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federal register

Thursday
June 17, 1982

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Air Pollution Control
Environmental Protection Agency

Air Traffic Control
Federal Aviation Administration

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Bridges
Coast Guard

Coal Mining
Surface Mining Reclamation and Enforcement Office

Consumer Protection
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Energy Conservation
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Government Procurement
Veterans Administration

Household Appliances
Conservation and Renewable Energy Office

Loan Programs—Housing and Community Development
Federal Housing Commissioner—Office of Assistant Secretary for Housing

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Selected Subjects

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

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Presidential Documents

Title 3—

The President

Proclamation 4947 of June 15, 1982

National Peach Month, 1982

By the President of the United States of America

A Proclamation

Peaches are a refreshing and nutritious addition to our Nation's diet.

Peaches are a $365 million cash crop that bolsters the economies of 32 States.

The United States is the world's largest peach producer, providing more than 20 percent of the world's peaches and exporting approximately 250 million pounds each year.

In recognition of the role peaches play in our food supply and our economy, the Congress by Joint Resolution approved March 16, 1982 (96 Stat. 12), has requested the President to designate July 1982 as "National Peach Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 1982 "National Peach Month" and call upon the people of the United States to incorporate this nutritious fruit into their diets, and call upon interested groups to celebrate this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of June, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-16629
Filed 6-16-82; 11:05 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12367 of June 15, 1982

President's Committee on the Arts and the Humanities

By the authority vested in me as President of the United States, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee to assist in efforts to increase private sector support for the arts and the humanities, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Committee on the Arts and the Humanities. The Committee shall be composed of the Chairman of the National Endowment for the Arts; the Chairman of the National Endowment for the Humanities; the Secretary of the Treasury; the Secretary of the Interior; the Secretary of Education; the Administrator of General Services; the Director of the Institute of Museum Services; the Director of the International Communication Agency; a member designated by the Secretary of State; and not more than twenty persons who are not full-time officers or employees of the Federal Government ("non-Federal members"), who shall be appointed by the President and shall be selected from among private individuals and State and local public officials who have a demonstrated interest in and commitment to support for the arts or the humanities. In addition, the Majority Leader of the Senate and the Speaker of the House of Representatives are each invited to designate a member of the Committee for appointment by the President, and the Librarian of Congress, the Secretary of the Smithsonian Institution and the Director of the National Gallery of Art are invited to serve as members of the Committee.

(b) The President shall designate a Chairman or Co-Chairmen from among the non-Federal members of the Committee, and may also designate Vice Chairmen from among members of the Committee.

Sec. 2. *Functions.* The Committee shall analyze, and make recommendations to the President and to the National Endowment for the Arts and the National Endowment for the Humanities with respect to, (i) ways to promote private sector support for the arts and the humanities, especially at the State and local levels; (ii) the effectiveness of Federal support for the arts and the humanities in stimulating increased private sector support, taking into account the economic needs and problems of the arts and the humanities and their relationship with the private sector; (iii) the planning and coordination of appropriate participation (including productions and projects) in major and historic national events; and (iv) ways to promote the recognition of excellence in the fields of the arts and the humanities. In performing these functions, the Committee shall collect, maintain and make available for appropriate distribution data on the sources and levels of public and private sector support for the arts and the humanities, and on the availability of cultural resources locally. The Committee's functions shall not conflict with the responsibilities of the National Council on the Arts and the National Council on the Humanities.

Sec. 3. *Administration.* (a) Members of the Committee shall serve without additional compensation for their work on the Committee. However, members of the Committee who are not full-time officers or employees of the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707), to the extent funds are available therefor.

(b) Any administrative support or other expenses of the Committee shall be paid, to the extent permitted by law, from funds available to the National Endowment for the Arts.

Sec. 4. *General.* (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Chairman of the National Endowment for the Arts, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Committee shall terminate on December 31, 1982, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
June 15, 1982.

[FR Doc. 82-16630
Filed 6-16-82; 11:06 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 82-321]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: The Mediterranean fruit fly quarantine and regulations quarantine California and impose restrictions on the movement of regulated articles from regulated areas in California. This document amends the quarantine and regulations by deleting portions of Santa Clara and Santa Cruz Counties from the list of regulated areas. The effect of this action is to delete restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of regulated articles from such portions of Santa Clara and Santa Cruz Counties. This action is warranted because such restrictions are no longer necessary for the purpose of preventing the artificial spread of the Mediterranean fruit fly.

DATES: Effective date of amendment June 17, 1982. Written comments concerning this rule must be received on or before August 16, 1982.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 641 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule would have an annual effect on the economy of less than $50,000; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512–1.

Certification Under the Regulatory Flexibility Act

Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from areas in Santa Clara and Santa Cruz Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that fewer than 25 small entities move such articles interstate from the previously regulated areas in Santa Clara and Santa Cruz Counties. Further, the overall economic impact from this action is estimated to be less than $50,000.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this document without opportuity for a public comment period because otherwise there would be unnecessary restrictions imposed on the interstate movement of certain articles. This situation requires immediate action to delete such unnecessary restrictions.

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

Background

Because of infestations of the Mediterranean fruit fly found in areas in California, the Mediterranean fruit fly quarantine and regulations were made effective on July 20, 1981 (46 FR 37706–37713), and amendments to the quarantine and regulations were made effective on August 7, August 19, September 2, 1981, and June 1, 1982 (46 FR 40203–40205, 42072–42073, 44144–44145; 47 FR 23682–23683). The quarantine and regulations are set forth in 7 CFR 301.78 through 301.78–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the quarantine and regulations restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles designated as regulated articles from areas designated as regulated areas. The quarantine and regulations currently list as regulated

areas all of Alameda and San Mateo Counties. Also, prior to the effective date of this document, the quarantine and regulations listed as regulated areas all of Santa Clara and Santa Cruz Counties.

Based on trapping and sampling surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has now been determined that the Mediterranean fruit fly has been eradicated from Santa Clara and Santa Cruz Counties, except for the following portions of Santa Clara and Santa Cruz Counties:

Santa Clara County. That portion of the county beginning at a point where the western boundary line of Ed R. Levin County Park intersects the Alameda-Santa Clara County line; then southerly along said boundary line to Calaveras Road; then westerly on Calaveras Road to Old Piedmont Road; then southerly on Old Piedmont Road to Sierra Road; then westerly on Sierra Road to Capitol Avenue; then southeasterly on Capitol Avenue to Berryessa Road; then southwesterly on Berryessa Road to U.S. 101; then northwesterly on U.S. 101 to De La Cruz Boulevard; then southerly on De La Cruz Boulevard to Central Expressway; then westerly on Central Expressway to Fair Oaks Avenue; then southerly on Fair Oaks Avenue to El Camino Real; then northwesterly on El Camino Real to Hollenbeck Avenue; then southerly on Hollenbeck Avenue to Fremont Avenue; then westerly on Fremont Avenue to Foothill Expressway; then northwesterly on Foothill Expressway to El Monte Avenue; then southerly on El Monte Avenue to Interstate 280; then northwesterly on Interstate 280 to the San Mateo-Santa Clara County line; then northerly and easterly along said county line to the Alameda-Santa Clara County line; then easterly along said line to the point of beginning. Also, that portion of the county beginning at a point where Old Santa Cruz Highway intersects the Santa Cruz-Santa Clara County line; then northeasterly along an imaginary line from said intersection to Mt. Thayer; then southeasterly along an imaginary line from Mt. Thayer to the north end of Loma Prieta Road; then southerly along Loma Prieta Road to its intersection with the Santa Cruz-Santa Clara County line; then northerly along said line to the point of beginning.

Santa Cruz County. That portion of the county north and west of a line beginning at a point where Loma Prieta Road intersects the Santa Clara-Santa Cruz County line; then southerly along an imaginary line from said intersection to the northeast corner boundary line of the Forest of Nisene Marks State Park; then southerly along the eastern boundary of said State park to its intersection with Aptos Creek Road; then southerly along Aptos Creek Road to its intersection with Soquel Drive; then westerly along Soquel Drive to its intersection with State Route 1; then westerly along State Route 1 to its intersection with Swift Street; then southerly along Swift Street to the Pacific Ocean where the line ends.

Under these circumstances there is no longer a basis for imposing restrictions on the movement of articles from Santa Clara and Santa Cruz Counties, except for those portions described above. Therefore, in order to relieve unnecessary restrictions on the interstate movement of articles, it is necessary as an emergency measure to delete from the list of regulated areas those areas in Santa Clara and Santa Cruz Counties that are not included in the descriptions set forth above.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, § 301.78–3(c) of the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78–3(c)) is revised to read as follows:

§ 301.78–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.

Santa Clara County. That portion of the county beginning at a point where the western boundary line of Ed R. Levin County Park intersects the Alameda-Santa Clara County line; then southerly along said boundary line to Calaveras Road; then westerly on Calaveras Road to Old Piedmont Road; then southerly on Old Piedmont Road to Sierra Road; then westerly on Sierra Road to Capitol Avenue; then southeasterly on Capitol Avenue to Berryessa Road; then southwesterly on Berryessa Road to U.S. 101; then northwesterly on U.S. 101 to De La Cruz Boulevard; then southerly on De La Cruz Boulevard to Central Expressway; then westerly on Central Expressway to Fair Oaks Avenue; then southerly on Fair Oaks Avenue to El Camino Real; then northwesterly on El Camino Real to Hollenbeck Avenue; then southerly on Hollenbeck Avenue to Fremont Avenue; then westerly on Fremont Avenue to Foothill Expressway; then northwesterly on Foothill Expressway to El Monte Avenue; then southerly on El Monte Avenue to Interstate 280; then northwesterly on Interstate 280 to the San Mateo-Santa Clara County line; then northerly and easterly along said county line to the Alameda-Santa Clara County line; then easterly along said line to the point of beginning. Also, that portion of the county beginning at a point where Old Santa Cruz Highway intersects the Santa Cruz-Santa Clara County line; then northeasterly along an imaginary line from said intersection to Mt. Thayer; then southeasterly along an imaginary line from Mt. Thayer to the north end of Loma Prieta Road; then southerly along Loma Prieta Road to its intersection with the Santa Cruz-Santa Clara County line; then northerly along said line to the point of beginning.

Santa Cruz County. That portion of the county north and west of a line beginning at a point where Loma Prieta Road intersects the Santa Clara-Santa Cruz County line; then southerly along an imaginary line from said intersection to the northeast corner boundary line of the Forest of Nisene Marks State Park; then southerly along the eastern boundary of said State park to its intersection with Aptos Creek Road; then southerly along Aptos Creek Road to its intersection with Soquel Drive; then westerly along Soquel Drive to its intersection with State Route 1; then westerly along State Route 1 to its intersection with Swift Street; then southerly along Swift Street to the Pacific Ocean where the line ends.

San Mateo County. The entire county.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141.)

Done at Washington, D.C., this 14th day of June 1982.

Kenneth R. Hook,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-16408 Filed 6-16-82; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 695; Valencia Orange Reg. 694, Amdt. 1]

Valencia 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 Valencia oranges that may be shipped to market during the period June 18–June 24, 1982, and increases the quantity of such oranges that may be so shipped during the period June 11–June 17, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective June 18, 1982, and the amendment is effective for the period June 11–June 17, 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. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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 Valencia 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 February 5, 1982. The committee met again publicly on June 15, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is steady.

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 an open meeting, and the amendment relieves restrictions on the handling of Valencia 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 the effective time.

List of Subjects in 7 CFR Part 908

Agricultural marketing service, Marketing agreements and orders, California, Arizona, Oranges (Valencia).

1. Section 908.995 is added as follows:

§ 908.995 Valencia Orange Regulation 695.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 18, 1982, through June 24, 1982, are established as follows:

(a) District 1: 259,000 cartons;
(b) District 2: 291,000 cartons;
(c) District 3: Unlimited cartons.

2. Section 908.994, Valencia Orange Regulation 694 (47 FR 25133), is hereby amended to read:

§ 908.994 Valencia Orange Regulation 694.

* * * * *

(a) District 1: 329,000 cartons;
(b) District 2: 371,000 cartons;
(c) District 3: Unlimited cartons.

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

Dated: June 16, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–16649 Filed 6–16–82; 11:34 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 82–AWA–7]

Revocation of Prohibited Area P–26; Special Use Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action revokes Prohibited Area P–26 located in the Denver, CO, area specifically over the Rocky Mountain Arsenal toxic storage area and toxic munitions production facilities. With the removal of the "Weteye" bombs and bulk name agent, "GB", in August 1981 and bulk choking agent (CG Phosgene) in March 1982, there is no longer a potential for a chemical agent release hazard in the event of an aircraft crash within P–26.

Furthermore, the Department of the Army has no plans, short of total mobilization to produce or store significant amounts of toxic chemical agents at the Rocky Mountain Arsenal. Therefore, the Department of the Army's request that P–26 be eliminated, is granted, thereby returning the airspace to public use.

EFFECTIVE DATE: August 5, 1982.

Comments must be received on or before July 19, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Northwest Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 82–AWA–7, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (ATT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the revocation of P–26 in the Denver, CO, area and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulations. After the review, if the FAA finds the changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are

specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 73.92 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to revoke Prohibited Area P-26, Denver, CO, as requested by the Department of the Army. Section 73.92 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to revoke P-26, thereby returning that airspace for public use. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective August 5, 1982.

List of Subjects in 14 CFR Part 73

Prohibited area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.92 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) effective 0901 G.m.t., August 5, 1982, is amended as follows:

P-26 Denver, CO [Revoked]

By revoking the title and text.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on June 9, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-16289 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing

24 CFR Parts 203, 207, and 220

[Docket No. R-82-996]

Debenture Interest Rate

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: This rule change provides for a revised debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's Section 221(g)(4) provisions, committed or endorsed on or after January 1, 1982. The rule also changes the format and method of announcing changes in the debenture interest rates. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. Since these changes are of a routine nature, henceforth the Department will publish a Notice of interest rate change in the **Federal Register**.

EFFECTIVE DATE: August 4, 1982. The amendments made by this rule shall apply retroactively from January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Arnold H. Diamond, Director, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6186, Washington, D.C. 20410 (202) 426-4325. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Debenture interest rates are set by the Secretary of the Treasury in accordance with a procedure established by statute, and HUD bases its changes on a notification from the Secretary of the Treasury. Because these changes do not reflect the exercise of administrative discretion by HUD, public procedure would provide no practical benefit and is unnecessary. Moreover, because these changes are not regulatory in nature, the Secretary will announce future changes in a different manner. Henceforth, HUD will publish them in a general notice in the **Federal Register** twice each year. There will be no notice and public procedure on the change to general notice form since the change is one of procedure under the exception provided by 5 U.S.C. 553(b)(A) and 24 CFR 10.1. These notices will state the applicable rate for the prospective six-month period; they will also contain the chart of historical rates applicable to mortgages committed or endorsed in prior years as a convenient reference. Because the changes are urgently needed, good cause exists for forgoing the deferral in effective date required by 5 U.S.C. 553(d) and for making the rule effective as soon as permitted by the legislative review provisions of Section 7(o) of the Department of Housing and Urban Development Act.

The Secretary of the Treasury has determined in accordance with the provisions of section 224 of the National Housing Act, as amended, that the interest rate for the month of November 1981 is 12¾% and has approved the establishment of debenture interest rates at 12¾% to be effective as of January 1, 1982; thus the interest rates applicable after these dates are:

	On or after—	Prior to—
Effective rate (percent):		
6¾	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7¼	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6¾	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11⅞	Jan. 1, 1981	July 1, 1981.
12⅝	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in sec. 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of enterprises based in the United States to compete with foreign-

based enterprises in domestic or export markets.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

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

The Catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, 14.122, 14.127, 14.134 and 14.139.

List of Subjects

24 CFR Part 203

Home improvement, Loan programs-housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 220

Home improvement, Mortgage insurance, Urban renewal, Projects, Rental housing, Loan programs-housing and community development.

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

Accordingly, 24 CFR Chapter II is amended as follows:

(1) In Part 203, § 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

(2) Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

(3) In Part 207, § 207.259 is amended by revising paragraph (e)(6) to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is higher. The applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

* * * * *

PART 220— URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

(4) In Part 220, § 220.830 is revised to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the loan was endorsed for insurance, whichever rate is higher. The applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Dated: June 10, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 82-16477 Filed 6-16-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 09-82-021]

Drawbridge Operation Regulations; Genesee River, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the County of Monroe, New York, the Coast Guard is revising the regulations governing the operation of the Stutson Street bridge, mile 1.21, across the Genesee River, Rochester, New York, by permitting the draw of this bridge to remain closed for extended periods of time during the navigation season. This change is being made in an effort to relieve vehicular traffic tie-ups caused by an increase in both land and water traffic. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on July 19, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, 1240 East Ninth Street, Cleveland, Ohio 44199. (216) 522-3993.

SUPPLEMENTARY INFORMATION: On March 22, 1982, the Coast Guard published a Proposed Rule in the **Federal Register** (FR 12194) concerning this amendment. The Commander, Ninth Coast Guard District, also published this proposal as a Public Notice dated April 12, 1982. Interested parties were given until May 6, 1982, and May 12, 1982, respectively, to submit comments.

Drafting Information

The principal persons involved in drafting this Final Rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Project Attorney, LCDR Michael D. Gentile, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Comments

No comments were received from the **Federal Register** or Ninth Coast Guard District Public Notice.

This final regulation has previously been determined to be non-major under Executive Order 12291, and also to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). The final regulation has previously been certified under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), at 47 FR 12194 (March 22, 1982). No information has been received which changes those determinations and certification. An economic evaluation has not been conducted. Since this rule only reduces the number of bridge openings during periods of time when vehicle traffic using the Stutson Street bridge is heaviest, small entities in the area will not be economically impacted.

List of Subjects in 33 CFR Part 117

Bridges, Coast Guard.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.709 to read as follows:

§ 117.709 Genesee River, Rochester, N.Y., Stutson Street and ConRail bridges.

(a) The draw of the ConRail bridge shall open on signal from April 1 through December 15.

(b) The draw of the Stutson Street bridge shall open on signal from April 1 through December 15 except that:

(1) From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open.

(2) From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m., Monday through Friday, and 7 a.m. to 11 p.m., Saturdays, Sundays and Federal holidays the draw need open on signal only on the hour and half-hour.

(c) From December 16 through March 31 the draws of both bridges shall open on signal if at least 12 hours advance notice is given.

(d)(1) Public vessels of the United States, vessels in distress, state or local government vessels used for public safety and vessels seeking shelter from rough weather shall be passed through the draws of these bridges as soon as possible even though the closed periods of paragraph (b)(1) and (2), and (c) of this section are in effect.

(2) Commercial vessels shall be passed through the draw of the Stutson Street bridge even though the closed periods of paragraph (b)(2) are in effect.

(e) The owner of or agency controlling these bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such a manner that it can be easily read at all times, a copy of the regulations in this section, together with a notice stating exactly how the representative may be reached during times specified in paragraph (c) of this section.

(f) Clearance gauges, of a type approved by the Commander, Ninth Coast Guard District, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and such gauges shall be kept in good repair and legible condition.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: June 7, 1982.

J. R. Kirkland,

Captain, U.S. Coast Guard, Commander, Ninth Coast Guard District, Acting.

[FR Doc. 82-16411 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD3 (79-014)]

Drawbridge Operating Regulations; Great Channel, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At the request of Cape May County, NJ, the Coast Guard is changing the regulations governing the Stone Harbor Boulevard Bridge across Great Channel at Mile 102.0 of the New Jersey Intracoastal Waterway. This change is being made because frequent bridge openings cause vehicular traffic to be severely congested during peak boating periods (weekends and holidays from Memorial Day to Labor Day). The action is expected to relieve congested traffic during peak boating periods and still provide for reasonable navigational needs.

EFFECTIVE DATE: This amendment becomes effective on July 19, 1982.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (oan-br), Governors Island, NY 10004, (212-668-7165).

SUPPLEMENTARY INFORMATION: Cape May County requested that they be allowed to open the bridge only on the hour and half-hour during peak boating periods. The Coast Guard also investigated openings spaced 20 minutes apart, beginning on the hour. The Coast Guard published a notice of proposed rulemaking (for openings spaced 20 minutes apart) in the **Federal Register** on 24 May 1979 (44 FR 30114). Interested persons were requested to submit comments. Three comments were received. The following public notices were issued concerning these regulations: Number 3-347 (June 1978)—implemented temporary (less than 60 day) regulations for openings on the hour and half-hour, for evaluation. No comments received.

Number 3-380 (9 May 1979)—implemented temporary regulations for openings spaced 20 minutes apart beginning on the hour, for evaluation. No comments received.

Number 3-382 (13 June 1979)—identical to the proposed rule. One comment received.

Number 3-416 (22 July 1979)—implemented temporary regulations for openings 20 minutes apart for further evaluation. Two responses were received.

Drafting Information

The principal persons drafting this rule are Ernest J. Feemster, Project Manager and LCDR Frank E. Couper, Project Attorney, Third Coast Guard District Aids to Navigation Branch and Legal Office, respectively.

Discussion of Comments

Two of the three comments on the proposed rule requested we consider hourly and half-hourly openings instead of openings spaced 20 minutes apart because temporary regulations issued in 1978 provided for openings every half-hour. The two comments also stated that the Stone Harbor Boulevard Bridge was accommodating added traffic and was the only feasible access to and from the barrier island for emergency vehicles. This situation resulted from a fire in May 1979 that temporarily closed the nearby North Wildwood Bridge. The latter two issues were not considered in this action since the North Wildwood Bridge was restored to normal operations in the summer of 1979, shortly after receipt of the above comments. The other comment on the proposed rule supported it but expressed reservations about 20 minute openings rather than half-hourly ones. The comment on Public Notice 3-382 offered no objection. Of the two comments received on Public Notice 3-416, one supported the temporary regulations, while the other restated reservations (stated in response to the proposed rule) about 20 minute openings rather than half-hourly ones. The Coast Guard decided to issue these regulations after considering all comments. The temporary regulations issued in 1978 for evaluation of half-hourly openings created no problems for either land or marine traffic. Subsequent temporary regulations for openings spaced 20 minutes apart have similarly created no observed problems, even when vehicular traffic was greatly increased in 1979 due to a fire at the North Wildwood Bridge. Evaluation of the 20 minute spaced openings has shown that they adequately relieve traffic congestion without being restrictive to either land or marine navigation. They are therefore determined to be acceptable for adoption.

