.....131
264.....940
316a.....132

Proposed Rules
3.....1396

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
82.....1109
92.....591

10 CFR

40.....8
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:
Ch. XVI.....1138
317.....1137
378.....817
440.....1299
457.....1301
500.....161
501.....161
503.....161
790.....1302

12 CFR

Ch. VII.....1371
5.....132
203.....750
213.....755
217.....9
226.....755
327.....943

Proposed Rules:
701.....963
702.....633, 2122

13 CFR

101.....2074
120.....9
124.....1109

14 CFR

21.....756
39.....10-14, 759, 1110-1113

71..... 15–18, 759, 760, 1113–1115, 2079
73..... 18
75..... 18
93..... 2079
97..... 1115
159..... 2079
201..... 132
207..... 134
208..... 134
212..... 135
231..... 137
245..... 761
246..... 762
298..... 604
302..... 138
321..... 139
380..... 140
399..... 140

Proposed Rules:
Ch. I..... 817
39..... 1140–1142
71..... 36–38, 1144, 1145
73..... 1146
91..... 818
296..... 633
297..... 633

15 CFR

50..... 18
371..... 609
373..... 609
376..... 609
378..... 609
379..... 141
385..... 141, 609
390..... 144
399..... 141, 609

Proposed Rules:
30..... 2122

16 CFR

13..... 1372
305..... 18, 19

17 CFR

201..... 609
211..... 1266
240..... 1372, 1373, 2079

Proposed Rules:
240..... 2124

18 CFR

Ch. I..... 613
141..... 1267, 2083
270..... 614
282..... 20

Proposed Rules:
141..... 39
271..... 39, 638
273..... 638
274..... 638

19 CFR

4..... 2084
6..... 2085
10..... 944
18..... 2086
101..... 1286, 2088

Proposed Rules:
10..... 2124
18..... 2125
111..... 1396
177..... 2126

20 CFR

Ch. I..... 145
Ch. V..... 145
Ch. VI..... 145

Proposed Rules:
Ch. I..... 402
Ch. V..... 402
Ch. VI..... 402
404..... 642
416..... 642, 2127

21 CFR

1..... 946
2..... 946
73..... 946
105..... 946
135..... 1287
170..... 946
172..... 946
173..... 145
175..... 1288
176..... 1288
178..... 1288
193..... 616, 1374
510..... 146
522..... 146
558..... 1289
561..... 1375, 1376

Proposed Rules:
20..... 162
146..... 963
168..... 163
310..... 424, 430
333..... 436
357..... 444–512
358..... 522

22 CFR

42..... 2089

23 CFR

Proposed Rules:
635..... 1146

24 CFR

201..... 616, 617
203..... 916
234..... 916
51..... 1117
540..... 1117
541..... 1117
551..... 1117
555..... 1117
556..... 1117
561..... 1117

25 CFR

700..... 2089

26 CFR

1..... 147

Proposed Rules:
1..... 163, 164, 988
15A..... 164

27 CFR

Proposed Rules:
5..... 1148
9..... 1149–1153

29 CFR

Subtitle A..... 145
Ch. V..... 145
Ch. XVII..... 145
1952..... 1289

Proposed Rules:
Subtitle A..... 402
Ch. V..... 402
Ch. XVII..... 402
Ch. XXV..... 402
5..... 966
1990..... 187
2672..... 1304

30 CFR

Proposed Rules:
Ch. I..... 402
Ch. VII..... 820
211..... 819
700..... 41
701..... 41
716..... 928
764..... 41
770..... 41
771..... 41
779..... 41
780..... 41
783..... 41
784..... 41
785..... 41
786..... 41
788..... 41
816..... 41
817..... 41
825..... 41
826..... 928
828..... 41
870..... 967
872..... 967
874..... 967
875..... 967
877..... 967
879..... 967
882..... 967
884..... 967
886..... 967
888..... 967
913..... 57
921..... 560
922..... 560
937..... 560
939..... 560

31 CFR

535..... 145

32 CFR

230..... 2112

Proposed Rules:
543..... 822
585..... 190

33 CFR

110..... 1117
117..... 1118
165..... 1118

Proposed Rules:
88..... 826
89..... 826

34 CFR

624..... 540
625..... 540
626..... 540
627..... 540
644..... 2258
674..... 736
675..... 736
676..... 736
690..... 736

Proposed Rules:
674..... 908
675..... 908
676..... 908

36 CFR

Ch. II..... 745

39 CFR

601..... 1377

40 CFR

52..... 762, 763, 947, 948, 1119, 1290–1292, 2112, 2113
60..... 950
65..... 1293
80..... 764
81..... 763, 952, 1120, 1377, 2113, 2115
123..... 618, 1248
180..... 619–623, 1378–1384
193..... 1385
262..... 1248
264..... 953
265..... 1254
762..... 148, 149

Proposed Rules:
50..... 2127
52..... 191, 1304, 1398, 2129
58..... 2127
65..... 969
81..... 2131
86..... 972, 1306, 1642
123..... 1155
180..... 651–654
244..... 1307
245..... 1307
246..... 1307
775..... 193
799..... 973

41 CFR

Ch. 50..... 145
Ch. 60..... 145
5–12..... 1385

Proposed Rules:
Ch. 60..... 402

42 CFR

405..... 1386
441..... 1386

43 CFR

428..... 624

Public Land Orders:
6100..... 21
6101..... 769

Proposed Rules:
4100..... 1155

44 CFR

65..... 770
66..... 770
70..... 771, 772
67..... 22

Proposed Rules:
205..... 827

45 CFR

680..... 193
681..... 193
682..... 193

683..... 193
684..... 193

46 CFR

Proposed Rules:
69..... 2131
510..... 215
536..... 655

47 CFR

0..... 1294
2..... 953, 1386
21..... 953
73..... 150, 1386, 2116
74..... 150, 953, 1392

Proposed Rules:
2..... 983, 1308
15..... 216, 836
73..... 58, 837, 983, 985, 1308, 2135, 2136
74..... 983
90..... 1310

48 CFR

Proposed Rules:
13..... 1400
17..... 1400

49 CFR

Ch. X..... 613
1..... 1122
830..... 773
1033..... 151, 152, 624, 773, 776
1056..... 777
1136..... 2117

Proposed Rules:
1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR

23..... 1294, 2117
32..... 1122–1135
611..... 625, 1294, 1295
662..... 629
675..... 1295

Proposed Rules:
23..... 1242

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

ORDER NOW!

Directory of Federal Regional Structure

Revised as of May 1, 1981

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

Included in the Directory is a map showing the 10 Standard Federal Regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Price: $5.50

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No. ☐☐☐☐☐☐☐☐ ☐

Order No. _____

VISA and MasterCard Accepted

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me _____ copies of the **Directory of Federal Regional Structure,** at $5.50 per copy. Stock No. 022-003-01077-7

Name—First, Last

Street address

Company name or additional address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		