Summary of Final Evaluation

These regulations have been reviewed under the provisions of Executive Order

12291 and have been determined not to be a major rule. In addition, the regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since for the reasons discussed above, their impact is expected to be minimal. In accordance with section 605(b) of The Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by adding a new subparagraph (r) immediately after § 117.220(q) to read as follows:

§ 117.220 [Amended]

* * * * *

(r) Stone Harbor Boulevard Bridge across Geat Channel. The draw shall open for a waiting vessel only on the hour, 20 minutes after the hour, and 20 minutes before the hour on Saturday, Sunday and holidays from Memorial Day through Labor Day between 8 a.m. and 6 p.m. The draw shall open on signal at all other times, and shall open on signal for vessels with tows and for public vessels of the United States at all times.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.45(c)(5); 33 CFR 1.051(g)(3))

Dated: June 1, 1982.

J. L. Fear,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 82–16410 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD3 03–82–02]

Drawbridge Operation Regulations; Lemon Creek, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule—Revocation.

SUMMARY: This amendment revokes the regulations for the Bayview Avenue drawbridge across Lemon Creek, mile 0.1 at Staten Island, New York. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned. The U.S. Army Corps of Engineers previously approved the retention of the south bridge abutment as a breakwater structure. This abutment is the only portion of the bridge that remains.

EFFECTIVE DATE: This amendment becomes effective on July 19, 1982.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004 (212–668–7165).

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this revocation of regulations are: Isadore Stillman, Project Manager and LCDR Frank E. Couper, Project Attorney, Third Coast Guard District Aids to Navigation Branch and District Legal Office, respectively.

This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–2–80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.215 [Amended]

1. By removing § 117.215(j)(1).

2. By renumbering § 117.215(j)(2) and § 117.215(j)(2–a) as § 117.215(j)(1) and (2), respectively.

3. In new paragraph § 117.215(j)(1)(ii) change "paragraph (j)(2)(iii)" to read "paragraph (j)(1)(iii)".

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: May 26, 1982.

J. L. Fear,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 82–16404 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

41 CFR Part 8–2

Procurement by Formal Advertising

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: Recent Comptroller General Decisions (B–200616 and B–200845) indicate a need to amend the Aggregate Award clause in order that multiple award on an item basis be allowed. The revision to the clause allows award on either the aggregate or item by item, based upon the relative costs.

The Comptroller General has also determined that contracting officers may be acting improperly when rejecting a sole offer on the basis of nonconformance with the bid acceptance time set forth in the solicitation (B–204053). The decision concludes that nonconformance with bid acceptance time generally cannot be the basis for rejection when only one bid is received, since other bidders are not unfairly disadvantaged.

In compliance with the Contract Disputes Act, the contracting officer is given authority to resolve mistakes in bid alleged after award with the prior approval of the General Counsel and the Assistant Deputy Administrator for Procurement and Supply. The Assistant Deputy Administrator for Procurement and Supply will maintain the agency record of mistakes in bid after award.

EFFECTIVE DATE: This rule is effective June 11, 1982.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604. The reason for this certification is because this rule is not likely to result in

a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only implements existing rules and establishes internal procedures, the rulemaking process is considered unnecessary in this instance.

List of Subjects in 41 CFR Part 8-2

Advertising, Government procurement.

Approved: June 11, 1982.

Robert P. Nimmo,

Administrator.

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

41 CFR Part 8-2 is amended as follows:

1. § 8-2.201, paragraph (f)(2) is revised to read as follows:

§ 8-2.201 Preparation of invitations for bids.

* * * * *

(f) * * *

(2) Solicitations for supplies and services, other than construction, will contain the following provision:

Aggregate Award

The Veterans Administration reserves the right to make an award to the responsible bidder quoting the lowest aggregate price for all items, for any group of items, or on an item basis, whichever is more advantageous to the Government. Bids will be evaluated on the basis of additional cost to the Government that might result from making multiple awards. For this purpose, the cost of awarding and administering each additional contract is estimated to be $———.[1]

* * * * *

§ 8-2.203-3 [Amended]

2. § 8-2.203-3 is amended by removing the words "Director, Supply Service" and inserting the words "Assistant Deputy Administrator for Procurement and Supply (93)".

§ 8-2.301 [Amended]

3. § 8-2.301 is amended by removing the words "Director, Supply Service (134G)" and inserting the words "Assistant Deputy Administrator for Procurement and Supply (93)".

§ 8-2.403 [Amended]

4. § 8-2.403 is amended by removing the words "VA Form 07-1286, 07-2232, or 08-6103" and inserting the words "VA Forms 90-1286, 90-2232 (or 60-2232), or 08-6103".

5. In § 8-2.404-2 paragraph (b) is amended and is redesignated as paragraph "(c)" and a new paragraph (b) is added to read as follows:

§ 8-2.404-2 Rejection of individual bids.

* * * * *

(b) When a single bid is received in response to a solicitation, the offer shall not be rejected simply because it specifies a bid acceptance time which is shorter than that contained in the solicitation, unless a compelling reason exists for rejecting such a bid. Insufficient time to properly evaluate an offer shall be considered a compelling reason for rejection; however, the contracting officer will first request the offeror to extend the acceptance date of the bid to allow for a proper evaluation.

Note.—In those cases where more than one bid is received, an individual bid which is not in compliance with the Government's bid acceptance time shall be rejected as nonresponsive since consideration of such an offer would unfairly disadvantage other bidders.

(c) Questions involving the responsiveness of a bid which cannot be resolved by the contracting officer may be submitted directly to the Comptroller General, accompanied by a copy of the pertinent documents. A copy of each submission will be forwarded to the Assistant Deputy Administrator for Procurement and Supply (93).

§ 8-2.406-3 [Amended]

6. In § 8-2.406-3, paragraphs (a), (b) and (c) are amended by removing the words "Director, Supply Service" and inserting the words "Assistant Deputy Administrator for Procurement and Supply (93)".

7. § 8-2.406-4 is revised to read as follows:

§ 8-2.406-4 Disclosure of mistakes after award.

(a) When a contracting officer corrects a mistake in bid pursuant to FPR 1-2.406-4(a), a copy of the contract amendment or supplemental agreement together with a copy of the contracting officer's determination will be forwarded to the Assistant Deputy Administrator for Procurement and Supply (93).

(b) For mistakes in bid other than those specified in paragraph (a) of this section, the contracting officer's proposed determination, prepared in accordance with FPR 1-2.406-4, will be forwarded to the General Counsel (025) through the Assistant Deputy Administrator for Procurement and Supply (93). The approval and/or recommendations of the General Counsel and the Assistant Deputy Administrator for Procurement and Supply will be transmitted to the contracting officer by the Assistant Deputy Administrator for Procurement and Supply. The contracting officer will make the final determination as directed by the Assistant Deputy Administrator for Procurement and Supply. The contracting officer will transmit a copy of the signed final decision letter to the Assistant Deputy Administrator for Procurement and Supply (93).

(c) The Assistant Deputy Administrator for Procurement and Supply (93) will maintain the agency records of mistakes in bids after award, as required by FPR 1-2.406-4.

§ 8-2.407-1 [Amended]

8. In § 8-2.407-1, the introductory portion of paragraph (a), and paragraph (b) are amended by removing the words "Director, Supply Service" and inserting the words "Assistant Deputy Administrator for Procurement and Supply (93)".

9. § 8-2.407-8 is revised to read as follows:

§ 8-2.407-8 Protests against award.

(a) *General.* When a protest against the award of a contract or a request from the General Accounting Office for an agency report relative to a protest against an award lodged with that agency is received in Central Office, the protest or request will be immediately forwarded to the Assistant Deputy Administrator for Procurement and Supply (93). Protests or requests concerning Central Office architect-engineer or construction contracts will be forwarded to the Assistant Deputy Administrator for Construction. The Assistant Deputy Administrator for Construction or Assistant Deputy Administrator for Procurement and Supply, whichever is appropriate, will immediately notify the contracting officer, furnish him/her a copy of the protest, and request him/her to furnish the information required by FPR 1-2.407-8(a)(2). Should the circumstances warrant, the contracting officer will be advised to notify all parties involved in or affected by the protest and to secure from them their views as provided in FPR 1-2.407-8(a)(3), (b)(2), and (c).

(b) *Protest before award.* When a written protest has been lodged with the contracting officer, and he/she considers it desirable to do so, he/she may obtain the views of the Comptroller General. The submission will be made direct to the Comptroller General and

[1] Insert a dollar amount between $100 and $500, the exact amount to be determined by the contracting officer based upon the anticipated workload that would result from administering an additional contract.

will include the material indicated in FPR 1.2–407–8(a)(2). Simultaneous with the submission of a protest to the Comptroller General by a contracting officer under authority of this paragraph, the Assistant Deputy Administrator for Procurement and Supply (93) will be furnished a complete copy of the submission. The contracting officer will notify the protesting individual or firm promptly in writing of the decision of the Comptroller General. A copy of the decision and notification will be furnished the Assistant Deputy Administrator for Procurement and Supply (93).

(1) While a case involving a protest before award is pending in the Office of the Comptroller General, no award may be made except when, in the opinion of the contracting officer, the needs of his/her station will not permit delay in awarding the contract. He/she will document the specific reasons why the award must be made and submit a request for approval to the Assistant Deputy Administrator for Procurement and Supply (93) or the Assistant Deputy Administrator for Construction, whichever is appropriate.

(2) The Assistant Deputy Administrator for Procurement and Supply or the Assistant Deputy Administrator for Construction, whichever is appropriate, will file a notice of intent to make the award with the Comptroller General and request advice as to the status of the case. Upon receipt of this advice, the Assistant Deputy Administrator for Procurement and Supply or the Assistant Deputy Administrator for Construction will approve the request or advise the contracting officer as to the action to be taken.

(c) *Protest after award.* When a written protest is lodged with the contracting officer, he/she will review the basis for award.

(1) If the contracting officer determines that the award was proper, he/she will furnish the protester a written explanation of the basis for the award which is responsive to the allegations of the protest. The contracting officer will advise the protester that he/she may appeal the determination to the Assistant Deputy Administrator for Procurement and Supply (93) (or the Assistant Deputy Administrator for Construction in the case of a Central Office architect-engineer or construction contract) or the Comptroller General.

(2) If the contracting officer determines that the award is questionable he/she will advise the contractor of the protest and invite him/her to submit his/her views and relevant information. At the same time, the contracting officer will seek to obtain a mutual agreement with the contractor to suspend performance on a no-cost basis. Whether or not the contractor agrees, the case will be submitted promptly to the Assistant Deputy Administrator for Procurement and Supply (93) (or the Assistant Deputy Administrator for Construction in the case of a Central Office architect-engineer or construction contract), who will either advise the contracting officer of the appropriate action to take, or submit the case to the Comptroller General for his/her decision.

10. In § 8–2.502, paragraphs (a), (b) and (c) are amended to read as follows:

§ 8–2.502 Conditions for use.

* * * * *

(a) Director, Veterans Administration Marketing Center, for contracts entered into by a Marketing Division.

(b) Assistant Deputy Administrator for Procurement and Supply for contracts entered into by field stations and the Procurement Service, Office of Procurement and Supply, Central Office.

(c) Director, Office of Administration, for contracts entered into by the Building and Supply Service, Central Office.

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 82–16403 Filed 6–16–82; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6255

[OR–21583]

Oregon; Partial Revocation of Executive Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in part as to 92.78 acres of land withdrawn for lighthouse purposes. The lands will not be open to location under the mining laws unless and until appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 28, 1889, which withdrew certain lands for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

T. 1 S., R. 11 W.,
Sec. 13, lots 2 and 5.

The area described contains 92.78 acres in Tillamook County.

2. The surface estate of the above described lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16338 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6256

[OR–22231 (WASH)]

Washington; Revocation of Public Land Order No. 619

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order which withdrew 1.15 acres of land for lighthouse purposes. This action restores the land to operation of the mineral leasing laws. The land will not be open to location under the mining laws unless and until appropriate rules and regulations are issued on land conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management

Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 619 of December 2, 1949, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked:

Willamette Meridian

T. 37 N., R. 4 W.,
Sec. 34, lot 1.

The area described contains 1.15 acres in San Juan County.

2. The surface estate of the above described land has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended, (43 U.S.C. 869, 869–4); therefore, unless and until appropriate rules and regulations are issued, the land will not be open to location under the United States mining laws.

3. At 7:30 a.m., on July 13, 1982, the land will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assisant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16339 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6257

[OR–22098 (WASH)]

Washington; Revocation of Executive Order of May 8, 1889

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 33 acres of land for use by the Department of the Army for military purposes. The surface was conveyed out of Federal ownership with minerals reserved to the United States. Since the minerals have been declared excess Federal property, they are not subject to operation of the mining and mineral leasing laws. Thus, the effect of this order is record-clearing only.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 8, 1889, which withdrew the following described land for use by the Department of the Army for military purposes is hereby revoked:

Willamette Meridian

T. 9 N., R. 10 W.,
Sec. 22, lot 9.

The area described contains 33 acres in Pacific County.

2. The land described above has been conveyed out of United States ownership under authority of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16340 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6258

[Nev-051745]

Nevada; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes two Secretarial orders which withdrew lands for the Bureau of Reclamation to utilize for the Colorado River Storage Project. This action will restore 1,280 acres to operation of the public land laws generally including the mining laws. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office 702–784–5703.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Orders dated January 31, 1903 and October 16, 1931, which withdrew land to be used by the Bureau of Reclamation for the Colorado River Storage Project are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian

T. 32 S., R. 66 E.,
Sec. 14, All;
Sec. 15, All.

The area described aggregates approximately 1,280 acres in Clark County, Nevada.

2. At 10 a.m. on July 13, 1982, the lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 13, 1982, the lands described above will be open to location and entry under the United States mining laws.

Inquiries concerning the land should be addressed to Chief, Division of Technical Services, Nevada State Office, Branch of Lands and Minerals Operations, 300 Booth Street, P.O. 12000, Reno, Nevada 89520.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16341 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6259

[M–41589]

Montana; Partial Revocation of Executive Order Designating Public Water Reserve No. 51

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke an Executive order dated November 10, 1917, designating Public Water Reserve No. 51. This action will restore 1,280 acres of land to full operation of the public land laws, including nonmetalliferous mining. All lands affected by this order have been and will remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Those portions of the public water reserve withdrawals granted to BLM by Executive order of November 10, 1917,

are hereby revoked so far as they affect the following described lands:

Principal Meridian

T. 7 S., R. 11 W.,
Sec. 18, NE¼NE¼, S½NE¼;
Sec. 19, NE¼.
T. 8 S., R. 20 E.,
Sec. 25, S½.
T. 9 S., R. 20 E.,
Sec. 2, SW¼;
Sec. 26, E½.
T. 9 S., R. 21 E.,
Sec. 2, SW¼NE¼, S½NW¼.
T. 5 S., R. 45 E.,
Sec. 22, N½NE¼.

The areas described aggregate 1,280 acres in Carbon, Powder River and Beaverhead Counties.

2. At 7:45 a.m. on July 13, 1982, the lands described in paragraph one of this order will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The described lands will also be open to the location of nonmetalliferous minerals under the United States mining laws, at 7:45 a.m. on July 13, 1982. The lands have been and continue to be open to the location of metalliferous minerals and applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 7, 1982.
[FR Doc. 82-16342 Filed 6-16-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6260

[OR-22051 (WASH)]

Washington; Revocation of Former Military Reservation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 623.93 acres of land for military purposes. This action will permit 376.76 acres of land to remain closed to operation of the mining laws pursuant to the Recreation and Public Purposes Act. The balance of 247.20 acres of land is excess property and has been conveyed from United States ownership. This land, with the exception noted, has been and continues to be open to applications and offers under the mineral leasing laws.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of January 29, 1859, as modified by the Executive Orders of April 1, 1895, and April 30, 1896, which withdrew the following described land for use by the Department of the Army for military purposes is hereby revoked:

Willamette Meridian

T. 30 N., R. 1 W.,
Sec. 21, lot 6;
Sec. 22, lot 6;
Sec. 27, lot 5;
Sec. 28, lots 12, and 13, and those portions of sections 28 and 33 described as follows:

Beginning at the southeast corner of the Fort Townsend Military Reservation, T. 30 N., R. 1 W., W.M., Washington; thence North, 58.50 chains distant, more or less, to the east and west centerline of sec. 28; thence westerly, along the east and west centerline, 17.50 chains distant, more or less, to the west boundary of the reservation; thence South, 28.50 chains distant, more or less; thence West, 32.50 chains distant; thence South, 29.20 chains distant; thence East, 50.00 chains distant to the point of beginning.

The area described contains 623.93 acres in Jefferson County.

2. The surface estate of the land in lot 6 of section 21, lot 6 of section 22, lot 5 of section 27, and lot 11 of section 28, has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); and will not be opened to location under the United States mining laws. The land has been and will remain open to applications and offers under the mineral leasing laws.

3. The land described in paragraph 1, except as provided in paragraph 2, has been conveyed from United States ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 7, 1982.
[FR Doc. 82-16343 Filed 6-16-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6261

[CA-3192]

California; Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Public Land Order No. 1461 dated August 6, 1957 which withdrew public lands for protection of a forest service administrative site. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1461 of August 6, 1957, which withdrew the following described lands for use by the Department of Agriculture as an administrative site in connection with administration of the Toiyabe National Forest, is hereby revoked:

Mount Diablo Meridian

T. 9 N., R. 22 E.,
Sec. 11, N½SW¼NE¼, SW¼SW¼NE¼, N½SE¼SW¼NE¼, N½S½SE¼SW¼NE¼, N½S½S½SE¼SW¼NE¼.

The area described aggregates 38.75 acres in Mono County.

2. At 10 a.m. on July 13, 1982, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on July 13, 1982. They have been open to application and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16344 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6262

[U–47669]

Utah; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Managment, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew 1,314 acres of Forest Service land for reclamation purposes. This action will restore 963 acres to mining location. The remaining lands are within a developed campground and recreation area and are closed to mining location. The lands have been and continue to be open to applications and offers under the leasing laws.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is hereby ordered as follows:

1. The Secretarial Order of October 20, 1964, which withdrew lands for the China Meadows Reservoir, Lyman Project are hereby revoked insofar as they affect the following described lands:

Salt Lake Meridian

T. 2 N., R. 14 W.,
Secs. 6 and 7.

The area described aggregates 1,314 acres in Summit County.

2. At 10 a.m. on July 13, 1982, the lands shall be open to such forms of disposition as may by law be made of national forest lands including mining location subject to the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16345 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6263

[OR–18995, OR–19007, OR–20235]

Oregon; Revocation and Partial Revocation of Public Water Reserve Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two Executive Orders and partially revokes a third affecting 640 and 280 acres respectively. The lands were withdrawn for public water reserve purposes. This action will restore the lands to surface entry and nonmetalliferous mining. The lands have been and will remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Orders of December 22, 1927, and April 23, 1929, that created Public Water Reserve Nos. 112 and 122 and withdrew the following described lands for public water reserve purposes are hereby revoked in their entirety:

Willamette Meridian

Public Water Reserve No. 112

T. 35 S., R. 32½ E.,
Sec. 8, S½;
Sec. 17, NE¼.

Public Water Reserve No. 122

T. 25 S., R. 23 E.,
Sec. 26, W½SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NW¼NW¼.

The areas described aggregate 640 acres in Harney and Lake Counties.

2. The Executive Order of November 21, 1923, which created Public Water Reserve No. 88 and withdrew certain lands for public water reserve purposes is hereby revoked as to the following described lands:

Willamette Meridian

Public Water Reserve No. 88

T. 15 S., R. 26 E.,
Sec. 23, S½SE¼;
Sec. 26, NW¼NE¼;
T. 31 S., R. 33 E.,
Sec. 28, NW¼NW¼;
Sec. 29, NE¼NE¼ and S½NE¼.

The areas described aggregate 280 acres in Grant and Harney Counties.

3. At 10 a.m. on July 13, 1982, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on July 13, 1982, the lands shall be opened to nonmetalliferous mineral location under the United States mining laws. The lands have been and will continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82–16346 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6264

[LA–0155887]

California: Public Land Order 5791; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct certain errors in the lands described and status of Public Land Order No. 5791 which partially revoked reclamation withdrawals in Imperial County, California.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Walter F. Holmes, California State Office, 916–468–4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the

Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5791 of December 18, 1980, in FR Doc. 80-39804 appearing at page 84788 in the issue for Tuesday, December 23, 1980, is corrected as follows:

2. In the second column, paragraph numbered 1, the Secretarial Order of February 6, 1918, is corrected to read February 16, 1918.

3. In the third column under T. 12 S., R. 16 E., Sec. 10, "SE¼NE¼" is hereby corrected to read "SW¼NE¼," the "SE¼NE¼SW¼" is hereby corrected to read "SW¼NE¼SW¼," and the "SW¼NW¼SE¼" is hereby corrected to read "SE¼NW¼SE¼."

4. The first sentence in paragraph 4, reading "All of the lands described herein are classified for multiple use management, which segregates them from Indian Allotment and desert land entry" is erroneous and is hereby deleted.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82-16335 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6265

[NM-51869-OKLA]

Oklahoma; Public Land Order No. 6200: Correction

AGENCY: Bureau of Land Management, Interior.

ACTION. Public land order.

SUMMARY: This document will correct a typographical error in a metes and bounds description of lands contained in a public land order which restored 58.13 acres to ownership of the Wichita and Affiliated Bands of Indians.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, Washington, D.C., 202-343-6486.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands by metes and bounds in Public Land Order No. 6200 of March 8, 1982, in FR Doc. 82-7041 appearing at page 11282 in the issue of Tuesday, March 16, 1982, in the third column under Indian Meridian, on line 26, thence N. 33°13'05 "E." The designation "E." should be corrected to read "W.".

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982

[FR Doc. 82-16337 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6266

[CA-7790 WR]

California; Revocation of Proclamation No. 1245

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Proclamation affecting 40 acres of public land. This action will restore 10 acres to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. The balance of the lands remain withdrawn for a Forest Service Administrative Site.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Morrison, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Proclamation No. 1245 of May 27, 1913, which withdrew the following described lands for classification, is hereby revoked.

San Bernardino Meridian

T. 4 N., R. 9 W.,
Sec. 8, S½NW¼SW¼, N½N½S½SW¼.

The area contains 40 acres in Los Angeles County.

2. Of the lands described in paragraph 1, the S½NW¼SW¼ and N½N½ SW¼SW¼ are withdrawn for a Forest Service Administrative Site by Secretarial Order dated November 25, 1907, and are not subject to disposition under the public land laws, including the mining and mineral leasing laws.

3. At 10 a.m. on July 13, 1982, the following land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 13, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

San Bernardino Meridian

T. 4 N., R. 9 W.,
Sec. 8, N½N½SE¼SW¼.

The area described contains 10 acres.

4. At 10 a.m. on July 13, 1982, the land will be open to location for nonmetalliferous minerals under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Managerment, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 7, 1982.

[FR Doc. 82-16336 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6337]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (200) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program

(NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
West Virginia: Putnam and Kanawha	Nitro, city of	540081B	Apr. 21, 1975, emergency, Apr. 15, 1982, regular, Apr. 15, 1982, suspended, May 18, 1982, reinstated.	Mar. 15, 1974, and Oct. 17, 1975.
Minnesota: Freeborn	Albert Lea, city of	270135B	Oct. 17, 1974, emergency, May 3, 1982, regular, May 3, 1982, suspended, May 19, 1982, reinstated.	June 19, 1974, and Feb. 20, 1976.
Texas: Parker	Unincorporated areas	480520	Jan. 22, 1979, emergency, May 11, 1982, withdrawn.	Dec. 27, 1977.
Iowa: Black Hawk	Janesville, city of	190023B	May 28, 1982, emergency	Dec. 28, 1973, Jan. 16, 1976, and Oct. 31, 1978.
Maryland: Wicomico	Willards, town of	240082A	do	Jan. 21, 1977.
Michigan:				
Huron	Caseville, village of	260677A	do	Aug. 5, 1977.
Macomb	Center Line, city of	260724 new	do	
Saginaw	Chesaning, township of	260500	do	Oct. 8, 1976.
Ottawa	Coopersville, city of	260491	do	Sept. 26, 1975.
Clinton	Elsie, village of	260725 new	do	Do.
Wayne	Huron, township of	26545A	do	June 30, 1978.
Clinton	St. Johns, city of	260726 new	do	Do.
Shiawassee	Vernon, village of	260524	do	July 11, 1975.
Pennsylvania:				
Westmoreland	Cook, township of	422186A	do	Sept. 20, 1974, and Nov. 19, 1976.
Do	Bell, township of	422185A	do	Sept. 13, 1974, and Sept. 24, 1976.
Tennessee: Robertson	Unincorporated areas	470158A	do	Jan. 6, 1978.
Texas: Brazoria	Bailey's Prairie, town of	480065A	do	Nov. 8, 1974.
Kansas: Sedgwick	Park City, city of	200963 new	do	Do.
Michigan: St. Joseph	Mendon, township of	260513A	do	Mar. 25, 1977.
Minnesota: Freeborn	Albert Lea, city of	270135B	Oct. 17, 1974, emergency, May 3, 1982, regular, May 3, 1982, suspended, May 19, 1982, reinstated.	June 7, 1974, and Feb. 20, 1976.
Texas:				
Baylor	Unincorporated areas	481207	May 28, 1982, emergency	Do.
Denton	Double Oak, town of	481516A	do	June 19, 1979.
California:				
Tehama	Red Bluff, city of	065053D	May 17, 1982, suspension withdrawn	June 7, 1974, June 11, 1976, Dec. 26, 1978, and Dec. 26, 1979.
San Mateo	Redwood City, city of	060325B	do	June 28, 1974, and Jan. 2, 1976.
Siskiyou	Unincorporated areas	060362B	do	Nov. 15, 1977.
Yuba	do	060427B	do	Sept. 6, 1974, and Sept. 6, 1977.
Connecticut: Hartford	Marlborough, town of	090148B	do	July 19, 1974, and Dec. 3, 1976.
Florida:				
Hendry	Unincorporated areas	120107B	do	July 21, 1978.
Citrus	Inverness, city of	120348B	do	Jan. 13, 1978.
Taylor	Perry, city of	120303C	do	Mar. 15, 1974, June 4, 1976, and Mar. 11, 1977.
Gulf	Wewahitchka, city of	120100B	do	Aug. 9, 1974, and Jan. 9, 1976.
Georgia: Liberty	Flemington, city of	130124B	do	Oct. 18, 1974, and Oct. 17, 1975.
Illinois:				
Whiteside	Fulton, city of	170690B	do	May 31, 1974, and Feb. 14, 1975.
Scott	Naples, village of	170609B	do	Apr. 2, 1976, and Jan. 9, 1974.
Indiana: Warrick	Newburgh, town of	180276B	do	Nov. 2, 1973, and June 11, 1976.
Iowa:				
Crawford	Denison, city of	190096C	do	May 10, 1974, Feb. 6, 1976, and Dec. 24, 1976.
Mills	Glenwood, city of	190203B	do	June 28, 1974, and Dec. 5, 1975.
Shelby	Kirkman, city of	190250A	do	Aug. 22, 1975.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Massachusetts:				
Plymouth	Bridgewater, town of	250260B	do.	July 19, 1974, and Sept. 24, 1976.
Worcester	Templeton, town of	250339B	do.	Aug. 2, 1974, and Sept. 10, 1976.
Michigan:				
Shiawassee	Caledonia, township of	260300A	do.	Jan. 3, 1975.
Clinton	Watertown, charter township of	260291B	do.	Oct. 18, 1974, and May 28, 1976.
Minnesota:				
Hennepin	Brooklyn Park, city of	270152B	do.	Apr. 12, 1974, and July 25, 1975.
Faribault	Unincorporated areas	270669B	do.	July 22, 1977.
Anoka	Lino Lakes, city of	270015B	do.	Dec. 13, 1974, and May 28, 1976.
Rock	Luverne, city of	270411B	do.	Feb. 15, 1974, and May 28, 1976.
Washington	Unincorporated areas	270499B	do.	June 3, 1977.
Missouri: Pemiscot	do.	290779B	do.	Apr. 14, 1981.
New Jersey: Bergen	Rockleigh, borough of	340071A	do.	Jan. 3, 1975.
New Hampshire: Rockingham	Portsmouth, city of	330139B	do.	July 19, 1974, and July 23, 1976.
New York: Monroe	Rush, town of	360432B	do.	Mar. 8, 1974, and July 9, 1976.
Ohio:				
Licking	Granville, village of	390330B	do.	June 7, 1974, and May 28, 1976.
Do.	Johnstown, village of	390334B	do.	Apr. 12, 1974, and Apr. 2, 1976.
Oregon: Linn	Tangent, city of	410147B	do.	June 25, 1976, and June 6, 1978.
Pennsylvania:				
Beaver	Beaver Falls, city of	420105B	do.	Feb. 22, 1974, and Feb. 20, 1976.
Do.	Big Beaver, borough of	422307B	do.	Jan. 31, 1975, and Dec. 26, 1975.
Chester	Coatesville, city of	420274B	do.	May 31, 1974, and Apr. 30, 1976.
Montgomery	Upper Salford, township of	421918A	do.	Dec. 6, 1974.
Tennessee: Wilson	Mt. Juliet, city of	470290A	do.	July 18, 1975.
Texas:				
Tarrant	Dalworthington Gardens, town of	481013A	do.	Aug. 6, 1976.
Webb	Laredo, city of	480651B	do.	Feb. 4, 1977.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 1, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-16231 Filed 6-16-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 385

[BMCS Docket No. MC-102; Amdt. No. 81-4]

Federal Motor Carrier Safety Regulations; Motor Carrier Safety Ratings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This regulation anounces the criteria used by the FHWA in determining a motor carrier's safety rating. The basic criteria in the regulations have been in effect since 1967. Incorporating these criteria in the Federal Motor Carrier Safety Regulations is intended to provide full disclosure to the motor carrier industry and other interested parties. In addition, this regulation provides carriers and other parties access to the safety ratings and establishes an appeal procedure by which carriers may attempt to have their ratings changed.

EFFECTIVE DATE: July 19, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. James R. Jeglum, Bureau of Motor Carrier Safety (BMCS), (202) 426–1724; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA) is required by law to investigate and report the safety status of each applicant seeking operating authority before the Interstate Commerce Commission (ICC).

In response to a petition from a motor carrier, a Notice of Proposed Rulemaking (NPRM) which was published on November 23, 1979, at 44 FR 67193, presented the factors used by the FHWA in determining the motor carrier safety ratings that are reported to the ICC in connection with applications for operating authority. The NPRM asked for comments concerning the factors being used by the FHWA. Comments on the NPRM were filed by nine parties.

The commenters raised a number of issues concerning the factors and procedures used by FHWA's Bureau of Motor Carrier Safety (BMCS) in rating carriers. The major criticisms were the lack of objectivity in the factors, the lack of notice to the carriers of their safety ratings, and the lack of a procedure through which a carrier could appeal its safety rating and present evidence to have that safety rating changed. Other issues addressed involved the insufficient information classification, the confidentiality of the ratings assigned to carriers, and the use of State reports in determining a carrier's rating.

Several commenters stated that the proposed regulation was not specific enough in defining the factors that would be used to establish a safety rating. Most of the commenters would prefer more precise and objective standards for evaluating a carrier's safety rating. Examples suggested include considering the carrier's accident record based on the number of miles driven, the amount of dollars in property damage, and the determination of whether the accidents were preventable. They would also like to see such factors as size of carrier and geographic area of operation considered by the BMCS in arriving at a carrier's safety rating.

In response to these comments, the final rule explains the factors considered in determining a safety rating. The factors in § 385.3 of the final rule include identification of the

documents that will be considered in the evaluation process and the rule explains how the BMCS will use that data in judging the carrier's safety fitness. For example, in considering violations discovered during safety management audits in the past 5 years, the regulation explains that the safety record of the carrier under consideration will be compared to the records of similar carriers. The same is true of the factor based upon the number of violations discovered during driver equipment compliance reviews in the past 5 years. In selecting carriers for comparison with the carrier under consideration, the regulation requires the BMCS to utilize certain factors in determining which carriers are comparative. The factors considered are similarity of commodity being transported, type of operation, geographic area served, size of the carrier by number of power units operated or drivers used, or regular/irregular route. In determining comparative carriers, the BMCS will attempt to utilize as many of these factors as possible. In some cases, however, it may be necessary to use less than all of these factors because of the lack of comparative carriers that would be identified if all factors were utilized. Comparative data will also be utilized in evaluating a carrier's accident record over the past 5 years.

A new section dealing with the falsification of safety records has been created. A separate category was created for this type of violation because of the seriousness of such falsification. Compliance with the Federal Motor Carrier Safety Regulations is monitored through the recordkeeping requirements in the regulations. A carrier who fails to keep accurate and complete records can easily conceal violations that it is committing. For example, a carrier who permits or requires the falsification of logs usually is concealing hours of service violations by its drivers.

The final rule requires the BMCS to consider falsification on the basis of the ratio of documents falsified to the number of documents checked for falsification and the extent of the carrier's operations covered by the investigation. In this way, the carrier would not be automatically given an unsatisfactory safety rating because of a few isolated falsification violations.

The rating process can be hindered if a carrier fails to submit a report required by regulation. The regulation also addresses this potential problem by making this a separate factor for evaluation. Refusal to submit records for inspection and copying when lawfully requested makes it impossible for the FHWA to assess the carrier's compliance.

This regulation, by providing a comparative basis in the evaluation, makes the evaluation process as objective as possible.

The various factors listed in the regulation must be weighed by the BMCS in arriving at the carrier's safety rating. The publication of these factors along with the review process provided in the regulation will ensure that carriers are treated equally, and that the BMCS rationale for the assignment of a safety rating is fully explained and documented.

The issue of a procedure for reviewing the safety ratings assigned to carriers was raised by several of those who commented on the NPRM. The BMCS agrees with those commenters that there should be a procedure whereby a carrier could question its safety rating and be allowed to introduce additional evidence in an attempt to have the safety rating changed. The regulation contains two sections dealing with notification and review of ratings.

The first section states that a carrier may obtain its safety rating by writing to the BMCS. It would be impracticable for the BMCS to notify a carrier each time a safety rating is sent to the ICC because of the thousands of applications that are received each year. The notification procedure allows a carrier to write the BMCS to find out what its rating is at the time the request is made.

The second section allows a carrier to petition the Director, BMCS, for a review of its rating. The petition may be accompanied by any evidence the carrier has to show that its safety rating should be changed. The Director may request the carrier to attend a conference to discuss the safety rating or to submit additional data.

One commenter expressed concern about the procedure by which the BMCS reports safety ratings; another commenter requested that safety ratings be kept confidential; and one commenter alleged that the safety rating procedures were too secretive.

The BMCS has decided that it is in the best interest of all carriers and the general public to make safety ratings available to anyone who requests a rating in writing. The regulations specifies how a rating may be obtained.

The final rule also provides that the ICC will be permitted access to the automated BMCS Management Information System to obtain safety ratings.

This system enables the ICC to obtain a rating through remote computer terminals by entering the ICC-assigned docket number. Written confirmation of all "unsatisfactory," "conditional," or "insufficient information" ratings will be supplied to the ICC upon telephone request.

Several commenters addressed the "insufficient information" rating. One alleged that BMCS often does not have sufficient information to assign a rating while two others contended that the insufficient information rating should be deleted. The Bureau will have sufficient information, either in the form of Federal or State records, about an applicant in most cases. In these instances where there is not enough information for a rating the Bureau must have a means of communicating that fact. The "insufficient information" rating provides that. In order to eliminate a situation where a carrier would be rated "insufficient information" for a prolonged period, the Bureau will change the rating to "satisfactory" after one year if no adverse information about that carrier is received.

Two commenters expressed concern about the use of State reports in evaluating a carrier's safety performance. Those commenters pointed out the possibility of varying degrees of enforcement activity among the States and concluded that a rating based on State reports may not be accurate.

The BMCS does not agree with the premise that State safety data should not be used. Carriers operating in the same geographical areas are subject to the enforcement policies of the same States. The carriers would be treated equally because their safety records would be compared with similar carriers operating in the same geographic area. In several safety related areas, State data are the only reliable sources of information, and this information will be considered in the rating process.

Many States have adopted, in whole or in part, regulations relating to driver qualification, hours of service, or standards of equipment that are similar or identical to Federal safety requirements. At the present time, a demonstration project funded by the Federal Government is underway in Alaska, Idaho, Michigan, and Utah. These States are using State enforcement personnel trained by BMCS personnel to perform driver and vehicle safety inspections.

The results of these inspections are made available to the BMCS and will be used in formulating safety ratings for carriers operating in or through those States. Data from other States will be used as it becomes available.

One of the commenters requested that the same criteria be applied to applications for permanent authority as are applied to applications for emergency temporary or temporary authority. The BMCS agrees that this should be the case and will utilize these criteria in determining whether to intervene before the ICC on applications for permanent authority. The definition of a "conditional" rating has been slightly changed to further define the circumstances when that rating, rather than an "unsatisfactory" rating, should be given. This change reflects current practice and does not introduce a material change to the definition.

The question of economic impact of this regulation was raised by one of the commenters. The BMCS has had a motor carrier safety rating procedure in effect since 1967. This regulation places no new or additional burdens upon carriers. This regulation formalizes and clarifies the factors considered and procedures that have been used to notify the ICC and the general public concerning the reports of the safety fitness of carriers. Recordkeeping and reporting requirements under this regulation apply solely to the BMCS.

For the foregoing reasons, the BMCS has determined that this action is neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis of the Program Office at the above address.

List of Subjects in 49 CFR Part 385

Motor carriers—safety ratings.

In consideration of the foregoing, Title 49, Code of Federal Regulations, Subtitle B, Chapter III is amended by establishing a new Part 385 as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: June 7, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

PART 385—SAFETY RATINGS

Sec.

385.1 Definition of motor carrier safety rating.
385.3 Factors to be considered in determining ratings.
385.5 Determination of safety ratings.
385.7 Notification of safety ratings.
385.9 Review of safety ratings.

Authority: 49 U.S.C. 304, 1653, 1655; 49 CFR 1.48 and 301.60.

§ 385.1 Definition of motor carrier safety rating.

(a) This part prescribes procedures that apply to the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) when assigning a safety rating to a motor carrier seeking operating authority before the Interstate Commerce Commission (ICC).

(b) The motor carrier will be assigned one of the following ratings:

(1) Satisfactory—Records indicate no evidence of substantial noncompliance with safety requirements.

(2) Unsatisfactory—Records indicate evidence of substantial noncompliance with safety requirements.

(3) Conditional—Records indicate that the carrier was recently determined to have been in noncompliance with one or more safety requirements, but has had a satisfactory safety record in the past, or has agreed to take steps to bring its operations into compliance. Failure to improve compliance with safety requirements will result in an unsatisfactory rating.

(4) Insufficient information—There is no current information available to BMCS upon which to base a rating. This rating will be changed to satisfactory after one year from the date the rating is assigned if it has not, within that time, been changed to unsatisfactory or conditional.

§ 385.3 Factors to be considered in determining ratings.

In determining a carrier's safety rating, the following factors will be considered:

(a) Violations discovered during BMCS safety management audits in the past 5 years. In considering this factor, the BMCS will base its evaluation on the ratio of violations discovered to the extent of the carrier's operation audited and the number of drivers and vehicles checked for compliance, and on comparisons of the applicant's record with the records of similar carriers and national data.

(b) Violations discovered during BMCS driver equipment compliance reviews in the past 5 years. In considering these violations, the BMCS will determine and consider the number of violations per inspection and the number of out-of-service violations per inspection, in comparison with the records of similar carriers and the national average.

(c) The carrrier's improvement or lack of improvement over the last 5 years. In considering the improvement, the BMCS will consider the carriers' performance and the evaluation factors listed in paragraphs (a) and (b) of this section.

(d) Federal violations involving falsification of required safety records. The BMCS will evaluate such violations on the basis of the ratio of documents falsified to the number of documents checked for falsification and the extent of the carrier's operations checked.

(e) Federal violations involving failure to submit required reports or records.

(f) The recommendation of the FHWA field staff based on their consideration of factors (a) through (e) of this section.

(g) The carrier's accident record during the previous 5 years. In considering this factor, the BMCS will examine the carrier's accident ratio per million miles in comparison to the accident ratios of similar carriers.

(h) Violations of State safety-related statutes or regulations when the State has identical or similar safety requirements to the Department of Transportation's safety and hazardous materials regulations.

§ 385.5 Determination of safety ratings.

(a) Ratings will be determined by the Director, Bureau of Motor Carrier Safety.

(b) In determining comparative carriers, the Director will pick carriers based on one or more of the following identifiers: commodity transported, type of operation (ICC-Common, ICC-Contract, exempt, private), geographic area served, and size of carrier by number of power units operated or drivers used on regular/irregular route.

§ 385.7 Notification of safety ratings.

(a) Ratings will be available to the ICC by remote computer terminals through entry of the motor carrier's ICC assigned docket number. If the rating is "satisfactory" no written confirmation will be furnished. If the ratings is "conditional," "unsatisfactory," or "insufficient information," written confirmation will be furnished to the ICC upon request.

(b) Carriers will not be furnished notices of their safety ratings from the BMCS, except as provided by paragraph (c) of this section.

(c) Anyone wishing to obtain a carrier's safety rating from the BMCS must submit a written request to the BMCS identifying the carrier by name, principal office address, and ICC-assigned docket number. The BMCS will provide a written response to each request within ten business days. The BMCS will not respond to nonwritten requests for carriers' safety ratings.

Requests must be addressed to the Director, Bureau of Motor Carrier Safety, Federal Highway Administration, HMC-12, Washington, D.C. 20590.

§ 385.9 Review of safety ratings.

(a) Any carrier may petition the Director, BMCS, for a review of its safety rating. The petition for review must be accompanied by any data the carrier is relying on as the basis for its petition for a change in safety rating.

(b) The Director shall notify the carrier in writing of a decision on a petition for review of the safety rating.

(c) In reviewing the carrier's safety rating, the Director may request the carrier to submit additional data and attend a conference to discuss the safety rating. Failure to provide information in response to any reasonable or lawful request, or failure to atttend the conference will result in dismissal of the petition for a change in the carrier's safety rating.

[FR. Doc. 82-16178 Filed 6-16-82; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70-07; Notice 14]

Federal Motor Vehicle Safety Standards; Fields of Direct View

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: In response to a petition for reconsideration from the Center for Auto Safety, the agency sought comments on its June 22, 1981 decision (46 FR 32254) to revoke Standard No. 128, *Fields of Direct View*. Based on its reconsideration of the issue, the agency has concluded that its decision to revoke the standard was necessary and appropriate.

DATE: The decision announced in this notice is effective June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Courtney M. Price, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1810).

SUPPLEMENTARY INFORMATION: On June 22, 1981 (46 FR 32254), the agency revoked Standard No. 128, *Fields of Direct View* in response to nine petitions for reconsideration. On September 21, 1981 (46 FR 46604), in response to a July 22, 1981, petition for reconsideration from the Center for Auto Safety (CFAS) and in the exercise of its administrative discretion, the agency announced it was reconsidering its June 22 decision and sought public comment on the CFAS petition.

This notice reaffirms the agency's June 22, 1981 decision revoking Standard No. 128. The agency's decision is based on its evaluation of all the data and comments submitted to the rulemaking dockets for Standard No. 128 and data contained in NHTSA testing and research. Significant comments submitted in response to the September 21 notice are addressed below.

Procedural Issues

In its comments on the agency's September 1981 notice, CFAS did not challenge the procedural validity of that notice, but did once again question the procedural validity of the agency's June 1981 notice revoking Standard No. 128. NHTSA regards this question to be moot.

CFAS originally questioned the validity of the June 1981 revocation in its July 1981 petition for reconsideration. In August 1981, CFAS sued the agency alleging that the procedure followed in the revocation of the standard violated the Vehicle Safety Act and the APA. Subsequent to issuance of the September notice, CFAS voluntarily requested and the court granted a dismissal of the suit. CFAS said in its October 1981 motion to dismiss the suit that it sought dismissal because the procedural issues it raised concerning the revocation of Standard No. 128 were rendered moot by the September notice.

Revocation of Standard

Six parties filed comments in response to the agency's current notice. Each of the commenters, except for CFAS, supported the agency's decision to revoke Standard No. 128. CFAS contends that the agency has provided no "satisfactory explanation" for its decison to revoke Standard No. 128. It claims that the agency merely "recited petitioner's objection to several aspects of the final rule," objections which the Center said the agency had previously rebutted in the final rule.

Contrary to CFAS's claims, the agency's June 22, 1981 notice revoking the standard discussed each of the issues raised in the nine original petitions for reconsideration and explained the decision in terms of the new data and information provided in those petitions. CFAS presented no new data or information in its comments urging the agency to reinstate the standard. All of the material presented by CFAS in the present proceeding has been previously considered by the agency in deciding to revoke the standard.

As discussed in the June notice, the agency has always recognized that the safety benefits of the final rule were minimal; in part, because most vehicles already meet many of the requirements set in the standard. The agency originally believed that promulgation of the standard was appropriate because the concededly minor benefits potentially attributable to the standard could be achieved with minimal societal costs. The information provided in the nine petitions seeking revocation of the standard indicated that the benefits predicted by the agency were either incorrect or were not supported by sufficient research. In addition, the agency's assumptions were alleged to understate actual costs. Finally, the agency had determined that some of the objectives of the standard could be achieved in other ways. As explained more fully below, the agency decided to revoke the standard based on all these considerations.

Forward Obstructions

The purpose of the requirement on forward obstructions was to reduce obstructions to the driver's field of view caused by such vehicle structure as overly large "A" pillars, the forwardmost roof supports in a car. The limits adopted in the standard, based on surveys of vehicles conducted in 1971, 1974, and 1978, were designed to adopt current design practices. Since, based on those surveys, the agency believed that most vehicles met the limits adopted in the standard, it concluded that the safety benefits of the forward obstruction requirements would be minor and the costs required to meet the standard also would be small.

In their petitions for reconsideration, manufacturers presented information indicating that the agency's conclusions about the current level of compliance and the cost of the standard were invalid. Their information showed that the difficulty of meeting the obstruction limits is especially acute in smaller, fuel-efficient vehicles. The use of more aerodynamic designs to improve fuel efficiency results in the "A" pillar being slanted back, which increases the apparent width of the obstruction. The manufacturers also said that because of production line variations, they would have to incur substantial expense to redesign more vehicles than anticipated by the agency. The manufacturers, however, indicated that they are designing or intend to design their passenger cars in general compliance with the limits set on forward

obstructions. In most cases, the manufacturers are using, or intend to use, a design criterion of 6 degrees, the requirement adopted by the agency, as the maximum obstruction limit for the "A" pillar.

CFAS objects that without a standard in place, there is no inducement for manufacturers to design vehicles meeting the obstruction limits of the standard. In addition, CFAS argues that the need to provide adequate visibility is particularly important for the growing number of smaller vehicles, which are less crashworthy than larger vehicles. Finally, CFAS argues that the cost of redesigning can be reduced by providing additional leadtime.

One important consideration in the agency's decision to rescind the standard was that the limits on forward obstruction were based on existing vehicle designs. The amount of obstruction in those vehicles does not seem to present an unreasonable risk.

As previously mentioned, manufacturers are already meeting or voluntarily adopting the forward obstruction limits set by the agency. Contrary to the CFAS claim, reliance on manufacturer intentions for future design is a reasonable policy in this instance. Manufacturers have already demonstrated by the prior practice that they are closely adhering to obstruction limits set by the standard. Since manufacturers already meet or are voluntarily moving toward meeting the requirements of the standard, there is no need to impose unnecessary regulatory burdens on them by keeping the standard in place.

Rearward Obstruction

The purpose of the rearward obstruction limit was to prevent obstructions to the driver's field of view caused by such vehicle structures as overly large "C" pillars, the rearmost roof support in a car. In setting the requirement, the agency knew that although most vehicles already complied, a few vehicles would have to be redesigned. In their petitions for reconsideration, Ford, General Motors and Volkswagen said that the limit would require substantial and costly redesign that was not anticipated by the agency.

To achieve the goal of providing adequate visual information, while minimizing costs to consumers and manufacturers, the agency decided to address the issue of providing adequate rearward visual information during its consideration of proposed changes to Standard No. 111, *Rearview Mirrors* (43 FR 51657). Use of a convex mirror, which provides a much wider field of view than a conventional plane mirror, on the passenger side of the vehicle apparently can produce many of the same benefits as the proposed "C" pillar obstruction limits. Several manufacturers voluntarily have been using passenger side convex mirrors, either as optional or standard equipment, on many of their vehicles.

Luminous Transmittance

The purpose of the luminous transmittance requirement was to increase the amount of light transmitted through the vehicle's windshield so that the driver can more easily see objects on the roadway ahead. As CFAS correctly pointed out, the agency believes that inadequate light transmittance resulting from windshield tinting may be a factor in nighttime crashes. The unresolved issues raised by the original petitions for reconsideration are what is the precise effect of tinted windshields on nighttime accident rates and what effect, if any, would the light transmittance requirements adopted by the agency have on reducing those accidents.

Accident data and research results presented by GM and others in their petitions for reconsideration questioned the relationship between accidents and tinted windshields. In addition, they argued that the small difference in light transmittance between current tinted windshields and tinted windshields meeting the standard would not aid drivers in spotting dangers earlier. Based on its review of the information presented by the manufacturers, the agency concluded that additional research was necessary to resolve the questions about the safety benefits and therefore it decided to withdraw the requirement.

Cost Information

CFAS criticized the agency's analysis of the manufacturers' information on the costs of complying with Standard No. 128. CFAS alleged that the agency did not make an assessment of whether the costs were incremental redesign costs attributable to the standard. In commenting on CFAS's statement, GM and Ford both reaffirmed their prior cost estimates and stated that the cost estimates were incremental redesign costs solely attributable to the requirements of the standard.

Contrary to CFAS's statement, the agency's analysis was based on an examination of the accuracy of the manufacturer's claims concerning the costs attributable to redesigning their vehicles to comply with the standard. The analysis examined the tooling costs associated with design changes to the A and C pillars needed to meet the standard. Based on publicly available cost data developed for the agency, the agency verified that the average worst case cost for modifying the A and C pillars and adjacent components was slightly over $20 million per vehicle line, the approximate estimate provided by GM and Ford. CFAS presented no cost data or other information to indicate that the agency's assessment of the tooling cost is inaccurate. The agency therefore reaffirms its prior evaluation which found that the manufacturer estimates of the cost attributable to the standard appear reasonable.

Conclusion

For the reasons stated above, the agency concludes that its decision to rescind Standard No. 128 was necessary and appropriate. The CFAS request to reinstate the standard is therefore denied.

List of Subjects in 49 CFR Part 571:

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on June 1, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–16279 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 575

[Docket No. 25; Notice 46]

Consumer Information Regulations Uniform Tire Quality Grading

Note.—This document originally appeared in the **Federal Register** of June 15, 1982. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Interim final rule and request for comments.

SUMMARY: This notice makes several technical amendments to the test procedures in the regulation on Uniform Tire Quality Grading (UTQG). The UTQG regulation specifies that the tire rim size and tire loading used in testing individual tires are to be determined by using Table 1, Appendix A of Federal Motor Vehicle Safety Standard No. 109, New pneumatic tires. Since the portion of Table 1, Appendix A relied upon by the UTQG regulations was deleted in a

previous agency rulemaking, effective June 15, 1982, reliance upon that Appendix will no longer be appropriate after that date. This notice replaces the references to Appendix A with equivalent methods for determining rim size and tire loading.

DATES: This amendment is effective June 15, 1982. Comments must be received on or before August 16,1982.

ADDRESS: Comments should refer to the docket number set forth above and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1740).

SUPPLEMENTARY INFORMATION: The Uniform Tire Quality Grading (UTQG) regulation (49 CFR 575.104) requires that manufacturers and brand name owners of passenger car tires provide consumers with information on the treadwear, traction and temperature resistance of their tires. This information is to be generated in accordance with procedures specified in the regulation.

Two parameters specified in the test procedures are the proper test rim width for each tire, and the load under which the tire is to be tested. The UTQG regulation refers to Appendix A of Federal Motor Vehicle Safety Standard No. 109 (FMVSS 109) for the determination of rim size to be used for testing purposes. Table I of Appendix A provides a complete listing of tire sizes available in this country and for each size indicates the proper test rim size and maximum loads at various tire pressures.

The UTQG regulation also refers to Appendix A of FMVSS 109 for the determination of tire load. The tire load for temperature resistance testing is the load specified in Appendix A of FMVSS 109 for the tire pressure listed in Table I of the UTQG regulation. Thus, load is currently determined by obtaining the tire pressure from Table I of the UTQG regulation and finding the load for that pressure level in Appendix A. The tire load for treadwear and traction testing is determined in the same way, except that the load level found in Appendix A is multiplied by 85 percent.

Beginning on June 15, 1982, reliance upon Appendix A of FMVSS 109 to determine rim size and tire load for UTQOG testing will no longer be possible. On that date, the agency's amendment (December 17, 1981; 46 FR 61473) deleting Table I of Appendix A will become effective. As FMVSS 109 is currently written, the tire manufacturers and brand name owners must submit the rim size information to NHTSA for incorporation in Table I. Under the amendment, they will be able to satisfy FMVSS 109 by either securing the incorporation of the information in a publication of a standardization organization like the Tire and Rim Association or one of its foreign counterparts or by submitting it to the agency, their dealers, and others who request it, without the need for the information's incorporation in any other document.

As to tire load information, the tire manufacturers and brand name owners must currently calculate loads for pressure levels ranging from 16 to 40 pounds per square inch in most cases and submit the information to NHTSA for incorporation in Table I. After June 14, they need determine the load only for a single pressure level, the maximum one. The responsibilities of the manufacturers and brand name owners under amended FMVSS 109 regarding load information may be satisfied in the same fashion as their responsibilities regarding rim size.

The deletion of Table I of Appendix A was intended to reduce an unnecessary regulatory burden placed by FMVSS 109 on the tire industry and the agency. The action was not intended to make any change in the UTQG test procedures. However, the deletion of Table I of Appendix A necessitates amending the UTQG regulation so that rim size and tire load can be determined without reference to that appendix.

This notice provides the means for making those determinations. The rim size to be used for UTQG testing is the same size specified by the tire manufacturer or brand name owner in a publication of a standardization association or in a submission directly to the agency. This provision does not in any way change the rim size used for UTQG testing. Instead, it simply changes the source of obtaining the rim size information.

As to tire loading, the UTOQ testing will henceforth rely upon mathematical calculation involving a tire's maximum load, as molded on its sidewall, instead of relying upon information submitted by the manufacturer or brand name owner to any organization or agency. Under the new procedure, the maximum load is multiplied by a factor, ranging from .851 to .887 depending on the tire's maximum inflation pressure, and the result is rounded. The rounded result is used for temperature resistance testing. For treadwear and traction testing, the rounded result is multiplied by 85 percent. In most instances, this procedure produces the same load as is currently obtained by reference to Table I of Appendix A. In those instances in which the load is different, the degree of difference is so slight that the difference will not have any practical effect on the UTQG test results.

The agency finds good cause for issuing these amendments without prior notice and comment. The agency believes that prior notice and comment are unnecessary. The revisions are technical and editorial in nature. In most instances, the revisions produce no changes in the procedures under which tires are tested for UTQG purposes. In the few instances in which there will be a change, the change is so slight as to be substantively insignificant. Although the agency has concluded that prior notice and comment are unnecessary, it has decided to go beyond the minimum requirements of the Administrative Procedures Act and provide a 60-day comment period on these amendments. For the same reasons set forth above and to permit continued implementation of the UTQG regulation, the agency finds good cause for making the revisions effective immediately.

Since this proceeding is merely intended to allow the continued implementation of the UTQG regulation without any change in the manner of implementation, NHTSA has determined that this proceeding does not involve a major rule within the meaning of Executive Order 12291 or a significant rule within the meaning of the Department of Transportation regulatory procedures. Further, there are virtually no economic impacts of this action so that preparation of a full regulatory evaluation is unnecessary.

The Regulatory Flexibility Act does not require the preparation of flexibility analyses with respect to rulemaking proceedings, such as this one, for which prior notice and comment is not required by the Administrative Procedures Act. If the requirement for preparation of such analyses were applicable, the agency would certify that this action would not have a significant economic impact on a substantial number of small entities. As noted above, this action will make essentially no change in the implementation of the UTQG regulation.

NHTSA has concluded that this action will have essentially no environmental consequences and therefore that there will be no significant effect on the quality of the human environment.

Interested persons are invited to submit comments on the agency's action announced above and on any other

topics relevant to this notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is required is in fact confidential within the meaning of section (b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, it is recommended that interested persons continue to examine the docket for new material. Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50)

Issued on June 11, 1982.

Raymond A. Peck, Jr.,

Administrator.

PART 575—CONSUMER INFORMATION REGULATIONS

In consideration of the foregoing, 49 CFR 575.104 is amended as follows:

1. Section 575.104(e)(1)(v) is revised to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

(e) * * *

(1) * * *

(v) On each convoy vehicle, all tires are mounted on identical rims of design or measuring rim width specified for tires of that size in accordance with 49 CFR 571.109, § 4.4.1 (a) or (b), or a rim having a width within −0 to +0.50 inches of the width listed.

* * * * *

2. Section 575.104(e)(2)(iii) is revised to read as follows:

* * * * *

(e) * * *

(2) * * *

(iii) Load each vehicle so that the load on each course monitoring and candidate tire is 85 percent of the test load specified in § 575.104(h).

* * * * *

3. The first sentence of § 575.104(f)(2)(i)(B) is revised to read as follows:

* * * * *

(f) * * *

(2) * * *

(i) * * *

(B) Mount each tire on a rim of design or measuring rim width specified for tires of its size in accordance with 49 CFR 571.109, § 4.4.1 (a) or (b), or a rim having a width within −0 to +0.50 inches of the width listed.

* * * * *

4. The first sentence of § 575.104(f)(2)(viii) is revised to read as follows:

* * * * *

(f) * * *

(2) * * *

(viii) Prepare two candidate tires of the same construction type, manufacturer, line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test one of them according to the procedures of paragraph (f)(2)(ii) through (v) of this section, except load each tire to 85% of the test load specified in § 575.104(h).

* * * * *

5. Section 575.104(g)(1) is revised to read as follows:

* * * * *

(g) * * *

(1) Mount the tire on a rim of design or measuring rim width specified for tires of its size in accordance with 49 CFR 571.109, § 4.4.1 (a) or (b) and inflate it to the applicable pressure specified in Table 1 of this section.

* * * * *

6. Section 575.104(g)(6) is revised to read as follows:

* * * * *

(g) * * *

(6) Press the tire against the test wheel at the load specified in § 575.104(h).

* * * * *

7. Section 575.104 is amended by adding a new paragraph (h) immediately after Table 1 in paragraph (g), reading as follows:

* * * * *

(h) *Determination of test load.* (1) To determine test loads for purposes of paragraphs (e)(2)(iii), (f)(2)(viii) and (g)(6), follow the procedure set forth in paragraphs (2) through (5) below.

(2) Determine the tire's maximum inflation pressure and maximum load rating both as specified on the tire's sidewall.

(3) Determine the appropriate multiplier corresponding to the tire's maximum inflation pressure, as set forth in Table 2.

(4) Multiply the tire's maximum load rating by the multiplier determined in paragraph (3). This is the tire's calculated load.

(5) Round the product determined in paragraph (4) (the calculated load) to the nearest multiple of ten pounds or, if metric units are used, 5 kilograms. For example, 903 pounds would be rounded to 900 and 533 kilograms would be rounded to 535. This figure is the test load.

TABLE 2

Maximum inflation pressure	Multiplier
32 psi	.851
36 psi	.870
40 psi	.883
240 kPa	.866
280 kPa	.887
300 kPa	.864

[FR Doc. 82-16290 Filed 6-14-82; 10:23 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1136

[Ex Parte MC 122 (Sub-1)]

Implementation of Intercorporate Hauling Reform Legislation

AGENCY: Interstate Commerce Commission.

ACTION: Rule related notice; notice of court action.

SUMMARY: This document gives notice of court action and adjustments in application of Compensated Intercorporate Hauling (CIH) regulations required by court action. *American Trucking Ass'n., Inc.* v. *I.C.C.*, affirmed in all major aspects the Commission's decision in Ex Parte No. MC 122 (Sub-No. 1), *Implementation of Intercorporate Hauling Reform Legislation*, to allow parent corporations to establish transportation-only corporate subsidiaries which would be exempt from Commission regulation under 49 U.S.C. 10524(b), but remanded the proceeding on the issue of whether non-incorporated entities may engage in unregulated compensated intercorporate hauling, after finding that they may not. Consequently, the Commission no longer will accept CIH filings from non-corporate entities. Non-corporate entities that previously have filed CIH notices cannot operate exempt from Commission jurisdiction unless they incorporate, or have incorporated, and file appropriate notices.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275–7691; or Andrew L. Lyon, (202) 275–7805.

SUPPLEMENTARY INFORMATION: Section 9 of the Motor Carrier Act of 1980 amended 49 U.S.C. 10524 by adding new subsections (b) and (c), which removed from Commission jurisdiction compensated intercorporate hauling (CIH) upon satisfaction of simple notice requirements. This section of the 1980 Act was intended to overrule existing prohibitions against intercorporate hauling. Upon passage of the 1980 Act, the Commission adopted interim rules governing CIH notice provisions. 45 FR 45526, July 3, 1980. In addition, in this interim notice, the Commission addressed one "substantive" issue—the lawfulness of CIH operations where subsidiaries are set up specifically to provide transportation for their parent or corporate affiliates. 45 FR at 45527.

After notice and comment, the Commission issued its final rules. 132 M.C.C. 469 (1980). 45 FR 86761, December 31, 1980. These final rules amended the procedures for filing CIH notices, and addressed the substantive issues raised by the comments. The Commission affirmed its earlier position that transportation-only subsidiaries are permissible for CIH purposes, and also found that there is no prohibition against CIH by "organizations structured so that an individual or partnership is the owner." The American Trucking Associations, Inc., and the Georgia Motor Trucking Association, Inc., sought review in the Fifth (now Eleventh) Circuit.

In its decision the court affirmed the Commission's policy regarding transportation-only subsidiaries, but also found that the Commission's policy of allowing other than corporate entities to engage in CIH was not permitted by the statute.

The purpose of this notice is to acknowledge the Eleventh Circuit's decision in *ATA* v. *ICC, supra* (672 F. 2d 850 (11th Cir. 1982)), and announce the following:

(1) The Commission no longer will accept CIH filings from non-corporate entities.

(2) Existing non-corporate entities that previously have filed CIH notices cannot operate exempt from Commission jurisdiction. Such entities will be able to operate exempt from Commission jurisdiction if they incorporate and file CIH notices. Entities that incorporated subsequent to filing CIH notices can continue to operate exempt from Commission jurisdiction if they file updated CIH notices.

No modification of the rules at 49 CFR 1136 is necessary.

This action will not have a significant economic impact upon a substantial number of small entities, and will not significantly affect either the quality of the human environment or conservation of energy resources.

List of Subjects in 49 CFR Part 1136

Motor carriers, Notice requirements.

Dated: June 8, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Commissioner Simmons did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 82–16508 Filed 6–16–82; 8:45 am]

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Proposed Rules

Federal Register
Vol. 47, No. 117
Thursday, June 17, 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 ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-82-130]

Energy Conservation Program for Consumer Products; Test Procedures for Dishwashers; Public Hearing

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Proposed rule.

SUMMARY: The Department of Energy hereby proposes to amend its test procedures for dishwashers in order to accurately determine the estimated annual operating cost and the energy factor for "warm water" dishwashers that operate with 120°F inlet water and to revise the representative average-use cycle to reflect current consumer use. These test procedures are a part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act. Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

DATE: Written comments in response to this notice by August 16, 1982; requests to speak at the public hearing by July 14, 1982; speakers to be notified by July 15, 1982; statements by July 16, 1982; public hearing to be held on July 21, 1982, at 9:00 a.m.

ADDRESSES: Written comments, requests to speak at the public hearing, and 15 copies of statements to: U.S. Department of Energy, Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Dishwasher Test Procedure, Docket No. CE-RM-82-130, Mail Station 6B-025, Room 5F-078, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

PUBLIC HEARING TO BE HELD AT: Room 1E-245, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585 at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Test and Evaluation Branch, Room GH-068, Mail Station CE-113.1, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9127.

U.S. Department of Energy, Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Mail Station 6B-025, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9319

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Mail Station GC-33, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION:

A. Background

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for consumer products, under Section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for consumer products was established by FEA pursuant to Title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Subsequently, the Act was amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619). References in this notice to "the Act", or to sections of the Act, refer to the Energy Policy and Conservation Act as amended by NECPA. Section 323 (42 U.S.C. 6293) of the Act requires that standard methods of testing be prescribed for covered products. Test procedures appear at 10 CFR Part 430, Subpart B.

Test procedures for dishwashers were prescribed on August 3, 1977 (42 FR 39964, August 8, 1977). DOE amended the energy conservation program for consumer products by notice issued September 18, 1980 (45 FR 64108, September 26, 1980) so that the Assistant Secretary for Conservation and Solar Energy (now called Conservation and Renewable Energy) can temporarily waive test procedure requirements for a particular covered product. Waivers can be granted when design characteristics for the particular product either prevent testing of the product according to prescribed test procedures, or lead to results so unrepresentative of the product's true energy consumption characteristics as to provide materially inaccurate comparative data to consumers. Accordingly, 10 CFR 430.27(h) states:

> Within one year of the granting of any waiver, the Department of Energy will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, the Department of Energy will publish a final rule. Such waiver will terminate on the effective date of such final rule.

Dishwashers are generally designed to operate with 140°F inlet water. The test procedures prescribed by DOE are dased on dishwashers using 140°F inlet water. Three manufacturers, who make "warm water" dishwashers, i.e., dishwashers that use 120°F inlet water, requested DOE to exclude these dishwashers from the prescribed test procedures. The Hobart Corporation (Hobart) filed an application for exception with the DOE Office of Hearings and Appeals (OHA) on September 5, 1979 for its Model KD-19 dishwasher. Hobart claimed: (1) The Model KD-19 dishwasher has unique design features so that 120°F inlet water can be used; and (2) testing this dishwasher with 120°F inlet water would reduce the estimated annual operating cost from $71 to $64. OHA granted an exception to Hobart on February 26, 1980.

Norris Industries (Norris) applied to the Assistant Secretary for Conservation and Renewable Energy for a test waiver and on July 2, 1981 the Secretary granted the waiver for its LER Series dishwahser (46 FR 35719, July 10, 1981). The dishwasher is designed to use 120°F inlet water, too. The General Electric Company (GE) applied for a test waiver for its "T" series dishwasher which uses 120°F inlet water. DOE published the GE "Petition for Waiver" in the **Federal Register** on March 2, 1982 (47 FR 8813).

Upon receiving the petitions from Hobart, Norris, and GE, DOE directed the National Bureau of Standards (NBS) to investigate the manufacturers' claims that the prescribed test procedures do

not properly determine the energy consumption for warm water dishwashers which use 120°F inlet water. NBS has provided its recommendations to DOE.

The Association of Home Appliance Manufacturers (AHAM) and the Procter & Gamble Company (P&G) presented data to DOE that showed that dishwashers are currently being used about 322 times annually. They requested that DOE consider changing the representative annual use cycle from 416 cycles per year to 322 cycles per year. The representative annual use cycle is used to determine the estimated annual operating cost. DOE has evaluated the available usage factor data.

NBS documents relevant to this proposed rule and the letters from AHAM and P&G petitioning that DOE consider changing the representative annual use cycle are available for inspection at the DOE Freedom of Information Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The documents are:

1. Final report, *Household Appliance Usage Data,* NBSIR 80-1994, March 1980.
2. Milestone report, "Dishwashers with Low Temperature Inlet Water and Water Heater Savings", August 8, 1980.
3. Milestone report, "Test Results for a Dishwasher with Reduced Inlet Water Temperature", February 1981.
4. Letter from Robert L. Holding, Vice President—Federal Relations, of AHAM to Joseph J. Tribble, Assistant Secretary, Conservation and Renewable Energy, of DOE, dated July 20, 1981.
5. Letter from A. J. Fuchs, Product Development Department, of P&G to James A. Smith, Office of Conservation & Renewable Energy, of DOE, dated August 10, 1981.

DOE is today proposing to amend the test procedures for dishwashers.

B. Discussion

1. 120°F inlet water temperature

Hobart Corporation. In its application for exception to the DOE Office of Hearings and Appeals, Hobart claimed that measuring the energy use of its Model KD-19 dishwasher according to the prescribed test procedures would result in a significant overstatement of the dishwasher's estimated annual operating cost and misrepresent its true energy cost to consumers.

The prescribed test procedures base the estimated annual operating cost on dishwashers using 140°F inlet water. This determines the temperature rise, provided by the water heater, to be 90°F. Hobart claimed that because of certain unique technological innovations incorporated into its Model KD-19 dishwasher, the dishwasher can operate satisfactorily with inlet water of 120°F. A feature of the dishwasher is a thermostatically controlled water heating element. Thus, Hobart contended that in computing the estimated annual operating cost for dishwashers which use 120°F inlet water, the temperature rise should be set at 70°F and the actual water supply temperature should be maintained at 120°F.

A hearing was conducted by OHA on October 25, 1979 to discuss the relative merits of Hobart's application. Representatives of GE, Norris, Whirlpool Corporation (Whirlpool), and The Maytag Company (Maytag), all dishwasher manufacturers, presented arguments regarding Hobart's application. Representatives of the Federal Trade Commission (FTC) and the DOE Consumer Products Efficiency Branch also participated in the hearing.

On April 28, 1981, (45 FR 31343, June 15, 1981), OHA granted Hobart's request for exception for its Model KD-19 dishwasher.

Provisions in the exception included:

1. Hobart shall test the Model KD-19 dishwasher with the water inlet temperature maintained at 120°F.
2. The derived results shall be based on a 70°F temperature rise.
3. Hobart is required to disclose, in making representations respecting measures of energy consumption, the amount the estimated annual operating cost would increase if the Model KD-19 dishwasher would be operated at the 140°F inlet water temperature rather than 120°F, in addition to being permitted to use the results of a test using 120°F water inlet temperature.

Norris Industries. In its petition, Norris contended that its LER Series dishwasher cannot be adequately tested by the prescribed test procedures. The LER Series dishwasher has a "steam generator" design feature which is not covered in the prescribed test procedures. Norris claimed that this feature allows the LER Series dishwasher to operate at a lower inlet water temperature than the 140°F temperature prescribed. Thus, the existing test procedures misrepresent the energy cost to consumers by overestimating the estimated annual operating cost. DOE received comments from the following manufacturers of dishwashers: GE, Hobart, Whirlpool, and Maytag.

In consideration of the Norris petition, DOE, by decision and order prescribed on July 2, 1981 (46 FR 35719, July 10, 1981), excluded the LER Series diswasher from the prescribed test procedures. This waiver remains in effect until DOE prescribes final test procedures suitable to the LER Series dishwasher and, in any event, expires one year from issuance. Furthermore, within one year from issuance, DOE must publish in the **Federal Register** a notice of proposed rulemaking appropriate to the Norris LER Series dishwasher. Today's proposed test procedures for dishwashers satisfies this requirement.

General Electric Corporation. GE has filed a petition for waiver for its "T" Series dishwashers because the prescribed test procedures result in materially inaccurate estimates of the dishwashers' energy consumption. The "T" Series dishwasher is designed to operate with 120°F inlet water temperature. GE claims that the test procedure requirement of 140°F inlet water, which results in a 90°F temperature rise, tends to overestimate the estimated annual operating cost of the "T" Series and other dishwashers which can use 120°F inlet water. DOE published the GE petition in the **Federal Register** on March 2, 1982 (47 FR 8813) to solicit information to assist DOE in determining whether a test procedure waiver should be granted. Comments form Hobart and Norris were received. A final decision and order in the matter has not been issued at this time.

Rationale for proposed rule. DOE has directed NBS to recommend proposed test procedures that are applicable to warm water dishwashers using 120°F inlet water. Today's proposed amendments incorporates NBS's recommendations and allow a 50 percent credit for dishwashers that can use 120°F inlet water. The 50 percent credit is analogous to the 50 percent credit allowed for dishwashers with a power-dry feature.

Hobart, Norris and GE advocates that a 100 percent credit be allowed for dishwashers using 120°F inlet water temperature. These dishwashers can save energy if consumers will reduce the thermostat setting on their water heaters. However, DOE does not have any data to indicate that consumers will reduce the water heater thermostat setting.

DOE is interested in receiving comments, data and viewpoints concerning whether a 100 percent credit or a credit of lesser amount should be prescribed in the test procedures. Of particular interest is statistically valid survey data indicating the percentage of the consumers who have purchased

"warm water" dishwashers that have lowered the thermostat setting of the water heater to 120°F.

Maytag opposed a 100 percent credit, contending that unless a lower average water heater thermostat setting is actually known to be used by consumers, no waiver should be granted. However, Maytag conceded that if a waiver were to be granted, a 50 percent credit should be allowed.

Maytag further contends that a 140°F water heater temperature is required in a significant number of residences that regularly wash heavily soiled laundry. Maytag stated that the survey data which was used to determine the temperature-use factors in the clothes washer test procedures showed that about 30 percent of all consumers regularly wash laundry in hot water, requiring a 140°F thermostat setting on the water heater. Similar data were also reported in the NBS final report, *Household Appliance Usage Data.*

Norris responded by stating that a 50 percent credit was applied to consumer selected options for which actual usage was unknown. Norris contended that a 100 percent credit should be used because the rationale used to apply a 50 percent credit for consumer selected options is not relevant to dishwashers that use 120° inlet water.

Hobart conducted a survey that showed that 39 percent of consumers use the power-dry feature all the time and that 29 percent use the power-dry feature part of the time. (See the NBS final report, *Household Appliance Usage Data,* March 1980, p. C–2.) Based on this data, DOE prescribed a 50 pecent credit for the power-dry feature for dishwashers. Similar features in other consumer products have also received a 50 percent credit. These features include:

—The anti-sweat switch for refrigerators, refrigerator-freezers, and freezers.

—The suds-saver feature for clothes washers.

—The vacation switch or master on/off switch for television sets.

NBS reported to DOE that there were no survey data available showing the number of consumers who purchased dishwashers using 120°F water or the number of those purchasers who set thier water heater thermostat at 120°F after buying the dishwasher. NBS recommended either that no credit be allowed until DOE has statistically valid data or that DOE propose a 50 percent credit, based on precedents for similar features on other appliances in the past.

The information available to DOE indicates that the credit for dishwashers using 120°F inlet water should not be greater than 70 percent because of the number of households that regularly use hot water to clean their clothes. Further, the data indicates that roughly one-half of the consumers, who can use consumer selected options, do so. Taken together, these statements support a credit of one-half of 70 percent, or 35 percent. However, NBS and Maytag recommend that a 50 percent credit be allowed since it is likely that 50 percent of the consumers who purchase "warm water" dishwashers may reduce the thermostat setting of their water heater from 140°F to 120°F. Thus, today's amended dishwasher test procedure proposes a 50 percent credit. DOE is particularly interested in receiving statistically valid survey data to support these views—or other data which would support alternative views.

Dishwashers that use 120°F inlet water are to be tested twice; once the 140°F inlet water and once with 120°F inlet water. The measure of energy use is to be the arithmetic mean value from the two tests. DOE is interested in obtaining additional comments, data, and other relevant information concerning whether the 50 percent credit should be prescribed in the final test procedures for dishwashers.

A major concern of DOE in proposing a credit is a means to distinguish between dishwashers using 120° F water from those using 140° F water. Credits have not been a problem in the past because they applied only to consumer selected options during operation of the appliance. There are no similar controls for dishwashers that use 120° F water. The consumer makes a selection when the dishwasher is installed, not during its operation.

During the OHA hearing, Hobart stated that they were not aware of any dishwasher, other than its Model KD–19 dishwasher, which is able to heat inlet water during the normal cycle. The Model KD–19 dishwasher has a thermostatically controlled, internal heater that heats water during the normal cycle. In the subsequent decision and order, OHA stated that there were two critical distinctions between the Model KD–19 and other dishwashers. These are:

—Other dishwashers generally require that individual consumers actively select the option which employes the internal booster heater. Several manufacturers, such as Maytag, offer a "Sani-Wash" cycle or similar cycle type which activates the internal booster heater during a cycle. The normal cycle does not activate the internal heater. No such consumer intervention is needed with the Model KD–19 dishwasher.

—The Model KD–19 dishwasher operates in a relatively efficient manner with 120° F inlet water in that dishwashing performance is still acceptable to consumers. The dishwashing performance of other dishwashers with 120° F water may be degraded and unacceptable to consumers.

In response to comments from other manufacturers, Norris made the following statements during their application for a test waiver:

—Dishwashers that use 120° F water must have a water heating capability during the normal cycle.

—Dishwashers with water heating capability in cycles other than the normal cycle do not satisfy this requirement.

—The Hobart Model KD–19 and the Norris LER Series dishwashers were the only marketed dishwashers, at that time, with the water heating capability during the normal cycle.

DOE believes the features that distinguish dishwashers using 120° F inlet water from those using 140° F water are: (1) The dishwasher must provide internal water heating during the normal cycle; and (2) no consumer interaction is needed to activate the internal water heaters. Today's test amendments propose such a definition to be used for dishwashers using 120° F inlet water.

—It is possible that some manufacturers may modify their current dishwashers by inserting a control device to activate the internal boost heater in order to qualify for the 50 percent credit. This may result in the degradation of dishwashing performance. DOE does not believe this is a serious problem because market forces and consumer reaction will insure dishwashers to be manufactured to their highest performance and quality.

—DOE is interested in receiving comments, views, and other statements on the need to positively distinguish between dishwashers using 120° F inlet water from those using 140° F water; additional features that may be used to identify dishwashers that use 120° F inlet water; whether the proposed definition for dishwashers using 120° F inlet water is proper; and whether such a definition should be included in the final amended test procedure.

It is also possible that some firms may manufacture dishwashers designed to operate at inlet water temperatures other than 120° F and 140° F. The Norris petition for a waiver was based on a

design which allows the dishwasher to operate at varying inlet water temperatures, including household cold tap water. However, Norris designed its LER Series dishwasher to use an inlet water temperature of 120° F. DOE is not aware of any company which has manufactured dishwashers to operate at temperatures other than 120° F and 140° F. DOE is interested in receiving comments, views, and other statements, regarding dishwashers which use inlet water temperatures other than 120° F and 140° F.

2. Representative Average-Use Cycle

The Association of Home Appliance Manufacturers requested that DOE initiate a rulemaking proceeding to change the representative average-use cycle of 416 cycles per year to 322 cycles per year. The **Federal Register** notice prescribing final test procedures for dishwashers (42 FR 39964, August 8, 1977) stated that no data was presented to DOE to support the claim that 416 cycles per year is too high or that the use of 416 cycles per year is not representative of typical consumer use. The notice went on to state:

> If statistically valid survey data becomes available which reveals that purchasers of 12 or more place setting dishwashers use their dishwashers less frequently than purchasers of eight or less place setting dishwashers, then FEA and NBS will review the determination that 416 cycles is the representative average usage of dishwashers, regardless of size.

The principal source used by NBS and the Federal Energy Administration (FES) to determine 416 cycles per year to be the representative average-use cycle was data furnished by the Procter & Gamble Company. The data were based on consumer surveys conducted in 1973 and were considered to be the most reliable and valid data avilable at that time.

A more recent survey was conducted by P&G in 1979. P&G informed DOE of a new survey result by letter dated August 10, 1981. The average-use of dishwashers was determined to be 6.2 times per week, or 322 cycles per year. P&G requested that the representative average-use cycle be lowered to 322 cycles per year.

DOE is today proposing that 322 cycles per year be the representative average-use cycle for dishwashers, based on data supplied by P&G. Changing the representative average-use cycle of dishwashers from 416 cycles per year to 322 cycles per year will reduce the estimated annual operating cost by 23 percent. DOE is interested in receiving comments, viewpoints, and data concerning whether 322 cycles per year, or some other usage figure should be prescribed in the final amended test procedures. DOE is also interested in receiving comments on the P&G data.

C. Comment Procedure

1. Written Comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed amendments set forth in this notice to the address indicated at the beginning of the notice.

Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Dishwasher Test Procedure (Docket No. CE–RM–82–130)." Fifteen copies are requested to be submitted. All comments received by the date specified at the beginning of this notice, and all other relevant information, will be considered by DOE before final action is taken on the proposed regulation. Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document, and fifteen copies, if possible, from which the information believed to be confidential has been deleted. DOE will make its own determination with regard to the confidential status of the information and treat it according to its determination.

2. Public Hearing

a. *Request Procedure.* The time and place of the public hearing are indicated at the beginning of this notice. DOE invites any person who has an interest in today's proposed rule amendments, or who is a representative of a group or class of persons that has an interest in the proposed amendments, to make a written request for an opportunity to make an oral presentation. Such requests should be directed to the address indicated at the beginning of this notice and must be received by the time specified at the beginning of this notice. Requests may be hand delivered to such address, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Requests should be labeled "Dishwasher Test Procedure (Docket No. CE–RM–82–130)" both on the document and on the envelope.

The person making the request should briefly describe the interest concerned and, if appropriate, state why he or she is a proper representative of the group or class of persons that has such an interest, and give a telephone number where he or she may be contacted. Each person requesting an opportunity to speak should give a concise summary of the proposed oral presentation.

DOE will notify, by the date indicated at the beginning of this notice, each person selected to be heard at the hearing. Each person selected to be heard is requested to submit 15 copies of his or her statement to the address and by the date given in the beginning of this notice. In the event any person wishing to testify cannot meet this requirement, alternative arrangements can be made with the Office of Hearings and Dockets in advance of the hearing by so indicating in the letter requesting to make an oral presentation.

b. *Conduct of hearings.* DOE reserves the right to select the persons to be heard at this hearing, to schedule the respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation shall be limited to 20 minutes.

A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 553 and section 366 of the Act. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person who wishes to ask a question at the hearing may submit the question in writing to the presiding officer to be asked of any person making a statement at the hearing. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules regarding proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Room 1E–152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. For information concerning the availability of records at the Freedom of Information Reading Room, call (202) 252–5969. In addition, any person may purchase a copy of the transcript from the reporter.

D. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment.

Since test procedures under the energy conservation program for consumer products will be used only to standardize the measurement of energy usage and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. On this basis, DOE has determined that prescribing test procedures under the energy conservation program for consumer products is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for the proposed rule.

E. Review Under E.O. 12291

The proposed rule has been reviewed in accordance with Executive Order 12291 which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. The Executive Order also requires that regulatory impact analyses be prepared for "major rules." The Executive Order defines "major rule" as any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) Significant diverse effects on competition, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule would only make minor changes in the test procedures for dishwashers to allow for more accurate determinations of estimated annual operating cost and energy factor. Therefore, DOE has determined that this proposed rule does not come within the definition of "major rule."

F. Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601-612), requires that an agency prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." This rule only affects manufacturers dishwashers. There are not a substantial number of small entites that manufacture dishwashers. Moreover, as discussed above, the changes being proposed would not have significant economic impacts, but rather would simply improve the test procedures. Therefore, DOE certifies that this proposed rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

In consideration of the foregoing, it is proposed to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., May 27, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Provisions of 10 CFR Part 430, § 430.22 and Appendix C are amended as follows:

Authority: Sect. 323, Pub. L. 94-163, 89 Stat. 917 as amended by Pub. L. 95-619, 92 Stat. 3266 (42 U.S.C. 6293).

§ 430.22 [Amended]

1. Section 430.22 paragraph (c) is amended by removing the words "416 cycles per year" and inserting, in their place, the words "322 cyles per year" in the following places:

(a) Section 430.22(c)(1)(i);
(b) Section 430.22(c)(1)(ii);
(c) Section 430.22(c)(2)(i); and
(d) Section 430.22(c)(2)(ii).

2. Appendix C to Subpart B of Part 430 is revised to read as follows:

Appendix C to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers

1. *Definitions.*—1.1 "Cycle" means a sequence of operations of a dishwasher which performs a complete dishwashing operation, and may include variations or combinations of the functions of washing, rinsing and drying.

1.2 "Cycle type" means either any complete sequence of operations capable of being preset on the diswasher prior to the initiation of machine operation.

1.3 "Normal cycle" means the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes, including the power-dry feature.

1.4 "Power-dry feature" means that function in a cycle in which electrically generated heat is introduced into the washing chamber for the purpose of improving the drying performance of the dishwasher.

1.5 "Truncated normal cycle" means the normal cycle interrupted to eliminate the power-dry feature after the termination of the last rinse operation.

1.6 "Warm water dishwasher" means a dishwasher that operates at nominal inlet water temperature of 120°F which provides internal water heating during the normal cycle without consumer interaction being required to activate the internal water heaters.

2. *Testing conditions.*—2.1 *Installation.* Install the dishwasher in accordance with the manufacturer's instruction, except that undercounter dishwashers need not be installed under a counter.

2.2 *Electrical supply.* Maintain the electrical supply to the dishwasher within two percent of 115 volts and within one percent of its nameplate frequency as specified by the manufacturer.

2.3 Water temperature.

2.3.1 Dishwashers to be tested at a nominal 140°F inlet water temperature. Maintain the water supply temperature between 135°F and 145°F.

2.3.2 Dishwashers to be tested at a nominal 120°F inlet water temperature. Maintain the water supply temperature between 115°F and 125°F.

2.4 *Water pressure.* Maintain the pressure of the water supply between 32.5 and 37.5 pounds per square inch.

2.5 *Ambient and machine temperature.* Maintain the room ambient air temperature between 70° F and 85° F, and assure that the dishwasher is at room ambient temperature at the start of each test cycle.

2.6 *Load.* The dishwasher shall be tested on the normal cycle and the truncated normal cycle without a test load.

3. *Test cycle and measurements.* 3.1 *Test cycle.* Perform a test cycle by establishing the testing conditions set forth in 2 of this Appendix, setting the dishwasher to the cycle type to be tested, initiating the cycle and allowing the cycle to proceed to completion.

3.2 *Machine electrical energy consumption.*

3.2.1 *Dishwashers that operate with a nominal 140° F inlet water temperature, only.* Measure the machine electrical energy consumption, M_e, specified as the number of kilowatt-hours of electrical energy consumed during the entire test cycle using a water supply temperature as set forth in 2.3.1 of this Appendix. Use a kilowatt-hour meter having a resolution no larger than 0.001 kilowatt hours and a maximum error no greater than one percent.

3.2.2 *Dishwashers that operate at nominal inlet water temperature of 120° F.* Measure the machine electrical energy consumption, M_e, specified as the number of kilowatt-hours of electrical energy consumed during the entire

test cycle using a water supply temperature as set forth in 2.3.1 of this Appendix. Measure the machine electrical energy consumption, Me_2, specified as the number of kilowatt-hours of electrical energy consumed during the entire test cycle using a water supply temperature as set forth in 2.3.2 of this Appendix. Use a kilowatt-hour meter having a resolution no larger than 0.001 kilowatt-hours and a maximum error no greater than one percent.

3.3 *Water consumption.* Measure the water consumption, specified as the number of gallons delivered to the dishwasher during the entire test cycle, using a water meter having a resolution no larger than 0.1 gallon and a maximum error no greater than 1.5 percent for all water flow rates from one to five gallons per minute and for all water temperatures encountered in the test cycle.

3.4 *Report values.* State the reported values of machine electrical energy consumption and water consumption as measured.

4. *Calculation of derived results from test measurements.*—4.1 *Per-cycle water energy consumption using electrically heated water.* 4.1.1 Dishwashers that operate with a nominal 140°F inlet water temperature, only. Calculate for the cycle type under test the per-cycle water energy consumption using electrically heated water, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times T \times K,$$

where

V = reported water consumption in gallons per cycle for the cycle type under test.

T = nominal water heater temperature rise = 90.°F.

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 00240.

4.1.2 Dishwashers that operate at nominal inlet water temperature of 120°F. Calculate for the cycle type under test the per cycle water energy consumption using electrically heated water, W_e, expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times K \times (T + T')/2$$

where

V, K and T are defined in 4.1.1 of this Appendix and T ' = nominal water heater temperature rise = 70°F.

4.2 *Per cycle water energy consumption using gas-heated or oil-heated water.* 4.2.1 Dishwashers that operate with a nominal 140°F inlet water temperature, only. Calculate for the cycle type under test the per cycle water energy consumption using gas-heated or oil-heated water. W_e, expressed in Btu's per cycle and defined as:

$$W_e = V \times T \times C/e,$$

where

V and T are defined in 4.1.1 of this Appendix, and

C = specific heat of water in Btu's per gallon per degree fahrenheit = 8.1966.

e = nominal gas or oil water heater efficiency = 0.75.

4.2.2 Dishwashers that operate at nominal inlet water temperature of 120°F. Calculate for the cycle type under test the percycle water energy consumption using gas-heated or oil-heated water. W_e, expressed in Btu's per cycle and defined as:

$$W_e = V \times (T + T') \times C/2e$$

where

V and T are defined in 4.1.1 of this Appendix, T' is defined in 4.1.2 of this Appendix, and C and e are defined in 4.2.1 of this Appendix.

4.3 *Per-cycle machine electrical energy consumption.*

4.3.1 Dishwashers that operate with a nominal 140°F inlet water temperature, only. Use the measured value recorded in 3.2.1 as the per cycle machine electrical energy consumption, *M*, expressed in kilowatt-hours per cycle.

4.3.2 Dishwashers that operate at nominal inlet water temperature of 120°F. Calculate for the cycle type under test the per cycle machine electrical energy consumption, Me, expressed in kilowatt-hours per cycle and defined as:

$$Me = (Me_1 + Me_2)/2$$

where

Me_1 and Me_2 are defined in 3.2.2 of this Appendix.

4.4 *Total per-cycle energy consumption.* Calculate for the cycle type under test the total per-cycle energy consumption, *E*, expressed in kilowatt-hours per cycle, and defined as the sum of the per-cycle machine electrical energy consumption, *M*, plus the per-cycle water energy consumption of electrically-heated water, *W*, calculated for the cycle type, determined according to 4.3 and 4.1 respectively.

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BILLING CODE 6450-01-M

10 CFR Part 456

[Docket No. CAS-RM-81-130]

Residential Conservation Service Program; Passive Solar Measures

AGENCY: Conservation and Renewable Energy Office, Energy.

ACTION: Proposed rule—amendments.

SUMMARY: The Department of Energy (DOE or Department) is amending its proposed rule revising the Residential Conservation Service (RCS) Program regulations (10 CFR Part 456). The RCS Program is mandated by Federal law and requires large electric and natural gas utilities to perform energy audits of their customer's homes upon request and to provide certain other services to their residential customers.

As part of the Administration's efforts to reduce Federal regulations which are unduly burdensome for individuals, business, or other affected parties, the Department proposed amendments to the RCS program regulations on November 12, 1981. The November 12th proposal, however, reserved the decision on the inclusion of passive solar measures in the RCS program until the necessary research to support their inclusion, where appropriate, could be completed by the Department. After completing the necessary research, DOE today issues amendments to the proposed rule specifying the passive solar measures to be included in the RCS program.

DATES: Written comments on this proposed rule (Docket No. CAS-RM-81-130) must be received by July 19, 1982, 4:30 p.m., E.S.T. in order to insure their consideration.

ADDRESSES: All written comments should be addressed to the Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Mail Station 6B-025, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9319.

FOR FURTHER INFORMATION CONTACT: Mark D. Friedrichs, Building Services Division, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Room 5F-064, Mail Stop CE-115, Washington, D.C. 20585, (202) 252-1650.

Daniel Ruge, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 65-114, Washington, D.C. 20585, (202) 252-9519.

SUPPLEMENTARY INFORMATION:

I. Background
II. Amendments
III. Procedural Requirements

I. Background

The Residential Conservation Service (RCS) Program was established by Part 1 of Title II of the National Energy Conservation Policy Act (NECPA), 42 U.S.C. 8211 *et seq., as amended.*

The RCS Program, as mandated by the statute, requires large electric and natural gas utilities to inform their residential customers of the benefits of certain energy conservation and renewable resource measures and to offer to arrange for the installation and financing of such measures. Implementation of the Program was begun November 7, 1979, with publication of a final rule (the November 7th rule), 44 FR 64602.

As part of the Administration's efforts to reduce Federal regulations which are unduly burdensome for individuals, business, or other affected parties, the Department proposed amendments to the RCS Program regulations on November 12, 1981, 46 FR 55836 (the November 12th proposal). These amendments proposed to make the RCS Program as simple and flexible as possible, consistent with existing law.

In the November 12th proposal, however, the Department reserved the decision on all passive solar measures because the necessary research to support their inclusion in the RCS

Program had not been completed at that time. Public comment was solicited on the cost-effectiveness and applicability of each of the passive solar measures when applied to existing homes, as these factors vary by climate and category of fuel use.

The Department has now completed the necessary research and analysis. Today's issuance amends the proposed rule to include the following described passive solar measures in the RCS Program.

II. Amendments

In the November 7th rule, DOE defined passive solar space heating and cooling systems to include direct heat gain glazing systems, indirect gain systems, solaria/sunspace systems, and window heat gain or loss retardants. Additionally, in the November 7th rule DOE specified that these passive measures were RCS program measures for all building categories in all climate zones throughout the country.

The definition of passive solar used in today's amendment closely approximates that used in the November 7th rule. A few technical improvements have been made. For instance, in today's amendment window heat gain and heat loss retardants are given separate treatment. This change was made in recognition of the differing applications of the two materials depending on climatic zone and energy cost. DOE hopes that this proposed change will be more easily understood than the November 7th rule in those areas where both measures are covered by the program.

Today's issuance amends the proposed measures list (Appendix I) to include those passive solar measures that DOE has determined, pursuant to further research and analysis, are appropriate. This further research has resulted in the deletion of passive solar measures in many areas. Consistent with the approach taken in the November 12th proposal, DOE has clearly designated in Appendix I whether a passive solar measure is a program measure if installed on a do-it yourself basis (R), by a contractor (C), or both (RC). DOE solicits comments on whether its assumptions regarding resident and contractor installation of measures accurately reflects common practice in the marketplace.

In accordance with the analysis performed for the energy conservation and other renewable measures published in the November 12th proposal, the following criteria were used in the passive solar analysis:

1. To qualify as a program measure, the passive measure must meet a 7 year simple payback.

2. Federal and State income tax credits were included in the payback analysis.

3. Projected 1981 State fuel and energy prices were used.

4. The costs of each measure (resident and contractor-installed) were based on an accurate estimate of the national average cost of material purchase or contractor installation including material.

5. The energy savings calculation procedure is based on the RCS model audit.

Input from the above criteria and assumptions were applied to the simple payback formula to arrive at years to payback. Calculations were prepared for resident-installed and contractor-installed measures. When the years to payback was 7 years or less the measure was included in the table. The payback formula is:

$$P=\frac{F-T}{S},$$

where

P = simple payback in years
F = installed first cost of the passive solar measure
T = Federal and state tax credits where applicable
S = first year dollar savings due to energy savings

In using the payback formula DOE took into account the currently applicable 40 percent Federal income tax credit and state income tax credits, where applicable. The following table lists the Federal and State income tax credits used in determining payback periods. DOE solicits comments on the completeness of this list and on the use of state income tax incentives in the development of the passive solar measures lists for the RCS audit.

PERCENT AND MAXIMUM PASSIVE SOLAR INCOME TAX CREDITS[1]

[Direct Gain, Indirect Gain, Window Heat Gain Retardants, Window Heat Loss Retardants, and Solaria/Sunspace]

	Direct gain		Indirect gain		W H G R		W H L R		Sunspace	
	Percent	Maximum	Percent	Maximum	Percent	Maximum	Percent	Maximum	Percent	Maximum
Alabama	10	$1,000	20	$1,000	10	$1,000	10	$1,000	10	$1,000
Arizona	35	1,000	35	1,000	25	100	0	0	35	1,000
California	55	3,000	55	3,000	40	1,500	40	1,500	15	3,000
Colorado	30	3,000	30	3,000	0	0	0	0	30	3,000
Hawaii[2]	0	0	0	0	10	[3]99,999	0	0	0	0
Indiana	25	3,000	25	3,000	0	0	0	0	25	3,000
Kansas	30	1,500	30	1,500	0	0	0	0	15	1,500
Maine	20	100	20	100	0	0	0	0	20	100
Massachusetts	0	0	0	0	0	0	0	0	21	1,000
Michigan[4]	20	1,200	19	1,200	0	0	0	0	18	1,200
Minnesota	20	2,000	20	2,000	0	0	0	0	20	2,000
Montana[5]	5	125	4	125	0	0	0	0	4	125
New Mexico	25	4,000	25	4,000	0	0	0	0	25	4,000
North Dakota	0	0	5	[3]99,999	0	0	5	[3]99,999	0	0
Ohio	10	1,000	10	1,000	0	0	0	0	10	1,000
Oklahoma	0	0	0	0	0	0	0	0	32	10,000
Oregon	25	1,000	25	1,000	0	0	25	1,000	25	1,000
Utah	10	1,000	10	1,000	0	0	0	0	10	1,000
Vermont	25	1,000	25	1,000	0	0	0	0	25	1,000
Wisconsin[6]	18	1,800	18	1,800	0	0	[7]0	[7]0	18	1,800
Federal	0	0	0	0	0	0	0	0	[8]40	[8]4,000

[1]This table covers Federal tax credits and the tax credits for the 50 states, Puerto Rico, and the District of Columbia.
[2]Since Hawaii has no heating load, it was assumed that "passive" referred to methods of reducing cooling loads.
[3]$99,999 is recorded as the maximum tax credit allowed in those areas where there is no maximum or where the maximum is not defined.
[4]Michigan's tax credit equals 20% of the first $2,000 plus 10% of the next $8,000. The percentages in the table are based on the average percent credit, based on the estimated cost of a nominal installation of each measure.
Average % tax credit = Tax credit for resident-installed/Resident-installed cost + Tax credit for contractor-installed/Contractor-installed cost ÷ 2
[5]Montana's tax credit equals 5% of the first $1,000 plus 2.5% of the amount over $1,000 ($125 maximum).
The percentages in the table are based on the average percent credit for each measures, based on the costs for the measures which are summarized in the cost section of this document.
[6]1982 figure, credit decreases each year.
[7]Credit is only given for measures which cost more than $400. If window heat loss retardants had cost more than $400, then the credit should have been 18% with a $1,800 maximum credit.
[8]A solaria/sunspace can only receive a federal tax credit if it is solely used for space heating and should not be used as an addition to the living space or as a greenhouse. The burden of proof rests on the homeowner to prove that the *only* function of the sunspace is heating.

In the case of indirect gain measures, DOE took into account the cost and performance of only thermosyphon air panels (TAPS). TAPS were chosen for the analysis because they are most easily applicable to the majority of houses and represent the least expensive indirect gain measure. However, DOE acknowledges that trombe walls and water walls are also indirect gain measures. Therefore, DOE is proposing to continue to allow States and nonregulated utilities to decide which indirect measure(s) to include in their RCS audit.

A Technical Report "Passive Solar Measures Analysis for the Reproposed RCS Program," (Draft Report), December, 1981 has been prepared which provides a detailed explanation of the methodology used and further information on the tax credits, fuel/energy prices and cost of measures. Copies of the document are available by writing the Building Services Division, at the address provided at the beginning of this notice.

III. Procedural Requirements

As noted in the November 12th proposal, OMB has waived the Executive Order 12291 requirement to prepare a preliminary Regulatory Impact Analysis for the proposed revisions to the RCS program. The OMB waiver covers this notice, which represents only a minor part of the overall proposed revisions to the RCS program.

Additionally, DOE certified in the November 12th notice that the proposal would not have a significant economic impact on a substantial number of small entities and therefore the Department need not prepare an initial regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), DOE prepared an Environmental Impact Statement for the entire Residential Conservation Service Program (DOE/EIS-0050). The notice of availability was published in the **Federal Register** on November 7, 1979. The subject matter of this proposed rulemaking is within the scope of this programmatic Environmental Impact Statement and the impacts of the proposed rulemaking were adequately addressed in the EIS. Copies may be obtained by writing the Building Services Division, at the address provided at the beginning of this notice or the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Subsection (c)(1) of Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) requires DOE to provide an opportunity for oral presentation (public hearing) of comments if DOE determines that a substantial issue of fact or law exists, or that a rule is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Inasmuch as this rule represents little more than the technical results of the application of a formula, which was the subject matter of several previous public hearings across the country, DOE does not believe that further public hearings are required.

(Part I of Title II of the National Energy Conservation Policy Act as amended (42 U.S.C. 8211 *et seq.*) Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*)

List of Subjects in 10 CFR Part 456

Energy audits, Energy conservation, Housing, Insulation, Reporting requirements, Solar energy, Utilities.

In consideration of the foregoing, the Department of Energy amends its proposed amendments to Part 456 of Chapter II, Title 10 of the Code of Federal Regulations (45 FR 55836, November 12, 1981), as set forth below.

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

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 456—RESIDENTIAL ENERGY CONSERVATION PROGRAM

1. Section 456.105, as proposed on November 12, 1981 (46 FR 55836, at 55851) is amended by adding new paragraph (w)(6) to read as follows:

§§ 456.105 Definitions.

* * * * *

(w) *Renewable resource measure.*

* * *

(6) *Passive solar space heating and cooling systems.* The term "passive solar space heating and cooling systems" means systems that make most efficient use, or enhance the use of, natural forces—including solar insolation, winds, night time coolness and opportunity to lose heat by radiation to the night sky—to heat or cool living space by the use of conductive, convective or radiant energy transfer. Passive solar systems include only:

(i) *Direct gain glazing systems.* The term "direct gain glazing systems" means the use of south-facing (+ or −45° of True South) panels of glass, fiberglass, or other similar transparent or translucent materials that admit sunlight into the living space where the heat is retained. Glazing is either double-paned, or single-paned equipped with movable insulation.

(ii) *Indirect gain systems.* The term "indirect gain systems" means the use of panels of glass, fiberglass or other transparent or translucent materials that transmit sunlight onto thermal walls, ceilings, rockbeds, or containers of water and is stored for later use or transferred directly to the living space.

(iii) *Solaria/sunspace systems.* The term "solaria/sunspace systems" means a structure of glass, fiberglass or similar transparent or translucent material which is attached to the south-facing (+ or −45° of the True South) wall of a structure which allows for air circulation to bring heat into the residence and which is able to be closed off from the residential structure at night and during periods of low insulation.

(iv) *Window heat loss retardants.* The term "window heat loss retardants" means those mechanisms which significantly reduce winter heat loss through windows by use of external or internal devices, such as insulated rollup shades or movable rigid insulation, that cover the windows during the winter both at night and when no appreciable amount of sunlight is entering the window during the day.

(v) *Window heat gain retardants.* The term "window heat gain retardants" means those mechanisms which significantly reduce summer heat gain through windows in the summer by use of devices such as awnings, solar screens or insulated rollup shades (external or internal).

§ Appendix I [Amended]

2. Paragraph (d)(11) of Appendix I, as proposed on November 12, 1981 (46 FR 55836 at 55860) is removed.

3. Paragraph (e) of Appendix I, as proposed on November 12, 1981 (46 FR 55836, at 55860) is amended by adding the following program measures to the Table of Program Measures by State:

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
AL	2	elec								R	C
		gas								R	C
		oil						R		R	C
		H.P								R	C
AL	3	elec				R		R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P								R	C
AK	8	elec						R	C	R	C
		gas								R	
		oil						R	C	R	C
		H.P						R		R	C
AZ	1	elec	R		R					R	C
		gas								R	C
		oil								R	C
		H.P								R	C
AZ	2	elec	R	C	R	R	C	R		R	C
		gas	R			R				R	C
		oil	R			R				R	C
		H.P	R			R				R	C
AZ	3	elec	R	C	R	R	C	R		R	C
		gas	R	C		R		R		R	C
		oil	R	C		R	C	R		R	C
		H.P	R	C		R		R		R	C
AZ	4	elec	R	C	R	R	C	R	C	R	C
		gas	R			R	C	R		R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
AZ	5	elec	R	C	R	R	C	R	C	R	C
		gas	R			R	C	R		R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
AZ	6	elec	R	C	R	R	C	R	C	R	C
		gas	R			R	C	R		R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
AZ	7	elec	R			R	C	R	C	R	C
		gas	R			R	C	R		R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R	C	R	C
AR	3	elec	R			R		R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P						R		R	C
AR	4	elec	R			R		R	C	R	C
		gas								R	
		oil				R		R		R	C
		H.P				R		R		R	C
CA	2	elec	R		R	R		R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P								R	C
CA	3	elec	R	C	R	R		R	C	R	C
		gas	R					R		R	C
		oil	R	C		R		R	C	R	C
		H.P	R					R		R	C
CA	4	elec	R	C	R	R		R	C	R	C
		gas	R					R		R	C
		oil	R	C		R		R	C	R	C
		H.P	R	C		R		R		R	C
CA	5	elec	R	C	R	R		R	C	R	C
		gas	R					R		R	C
		oil	R	C		R		R	C	R	C
		H.P	R	C		R		R	C	R	C
CA	6	elec	R	C	R	R		R	C	R	C
		gas	R					R		R	C
		oil	R	C		R		R	C	R	C
		H.P	R			R		R	C	R	C
CA	7	elec	R	C		R		R	C	R	C
		gas	R			R		R		R	C
		oil	R	C		R		R	C	R	C
		H.P	R	C		R		R	C	R	C
CA	8	elec	R	C		R	C	R	C	R	C
		gas	R			R		R	C	R	C
		oil	R	C		R		R	C	R	C
		H.P	R	C		R		R	C	R	C
CO	6	elec	R			R	C	R	C	R	C
		gas				R				R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
CO	7	elec	R			R	C	R	C	R	C
		gas				R		R		R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
CO	8	elec	R			R	C	R	C	R	C
		gas				R		R		R	C
		oil	R			R	C	R	C	R	C
		H.P	R			R	C	R	C	R	C
CT	6	elec	R			R		R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P						R	C	R	C

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
DE	4	elec						R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P.						R		R	C
DC	4	elec	R			R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.						R		R	C
FL	1	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C
FL	2	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C
GA	2	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C
GA	3	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.								R	C
GA	4	elec						R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.						R		R	C
HI	1	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C
ID	7	elec						R		R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P.								R	C
ID	8	elec						R		R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.						R		R	C
IL	4	elec				R		R		R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
IL	5	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.						R		R	C
IL	6	elec						R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P.						R		R	C
IL	7	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.						R		R	C
IN	4	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.						R		R	C
IN	5	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.						R		R	C
IN	6	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.						R		R	C
IN	7	elec				R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.						R		R	C
IA	6	elec				R		R	C	R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
IA	7	elec				R		R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P.						R		R	C
IA	8	elec	R			R		R	C	R	C
		gas						R		R	C
		oil						R	C	R	C
		H.P.				R		R	C	R	C
KS	4	elec	R			R		R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P.						R		R	C
KS	5	elec	R			R	C	R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P.				R		R		R	C

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
KS	6	elec	R			R	C	R	C	R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P	R			R		R		R	C
KS	7	elec	R			R	C	R	C	R	C
		gas								R	C
		oil	R			R	C	R		R	C
		H.P	R			R		R		R	C
KY	4	elec				R		R		R	C
		gas								R	C
		oil						R		R	C
		H.P								R	C
KY	5	elec						R		R	C
		gas								R	C
		oil						R		R	C
		H.P								R	C
KY	6	elec						R		R	C
		gas								R	C
		oil						R		R	C
		H.P						R		R	C
LA	2	elec								R	C
		gas								R	C
		oil								R	C
		H.P								R	C
LA	3	elec	R			R		R		R	C
		gas								R	C
		oil	R			R		R		R	C
		H.P								R	C
ME	8	elec	R			R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P	R			R		R	C	R	C
MD	4	elec	R			R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P						R		R	C
MD	5	elec						R		R	C
		gas						R		R	C
		oil						R		R	C
		H.P						R		R	C
MD	6	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P						R		R	C
MA	6	elec	R			R	C	R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P				R		R	C	R	C
MA	7	elec	R			R	C	R	C	R	C
		gas				R		R		R	C
		oil				R		R	C	R	C
		H.P				R	C	R	C	R	C
MI	7	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P						R		R	C
MI	8	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P				R		R	C	R	C
MN	8	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P				R		R		R	C
MS	2	elec								R	C
		gas								R	C
		oil								R	C
		H.P								R	C
MS	3	elec				R		R		R	C
		gas								R	C
		oil				R				R	C
		H.P								R	C
MO	4	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P						R		R	C
MO	5	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P						R		R	C
MD	6	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P						R		R	C
MT	8	elec			R	R		R		R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P				R		R		R	C
NB	6	elec				R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P						R		R	C

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
NB	7	elec						R		R	C
		gas						R		R	C
		oil						R		R	C
		H.P						R		R	C
NB	8	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P				R		R		R	C
NV	2	elec	R					R		R	C
		gas						R		R	C
		oil	R					R		R	C
		H.P						R		R	C
NV	3	elec	R			R		R		R	C
		gas						R		R	C
		oil	R			R		R		R	C
		H.P						R		R	C
NV	4	elec				R		R		R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P				R		R		R	C
NV	5	elec	R			R		R		R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P				R		R		R	C
NV	6	elec	R			R		R		R	C
		gas				R		R		R	C
		oil	R			R		R		R	C
		H.P				R		R		R	C
NV	7	elec	R			R		R	C	R	C
		gas						R		R	C
		oil	R			R		R		R	C
		H.P				R		R		R	C
NV	8	elec	R			R		R	C	R	C
		gas				R		R		R	C
		oil	R			R		R	C	R	C
		H.P	R			R		R	C	R	C
NH	7	elec	R			R		R	C	R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P				R		R	C	R	C
NH	8	elec	R			R		R	C	R	C
		gas				R		R		R	C
		oil				R		R	C	R	C
		H.P				R		R	C	R	C
NJ	5	elec	R			R		R	C	R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P				R		R		R	C
NJ	6	elec	R			R		R	C	R	C
		gas				R		R		R	C
		oil				R		R		R	C
		H.P				R		R	C	R	C
NM	3	elec	R	C	R	R		R	C	R	C
		gas				R	C	R		R	C
		oil	R			R		R		R	C
		H.P	R			R	C	R		R	C
NM	4	elec	R	C	R	R	C	R	C	R	C
		gas				R		R		R	C
		oil	R			R		R		R	C
		H.P	R			R		R		R	C
NM	5	elec	R	C	R	R		R	C	R	C
		gas				R				R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R		R	C
NM	6	elec	R	C	R	R	C	R	C	R	C
		gas				R				R	C
		oil	R			R	C	R		R	C
		H.P	R			R	C	R	C	R	C
NM	7	elec	R	C	R	R	C	R	C	R	C
		gas				R		R		R	C
		oil	R			R	C	R		R	C
		H.P	R	C		R	C	R	C	R	C
NM	8	elec	R	C		R	C	R	C	R	C
		gas				R		R		R	C
		oil	R			R	C	R	C	R	C
		H.P	R			R	C	R	C	R	C
NY	6	electric	R			R		R	C	R	C
		gas								R	C
		oil						R		R	C
		H.P				R		R	C	R	C
NY	7	electric	R			R		R	C	R	C
		gas						R		R	C
		oil						R	C	R	C
		H.P						R	C	R	C
NY	8	electric	R			R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P				R		R	C	R	C
NC	2	electric								R	C
		gas								R	C
		oil								R	C
		H.P								R	C

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
NC	3	electric				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.								R	C
NC	4	electric						R		R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
NC	5	electric						R		R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
ND	8	electric				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.				R		R	C	R	C
OH	5	electric						R		R	C
		gas								R	.
		oil						R		R	.
		H.P.						R		R	.
OH	6	electric				R		R	C	R	C
		gas						R		R	.
		oil						R		R	.
		H.P.						R		R	.
OH	7	electric				R		R	C	R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.						R		R	C
OK	3	electric	R			R	C	R		R	C
		gas				R		R		R	C
		oil				R	C	R		R	C
		H.P.				R		R		R	C
OK	4	electric	R			R	C	R		R	C
		gas				R				R	C
		oil				R	C	R		R	C
		H.P.				R		R		R	C
OK	5	electric	R			R	C	R	C	R	C
		gas				R				R	C
		oil				R	C	R		R	C
		H.P.				R	C	R		R	C
OK	6	electric	R			R	C	R	C	R	C
		gas				R				R	C
		oil				R	C	R		R	C
		H.P.				R	C	R		R	C
OR	4	electric						R		R	C
		gas						R		R	C
		oil	R			R		R	C	R	
		H.P.								R	
OR	5	electric						R		R	C
		gas						R		R	C
		oil	R			R		R	C	R	C
		H.P.								R	
OR	6	electric				R		R		R	C
		gas				R		R		R	C
		oil	R			R		R	C	R	C
		H.P.						R		R	C
OR	7	electric				R		R		R	C
		gas	R			R		R	C	R	C
		oil	R			R		R	C	R	C
		H.P.						R		R	C
OR	8	electric				R		R		R	C
		gas	R			R		R	C	R	C
		oil	R			R	C	R	C	R	C
		H.P.				R		R		R	C
PA	5	electric						R		R	C
		gas						R		R	C
		oil						R		R	C
		H.P.						R		R	C
PA	6	electric						R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P.						R		R	C
PA	7	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.						R		R	C
PA	8	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.				R		R	C	R	C
RI	6	elec	R			R		R	C	R	C
		gas						R		R	C
		oil						R		R	C
		H.P.				R		R	C	R	C
SC	2	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C
SC	3	elec				R		R		R	C
		gas								R	C
		oil				R		R		R	C
		H.P.								R	C

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
SC	4	elec.						R		R	C.
		gas								R	C.
		oil				R		R	C	R	C.
		H.P.						R		R	C.
SD	7	elec				R		R	C	R	C.
		gas						R		R	C.
		oil				R		R	C	R	C.
		H.P.						R		R	C.
SD	8	elec				R		R	C	R	C.
		gas						R		R	C.
		oil				R		R	C	R	C.
		H.P.				R		R	C	R	C.
TN	3	elec						R		R	C.
		gas								R	C.
		oil				R		R		R	C.
		H.P								R	C.
TN	4	elec						R		R	C.
		gas								R	C.
		oil				R		R		R	C.
		H.P.								R	C.
TN	5	elec						R		R	C.
		gas								R	C.
		oil						R		R	C.
		H.P.								R	C.
TX	1	elec								R	C.
		gas								R	C.
		oil								R	C.
		H.P.								R	C.
TX	2	elec				R		R		R	C.
		gas								R	C.
		oil								R	C.
		H.P								R	C.
TX	3	elec	R			R		R		R	C.
		gas								R	C
		oil				R		R		R	C.
		H.P.						R		R	C.
TX	4	elec	R			R	C	R	C	R	C.
		gas						R		R	C.
		oil	R			R		R		R	C.
		H.P.				R		R		R	C.
TX	5	elec	R			R	c	R	C	R	C.
		gas				R		R		R	C.
		oil				R		R		R	C.
		H.P.				R		R		R	C.
UT	5	elec	R			R		R	C	R	C.
		gas								R	C.
		oil				R		R		R	C.
		H.P				R		R		R	C.
UT	6	elec	R			R	C	R	C	R	C.
		gas								R	C.
		oil				R	C	R		R	C.
		H.P				R	C	R		R	C.
UT	7	elec	R			R		R	C	R	C.
		gas								R	C.
		oil	R			R		R		R	C.
		H.P.	R			R		R		R	C.
UT	8	elec	R			R		R	C	R	C.
		gas						R		R	C
		oil	R			R		R	C	R	C.
		H.P.	R			R		R	C	R	C.
VT	7	elec	R			R	C	R	C	R	C.
		gas				R		R		R	C.
		oil				R	C	R		R	C.
		H.P				R	C	R		R	C.
VT	8	elec	R			R	C	R	C	R	C.
		gas				R		R		R	C.
		oil				R		R	C	RT	C.
		H.P	R			R	C	R	C	R	C.
VA	3	elec				R		R		R	C.
		gas								R	C.
		oil				R		R		R	C.
		H.P								R	C.
VA	4	elec				R		R		R	C.
		gas						R		R	C.
		oil						R		R	C.
		H.P.						R		R	C.
VA	5	elec				R		R		R	C.
		gas						R		R	C.
		oil						R		R	C.
		H.P.						R		R	C.
VA	6	elec						R		R	C.
		gas						R		R	C.
		oil						R		R	C.
		H.P.						R		R	C.
WA	6	elec								R	
		gas						R		R	C.
		oil						R		R	C.
		H.P.								R	
WA	7	elec								R	C.
		gas						R		R	C.
		oil				R		R		R	C.
		H.P								R	

State	HUD regulation	Fuel category	Direct gain		Indirect gain	Solaria sunspace		Window heat loss	Loss/gain	Retardants gain	
WA	8	elec								R	C
		gas						R		R	C
		oil						R	C	R	C
		H.P.								R	C
WV	5	elec						R		R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
WV	6	elec						R		R	C
		gas								R	C
		oil						R		R	C
		H.P.						R		R	C
WI	7	elec				R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.				R		R		R	C
WI	8	elec				R		R	C	R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.				R		R		R	C
WY	7	elec				R		R		R	C
		gas						R		R	C
		oil				R		R		R	C
		H.P.						R		R	C
WY	8	elec				R		R		R	C
		gas						R		R	C
		oil				R		R	C	R	C
		H.P.				R		R		R	C
PR	1	elec								R	C
		gas								R	C
		oil								R	C
		H.P.								R	C

[FR Doc. 82-16254 Filed 6-16-82; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 29

[Docket No. 82-11]

Adjustable-Rate Mortgages; Extension of Comment Period

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of extension of comment period.

SUMMARY: This notice announces that the closing date for comments on the Comtroller of the Currency's proposed revisions to its adjustable-rate mortgage regulation, published at 47 FR 23944, is hereby postponed to August 2, 1982.

DATE: The comment period is extended to August 2, 1982.

ADDRESS: Comments should be sent to Docket No. 82-9, Communications Division, Office of the Comptroller of the Currency, Washington, DC 20219, Attn: Marie Giblin, telephone (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Judith Naiman, Industry and Public Affairs, (202) 447-0934, David Nebhut, Economic and Policy Analysis Division, (202) 447-1825, or Francis S. Rath, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: On June 2, 1982, at 47 FR 23944, the Office of the Comptroller of the Currency proposed revisions to its adjustable-rate mortgage regulation (12 CFR Part 29). That regulation was published on March 27, 1981 and amended on April 1, 1982. The proposed revisions would increase the flexibility of national banks to design ARM instruments by eliminating (1) limits on the frequency of payment and interest rate adjustments and (2) limits on the magnitude of interest rate adjustments. The proposal would replace the requirement that the monthly payment be reset at a fully amortizing level at least once every five years with a requirement that the monthly payment be reset at a level sufficient to begin reducing the outstanding debt no later than during the 21st year. The proposal would retain (1) the requirement that changes in the ARM interest rate be tied to changes in an interest rate index and (2) most of the existing disclosure requirements. The revised regulation would result in freer flow of bank funds into home mortgage lending and would eliminate the reporting requirement associated with payment-capped mortgage plans.

Interested persons are invited to submit written comments on the proposed regulation. The closing date for written comments on the Comptroller of the Currency's proposed rule, initially set at July 2, 1982, is hereby postponed to August 2, 1982.

Dated: June 11, 1982

Doyle L. Arnold,

Acting Comptroller of the Currency.

[FR Doc. 82-16291 Filed 6-16-82; 8:45 am]
BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASO-24]

Proposed Alteration of Certain Control Zones in Alabama, Florida, Georgia, Kentucky, Mississippi, Puerto Rico and Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter certain control zones in Alabama, Florida, Georgia, Kentucky, Mississippi, Puerto Rico and Tennessee by including in the descriptions a provision that will permit use of the FAA's Notice to Airmen (NOTAM) system and the Airport/Facility Directory (A/FD) to publicize the hours during which the control zones are effective. No change in airspace is intended by this action which is directed towards standardizing the descriptions of Control Zones within the FAA's Southern Region.

DATE: Comments must be received on or before: August 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn.: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views of arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASO-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will add a provision to the descriptions of certain control zones which will permit future notification of changes in effective hours through use of the Notice to Airmen (NOTAM) system. After issuance of appropriate NOTAM's, the effective hours of each control zone would thereafter be listed in the Airport/Facility Directory (A/FD), thus providing a single source reference for all pertinent data relating to specific airports. If future aeronautical activities should indicate a change in effective hours is necessary, such changes could be publicized in a rapid and effective manner to airspace users. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Aviation Safety, Airspace, Control zone.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following words at the end of the text of each of the control zones listed below:

"* * * This Control Zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory * * *"

Albany, Georgia
Anniston, Alabama
Bowling Green, Kentucky
Dothan, Alabama
Gainesville, Florida
Greenwood, Mississippi
Macon, Georgia
Paducah, Kentucky
Roosevelt Roads, Puerto Rico
Tri-City, Tennessee

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Ga., on June 7, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-16286 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; Notice No. 82-8]

Special Federal Aviation Regulation No. 44-3; Air Traffic Control System; Interim Operations Plan

Note.—This document originally appeared in the **Federal Register** for Wednesday, June 16, 1982. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend Special Federal Aviation Regulation (SFAR) No. 44-3 to establish certain procedures for the operation of the National Air Traffic Control (ATC) System, including procedures to be used in the allocation of additional system capacity as it becomes available, to provide for the safe and efficient operation of the air traffic control system. The Administrator has determined that a situation still exists which requires reduces ATC capacity and that the continuation of special air traffic provisions is necessary to provide for the efficient and safe movement of air traffic. This notice proposes several alternative allocation procedures to be used by the FAA to distribute slots among the carriers so as to provide for more efficient movement of air carrier traffic. It also requests comments on continuation of the existing SFAR 44-3 slot allocation procedure.

DATE: Comments must be received on or before June 29, 1982.

ADDRESSES: Mail comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, Washington, D.C. 20591.

or deliver them to:

Room 915G, 800 Independence Avenue, SW., Washington, D.C.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Donald R. Segner, Associate Administrator for Policy and International Aviation, 202–426–3030

or

Edward P. Faberman, Deputy Chief Counsel, 202–426–3775;

Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22050." The postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background and Discussion

On February 22, 1982, the FAA published Special Federal Aviation Regulation (SFAR) No. 44–3 (47 FR 7816) which modified the previously established special air traffic rules that had been adopted in response to the reduced air traffic control capacity caused by the illegal actions of certain air traffic controllers. Under SFAR 44–3, random drawings have been held to determine the priority order for the allocatiton of additional arrival capacity at all airports within the contiguous United States in place of the first come-first served procedures formerly used. SFAR 44–3 also provides "new entrants" priority treatment in the drawings. "New entrants" are defined in the SFAR as carriers that applied for operating authority from the CAB prior to August 3, 1981, but had not initiated operations by February 17, 1982. They are given the first priority in each round of drawings for slots. Drawings have been held under SFAR 44–3 for the additional Air Route Traffic Control Center (ARTCC) and controlled airport capacity which will become available for the scheduling periods through October 1982.

On March 18, 1982, the FAA issued Notice No. 82–5 (47 FR 12320) which requested public comments on a possible change to SFAR 44–3 involving a redefinition of the term "new entrant" as used therein. The notice was issued at the request of the CAB and proposed that "new entrant" be defined as any carrier that has commenced or will commence operations with aircraft having more than 60 seats on or after October 24, 1978. Notice 82–5 would also limit the time period a carrier could be considered a "new entrant" and the number of airports at which new entrants could request slots under the SFAR. Comments on Notice 82–5 will be considered in connection with this rulemaking.

Based on the comments received on SFAR 44–3 and Notice 82–5, the FAA believes that SFAR 44–3 may be improved. (Summaries of the slot allocation procedure suggestions received by the FAA to date and the comments received on Notice 82–5 have been prepared and included in the docket.) One suggestion would be to divide the additional slots at controlled airports in a 70 percent—30 percent proportion. It has been argued that providing 70 percent of the available slots to incumbents is justified in view of the large number of slots taken from them when ATC services had to be reduced. Under the 70 percent—30 percent proposal, the slots would be distributed in three phases, first at a New Entrant Random Lottery, then at an Impacted Incumbent Ranked Drawing and finally at a General Random Lottery.

1. *New Entrant Random Lottery.* Thirty percent of the slots would be distributed by random lottery to new entrants—carriers that did not operate at any controlled airport before January 1, 1981. Any slots not distributed during this New Entrant Random Lottery are added to the total, if any, to be distributed during the General Random Lottery.

2. *Impacted Incumbent Ranked Drawing.* The remaining 70 percent of the slots are allocated between an Impacted Incumbent Ranked Drawing and a General Random Lottery. Impacted incumbents are defined as those carriers who, on the date the drawing is held, hold fewer slots at that airport than they did on September 1, 1981. The slots are allocated to impacted incumbents in the following manner. First, the percentage of slots that the impacted carriers held on September 1, 1981, is determined. The impacted incumbents then receive that percentage of the slots remaining after the New Entrant Random Lottery. Finally, the impacted incumbents who lost the most slots are given priority in the selection process. Any remaining slots are added to the total, if any, to be distributed during the General Random Lottery. Impacted incumbents can choose slots during this drawing only until their total number of slots (those chosen plus those held before the drawing started) equals the number of slots they held on September 1, 1981. Any slots available to a carrier after it reaches that level are also added to the slots to be distributed during the General Random Lottery.

3. *General Random Lottery.* The remainder of the 70 percent not allocated in the Impacted Incumbent Ranked Drawing plus any slots not distributed during that drawing or the New Entrant Random Lottery are then distributed during a General Random Lottery. This lottery could be restricted to the airport from which the slots were obtained or, in the alternative, could be held on a national basis with the slots from all the airports obtained under the above-described system being distributed in one lottery. We specifically invite comments on these two alternatives. We also are interested in receiving comments on who should be

permitted to participate in the General Random Lottery. The three basic alternatives for participants are:

1. Only the non-impacted incumbent carriers. These are the carriers who, on the date the lottery is held, hold the same number—or a greater number—of slots at that airport as they did on September 1, 1981.

2. Only the incumbent carriers. This would include the impacted as well as the non-impacted carriers.

3. All of the carriers. This would include the incumbents as well as the new entrants.

In the drawing and the lotteries, each carrier would select two slots during each turn it received.

The following example is provided to illustrate the above proposal.

Assumptions

- Metropolis Airport had 1000 slots on September 1, 1981.
- There are two impacted incumbent carriers at Metropolis Airport; each had 200 slots on September 1, 1981, one is presently allocated 180 slots, the other 190.
- There are two non-impacted incumbent carriers at Metropolis Airport; each had 300 slots on September 1, 1981, and are presently allocated 300 each.
- There are 100 new slots available for allocation.

Allocation

- The new entrants would choose up to the first 30 slots.
- The impacted incumbents would then choose from the remaining 70 slots. The one with 180 chooses first. Each would normally choose a maximum of 14 slots

$$\frac{(200 \times 70)}{1{,}000};$$

however, because the carrier with 190 would reach its "ceiling" with ten picks, its remaining four possible picks would be added to the General Random Lottery.
- The remaining 42 slots, plus any slots not taken by the new entrants or the impacted incumbents (the four described above, plus any not chosen) would be allocated in the General Random Lottery.

We would also like to receive comments on the following alternative. The slots that would be allocated under the General Random Lottery would, instead, be distributed in the following manner: All of the carriers at the airport—including new entrants and incumbents—would receive a percentage of the remaining slots; the percentage would be determined by dividing the total number of slots the carrier currently holds at that airport by the number currently allocated to all carriers at the airport. Amendatory language for one approach to a 70–30 percent proposal, is set forth below, and provides more detail.

Another suggestion would be to conduct a single lottery to allocate slots at the 22 controlled airports instead of conducting lotteries for each airport. Under this proposal, the additional slots at the 22 controlled airports would be placed in a pool. Each carrier would be ranked for selections from the pool. Ranking could be accomplished using a lottery, SFAR 44–3 procedures, or those procedures modified as proposed in Notice 82–5. This unified lottery approach could also be used in conjunction with the 70 percent—30 percent mechanism for slot allocation. One lottery would be held for 70 percent of the additional slots at the 22 controlled airports for incumbents and a second lottery would be held for the remaining 30 percent of these slots for all other carriers. Under this proposal, carriers would be permitted, in rank order, to select two arrival slots from the pool at the 22 controlled airports. Selections would continue in rank order until all slots had been selected.

In addition to requesting comments on the proposals discussed above, the FAA is interested in the public's views on the continuation of the current procedures of SFAR 44–3, as well as any other suggested modifications to these procedures that would not compromise the safety of the ATC system. The agency is particularly interested in any allocation proposal generally acceptable to the air carrier industry. To date, the agency has not received such a proposal.

After October 31, 1982, new capacity, including that made available through unforeseen circumstances, would be allocated under procedures developed in this rulemaking. This Notice does not, however, propose adjustments to the existing operating bases of the carriers. Thus, any slots distributed under the new procedures for the October 31 through December 31, 1982, period would be added to the FAA-approved August 1 through October 30 operating bases.

List of Subjects in 14 CFR Part 91

Air traffic control.

The Proposed Amendment

PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, the Federal Aviation Administration proposes to amend Appendix A in Part 91 of Special Federal Aviation Regulation No. 44–3, as follows:

SFAR 44–3

Arrival Approvals for Designated Airports

1. For operations after October 31, 1982—

(a) Each air carrier shall submit a schedule (including nonscheduled flights such as charters and training and ferry operations to the extent they are known) for the period October 31, 1982 through December 31, 1982, and each subsequent scheduling period to the Official Airline Guide (OAG) by a date to be announced at a later time by API–1. The number of daily arrival operations an air carrier may submit to the OAG at a controlled airport (as identified in this appendix) shall not exceed its FAA approved daily and hourly allocation total at that airport for the previous schedule period. The number of daily arrival operations an air carrier may submit to the OAG at all other airports shall not exceed its FAA-approved daily allocation total at those airports for the previous schedule period.

(b) Each air carrier seeking authority for flights in excess of its current approved operational levels at an airport, new entrants, and requests by air carriers to initiate service must be separately identified and submitted in writing to the Associate Administrator for Policy and International Aviation, API–1, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone No.: (202) 426–3030; Telex No.: 892562 FAA WSH (for API–1) and ARINC No.: DCAYAXD (for API–1) in accordance with time schedules established by API–1 for each schedule period. The flight requests should be listed in order of priority so that capacity authorization determined in accordance with paragraph 2 of this appendix will be based upon the individual carrier's needs. If additional capacity is available, authority for these operations will be given. If capacity is not available for all such requests, priority consideration will be given in accordance with paragraph 2 of this Appendix.

2. Additional capacity allocation.

(a) Unless directed by CAB in cases of essential air service or for some other CAB requirement or unless it is determined that the carrier has exceeded the number of operations allowed by this regulation, a carrier will not be required to involuntarily give up slot allocations for another carrier's use. Slot allocations that a carrier does not actually use at least 70 percent of the schedule period will be automatically revoked.

(b) For the purposes of special allocations under this SFAR, (1) an air carrier that was operating at one of the 22 controlled airports on August 3, 1981, is an "incumbent" at that airport; and (2) an air carrier that did not operate at any controlled airport before January 1, 1981, is a new entrant.

(c) A random drawing will be held under paragraph (d) of this appendix for each of the 22 controlled airports (identified in this Appendix) for special allocations to new entrants. A special allocation will be made for certain incumbents at the 22 controlled airports under paragraphs (e) and (f) of this Appendix. Random drawings will be held

under paragraph (g) of this Appendix for all carriers, including new entrants and incumbents, for any slots not allocated under paragraphs (d), (e) and (f) of this Appendix at the 22 controlled airports. Finally, one random drawing will be held for all other airports. At each airport, new entrants will be allocated additional capacity first. No carrier will receive more slots than requested.

(d) *New Entrant Special Allocation.* The number of slots specially allocated to all new entrants at any controlled airport will be limited to 30 percent of the total additional air carrier capacity at that airport. Where there is more than one new entrant, the order in which slots will be allocated to each new entrant will be determined by random draw. Each new entrant will receive two slots each time its turn comes up in the drawing. Any slots not selected by a new entrant will be placed in the pools of slots to be allocated under paragraph (g) of this Appendix.

(e) Following special allocations to new entrants, incumbents will be allowed to select 70 percent of the additional capacity at each of the 22 controlled airports by special allocation pursuant to paragraph (f) of this Appendix.

(f) *Incumbent Carrier Special Allocation.* Each incumbent carrier will receive the total number of slots determined under the following formulas (to the extent that slots are available) rounded to the nearest whole number:

$$X=\frac{B\times T}{Y}$$

Where:

X is the total number of slots to be selected at that airport by the carrier.

B is the number of slots in that carrier's September 1, 1981, OAG base.

Y is the total number of arrival slots at that airport for all current incumbent carriers in the September 1, 1981, OAG.

T is the total number of slots available to incumbent carriers in the instant overall special allocation.

A is the sum of each carrier's slots at that airport in its most recent FAA-approved operating base and its net loss of slots resulting from transfer or relinquishment.

However, whenever X+A for any incumbent carrier would be equal to or greater than B, the number of slots in excess of B will not be allocated to the carrier but will be placed in the pool for allocation pursuant to paragraph (g) of this Appendix. Those incumbent carriers selecting slots pursuant to this paragraph will select two slots (one, if only one is left) each time its turn to select comes up until it has selected its X slots (or the number of total slots available to it, if X+A is greater than B or there are insufficient slots for all incumbent carriers). Incumbent carriers at each of the 22 controlled airports will be ranked for slot allocation at each airport based on their number of B−A slots at that airport. Carriers with higher number of B−A slots will receive an allocation before one with a lower number.

(g) Each slot not selected by a new entrant pursuant to paragraph (d) of this Appendix and each slot not allocated to an incumbent pursuant to paragraph (f) of this Appendix will be placed in slot pools for each of the 22 controlled airports. An allocation will be held for each pool with all carriers requesting slots at that airport under this paragraph ranked by random draw. Each carrier will select two slots each time its turn comes up in the selection sequence. (Note: Other options to this paragraph are discussed in the preamble.)

(h) After additional capacity has been allocated at each airport, requests for one-time charter operations, hourly slides, origin changes and other changes will be processed as capacity permits.

(i) Air Route Traffic Control Center (ARTCC) capacity allocations will be made first for the 22 controlled airports located within ARTCC areas, without regard to the above distinctions between classes of carriers. Remaining additional ARTCC capacity will be allocated to carriers who have requested slots at other airports within particular ARTCC areas to the extent that such capacity can be accommodated. If there is more demand for a particular flight segment than can be safely accommodated, the allocation will be made in accordance with priority determined by random draw for all noncontrolled airports. After the additional ARTCC capacity has been allocated, requests for one-time charters within an ARTCC, origin changes, hourly slides, and other changes will be processed as capacity permits.

3. No additional flight requests for changes will be accepted by the FAA between schedule periods. However, the FAA will process changes to flight schedules between schedule periods for—flight number changes, within-hour changes at the same controlled airport (as identified in this Appendix) and hourly changes within the allocated daily total at all other airports.

4. Charter, emergency, ferry pilot training, and mechanical repair checkout flight requests may be made to the FAA Central Flow Control Facility.

5. No person shall operate an air carrier flight unless approval for the operation has been received prior to the flight from API–1 as part of the particular air carrier's approved schedule or under this Appendix.

6. Airports and Air Route Traffic Control Centers (ARTCC) at which some constraints are necessary are listed below. Constraints may also be imposed at airports other than those listed if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. Schedule reductions in effect at an airport may be revised and will be removed to the extent the controller work force at the ATC facilities involved can accommodate those changes.

ARTCC's

Albuquerque	Los Angeles
Atlanta	Memphis
Boston	Miami
Chicago	Minneapolis
Cleveland	Jacksonville
Denver	Oakland
Ft. Worth	New York City
Houston	Salt Lake City
Indianapolis	Seattle
Kansas City	Washington

Controlled Airports

Atlanta	Kansas City
Boston	Kennedy
Chicago (O'Hare, Midway)	La Guardia
Cleveland	Las Vegas
Dallas/Fort Worth (DFW, Love)	Los Angeles
Denver	Miami
Detroit	Minneapolis
Ft. Lauderdale	Newark
Houston (Intercontinental, Hobby)	Philadelphia
	Pittsburgh
	St. Louis
	San Francisco
	Washington National

(Secs. 307(a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposal, if adopted, would expand the number of carriers eligible for a limited number of priority slots at various airports within the contiguous United States without affecting the number of slots currently held by any carrier. There are no apparent direct or indirect (nonindustry) costs associated with the proposal, and the FAA is unaware of any specific data to indicate that these proposals would have more than a minimal economic impact. Therefore, the preparation of a full regulatory evaluation at this time is unnecessary.

Note.—Based on the above, it has been determined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on June 15, 1982.

J. Lynn Helms,

Administrator.

[FR Doc. 82-16534 Filed 6-15-82; 12:18 pm]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18801, File No. S7-931]

Beneficial Ownership Disclosure Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendment.

SUMMARY: The Commission is publishing for comment a proposed amendment to its beneficial ownership disclosure rules which would eliminate the requirement to file an annual amendment to a Schedule 13G (17 CFR 240.13d–102) when no changes have

occurred in the information contained therein. The Commission believes that the proposed amendment will reduce the costs of compliance on persons subject to the beneficial ownership disclosure rules.

DATE: Comments should be submitted on or before August 16, 1982.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7–931. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Arthur H. Miller, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment an amendment to Rule 13d–2(b) (17 CFR 240.13d–2(b)), which currently requires that any person who has filed a Schedule 13G must amend such statement within forty-five days after the end of each calendar year to reflect, as of the end of the calender year, any changes in the information reported in the previous filing on that Schedule, or if there are no changes from the previous filing, a signed statement to that effect under cover of Schedule 13G. If adopted, the proposed amendment would delete that part of Rule 13d–2(b) that requires a person to file a statement when no changes have occurred in the information contained in the previously filed Schedule 13G. The proposed amendment is based on the Commission's assessment that the current requirement to file such a statement when there are no changes in information imposes an unnecessary burden on persons required to file a Schedule 13G.

I. Background

In its Report to Congress on Beneficial Ownership Reporting Requirements,[1] the Commission noted that it was in the process of reviewing the amendment procedures with respect to reports filed on Schedule 13G.[2] As a result of that review, the Commission is publishing for comment a proposed amendment to Rule 13d–2(b), which sets forth the amendment requirements for persons who have filed a Schedule 13G.

Reports on Schedule 13G are filed by two classes of persons. First, pursuant to Rule 13d–1(b) (17 CFR 240.13d–1(b)), a person who whould otherwise be required to file a Schedule 13D (17 CFR 240.13d–101) [3] may file, in lieu thereof, a Schedule 13G if the following conditions are met: (1) The securities were acquired in the ordinary course of the filing person's business and without the purpose or effect of changing or influencing control of the issuer, and (2) the filing person is among the class of institutional-type investors specified in the Rule.[4] Second, pursuant to Rule 13d–1(c) (17 CFR 240.13d–1(c)), certain beneficial owners of more than five percent of a class of securities who are not subject to section 13(d) must file a Schedule 13G. Generally, such persons are those who: (1) Acquire beneficial ownership or their securities prior to December 22, 1970; or (2) are not required to make an initial filing on Schedule 13D because of section 13(d)(6)(A) or (B) of the Exchange Act.

Once a person has filed a Schedule 13G, Rule 13d–2(b) requires the annual filing of an amendment to the schedule to reflect all changes in the information previously reported. In addition, if there have been no changes in the information contained in a previously filed Schedule 13G, Rule 13d–2(b) requires the filing of a signed statement reporting that fact. It is this latter requirement that the Commission proposes to delete.

II. Proposed Amendment to Rule 13d–2(b)

The requirement to file an annual statement even though there have been no changes in a previously filed Schedule 13G was adopted to serve two purposes. First, the requirement reminds persons who have filed a Schedule 13G that they must report, at the end of each year, whether or not there were any changes in their holdings. Second, the requirement performs a verification function since the annual filing of a statement reporting that no changes have occurred serves to confirm the continued accuracy of the information contained in the previously filed Schedule 13G.

The Commission believes that the requirement to file an amendment when no changes have occurred imposes an unnecessary burden on persons subject to the Rule. The purposes sought to be achieved by this requirement are met, for the most part, by the continued requirement to report changes in holdings. Under the proposed amendment, persons who have filed a Schedule 13G would still have to determine at the end of each year whether there were any changes in their holdings—only if there are no changes would the filing person not be required to file an amendment. Further, the proposed rule would continue to perform a verification function. Under the proposal, the absence of a filed amendment would mean that no change had occurred since the most recent filing on Schedule 13G and that such disclosure was still current. However, the Commission specifically invites comment on whether the deletion would adversely affect the accuracy of information contained in the beneficial ownership disclosure system.

In addition to the issues raised above, the Commission requests comment on whether the proposed amendment, if adopted, would have an adverse effect on competition or would impose a burden on competition which is neither necessary nor appropriate in furthering the purposes of the Exchange Act.

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[1] Report of the Securities and Exchange Commission on Beneficial Ownership Reporting Requirements Pursuant to section 13(h) of the Securities Exchange Act of 1934, 96th Cong., 2d Sess. 53 (Comm. Print 1980).

[2] Schedule 13G was adopted, in part, pursuant to the authority granted to the Commission in section 13(g) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a *et seq.*). Enacted as part of the Domestic and Foreign Investment Improved Disclosure Act of 1977, Pub. L. No. 95–213, Title I, section 102, Title II, sections 202, 203, 91 Stat. 1494, 1498, 1499, section 13(g) requires that a person who owns more than five percent of a class of securities described in section 13(d)(1) of the Exchange Act shall disclose to the Commission and to the affected issuer certain specified information in such form and at such times as the Commission may by rule specify. Although the language of section 13(g) is quite broad, the principal purpose of the section is to provide the authority necessary to close the gaps that existed in the beneficial ownership disclosure requirements under section 13(d). At the time section 13(g) was enacted, three principal disclosure gaps existed under section 13(d) as a result of the following acquisitions being exempted from the reach of section 13(d): (1) Persons who acquired not more than two percent of a class of securities within a 12-month period were exempted by section 13(d)(6)(B) from the initial filing under section 13(d); (2) persons who acquired their ownership prior to the enactment of the five-percent threshold on December 22, 1970 were not subject to the reporting requirements of section 13(d) since that section is keyed to making an "acquisition" of the requisite amount of securities; and (3) acquisitions of securities through a stock-for-stock exchange that is registered under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a *et seq.*) were exempted by section 13(d)(6)(A).

[3] Under Rule 13d–1(a) (17 CFR 240.13d–1(a)), a person who makes an acquisition of certain equity securities that results in that person becoming the beneficial owner of more than five percent of a class of securities is required to file a Schedule 13D with the Commission and to send to the issuer and to each exchange where the security is traded a copy of the schedule within ten days of such acquisition.

[4] The institutional investors specified include: Certain brokers, dealers, banks, insurance companies, investment companies, investment advisers, employee benefit plans, pension funds, parent holding companies, and groups comprised of such investors.

Comments on this inquiry should include, to the extent feasible, detailed empirical and evidentiary material in support of any conclusions, opinions or positions. Comment on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a)(2) of the Exchange Act.

III. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefore, is attached to this release.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Text of Proposal

In accordance with the foregoing, Part 240 of Chapter II, Title 17 of the Code of Federal Regulations is proposed to be amended as follows: (Attention—The text of the following proposed amendment uses arrows ► ◄ to indicate additions and [ ] brackets to indicate deletions.)

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

1. Section 240.13d–2 is proposed to be amended by revising paragraph (b) to read as follows:

§ 240.13d–2 Filing of Amendments to Schedules 13D or 13G.

* * * * *

(b) Schedule 13G—Notwithstanding paragraph (a) of this rule, and provided that the person or persons filing a statement pursuant to Rule 13d–1(b) continues to meet the requirements set forth therein, any person who has filed a short form statement on Schedule 13G shall amend such statement within forty-five days after the end of each calendar year ►if◄ [to reflect], as of the end of [the] ►such◄ calendar year, ►there are◄ any changes in the information reported in the previous filing on that Schedule, [, or if there are no changes from the previous filing, a signed statement to that effect under cover of Schedule 13G]. Six copies of such amendment, including all exhibits, shall be filed with the Commission and one each sent, by registered or certified mail, to the issuer of the security at its principal executive office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required unless the person thereafter becomes the beneficial owner of more than five percent of the class and is required to file pursuant to Rule 13d–1 (§ 240.13d–1).

Note.—For persons filing a short form statement pursuant to Rule 13d–1(b), See also Rule 13d–1(b) (2), (3) and (4).

Authority

This amendment is being proposed pursuant to sections 13(g) and 23(a) of the Securities Exchange Act of 1934.

(Sec. 23, 48 Stat. 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 10, 78 Stat. 580; sec. 18, 89 Stat. 155; secs. 102, 202, 203, 91 Stat. 1494, 1498, 1499; 15 U.S.C. 78m(g), 78w(a))

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

June 10, 1982.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendment to Rule 13d–2(b) published in Securities Exchange Act Release No. 34–18801 (June 10, 1982) will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed amendment (1) will remove certain disclosure burdens, and (2) is expected to result in a minor net reduction in costs to persons required to file a Schedule 13G.

Dated: June 10, 1982.

John S. R. Shad,

Chairman.

[FR Doc. 82–16479 Filed 6–16–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–123 (Colorado–26)]

High-Cost Gas Produced From Tight Formations; Dakota-Lakota Formation, Colo.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the Dakota-Lakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 12, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 28, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: June 11, 1982.

I. Background

On June 4, 1982, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Dakota-Lakota Formation located in Boulder County, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Dakota-Lakota Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in Boulder County, Colorado, between the cities of Denver and Boulder, with the town of Louisville in the approximate center of the area. The recommended area is approximately 34,560 acres and consists of Township 1 North, Range 69 West, 6th P.M., Sections 25 through 36; Township 1 South, Range 69 West, 6th P.M., Sections 3 through 10, 15 through 22, and 27 through 34; Township 1 South, Range 70

West, 6th P.M., Sections 1 through 3, 10 through 15, 22 through 27 and 34 through 36. There is no federal land within the recommended area.

The average depth to the top of the Dakota-Lakota Formation is 9,100 feet and the thickness of such formation is approximately 175 feet to 185 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–30 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Dakota-Lakota Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 12, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–123 (Colorado–26), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 28, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is revised by adding new subparagraph (122) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(89) through (121) [Reserved]

(122) *Dakota-Lakota Formation in Colorado. RM79–76–123 (Colorado–26)*—(i) *Delineation of formation.* The Dakota-Lakota Formation is located in Boulder County, Colorado, in Township 1 North, Range 69 West, 6th P.M., Sections 25 through 36; Township 1 South, Range 69 West, 6th P.M., Sections 3 through 10, 15 through 22, 27 through 34; and Township 1 South, Range 70 West, 6th P.M., Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36. The producing interval is approximately 175 to 185 feet in thickness and begins at the base of the Skull Creek Formation and extends to the top of the Morrison Formation.

(ii) *Depth.* The average depth to the top of the Dakota-Lakota Formation is 9,100 feet.

[FR Doc. 82–16334 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Cancellation of Public Hearing on Modified Portions of the Missouri Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of proposed amendments to the Missouri permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. This notice cancels the public hearing but does not alter the time and location at which the Missouri program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: the public hearing on the proposed amendments to the Missouri program scheduled for June 21, 1982, at 7:00 p.m.

ADDRESS: Written comments should be mailed or hand-delivered to: Richard Rieke, Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On June 1, 1982, notice of opportunity for a public hearing on the proposed amendments to the Missouri program was published in the **Federal Register** (47 FR 23767–23768). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Richard Rieke by June 11, 1982, and that if no person contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing would be cancelled. Because no one expressed an interst in attending the hearing, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed amendments. Written comments must

be received on or before 4:00 p.m. on July 1, 1982, to be considered in the Director's decision on whether to approve or disapprove the amendments. Written comments should be mailed or hand-delivered to the address listed above under "Address".

Dated: June 14, 1982.

William Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 82-16486 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 916

Cancellation of Public Hearing on Modified Portions of the Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of proposed amendments to the Kansas permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. This notice cancels the public hearing but does not alter the time and location at which the Kansas program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed amendments to the Kansas program scheduled for June 23, 1982, at 7:00 p.m.

ADDRESS: Written comments should be mailed or hand-delivered to: Richard Rieke, Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION: On June 1, 1982, notice of opportunity for a public hearing on the proposed amendments to the Kansas program was published in the **Federal Register** (47 FR 23766-23767). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Richard Rieke by June 11, 1982, and that if no person contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing would be cancelled. Because no one expressed an interest in attending the hearing, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed amendments. Written comments must be received on or before 4:00 p.m. on July 1, 1982, to be considered in the Director's decision on whether to approve or disapprove the amendments. Written comments should be mailed or hand-delivered to the address listed above under "**ADDRESS**".

Dated: June 14, 1982.

William Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 82-16487 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 09-82-06]

Special Anchorage Area Lake Betsie, City of Frankfort, Mich.

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard at the request of the City of Frankfort, Michigan, is proposing to amend the Anchorage Regulations by establishing a Special Anchorage Area at Lake Betsie, Frankfort, Michigan.

The City of Frankfort, Michigan, has requested this Special Anchorage Area in order to reduce harbor congestion and improve navigation.

Establishment of this Special Anchorage Area will eliminate the necessity for displaying anchor lights on vessels of less than 65 feet in length while anchored within the area.

DATE: Comments must be received on or before August 2, 1982.

ADDRESSES: Comments should be mailed to Commander, Marine Port Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. The comments and other materials referenced in this notice will be available for inspection or copying at Marine Port Safety Office, room 2019, 1240 East 9th Street, Cleveland, OH 44199. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199 phone number (216) 522-3918 or 522-7064.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include their name and address, identify this notice (CGD 09-82-06), and the specific section of the proposal to which their comment applies, and give reasons for the comment. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. 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 if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal were Ensign Steven J. Boyle, Port Safety Branch, and Lieutenant M. Eric Reeves, Project Attorney, District Legal Office.

Discussion of Proposed Rule

The City of Frankfort, Michigan, has requested that an existing area in which pleasure crafts are mooring be designated a Special Anchorage Area. The mooring area will accommodate thirty (30) vessels. The size of these vessels will not exceed forty-five (45) feet due to the design of the anchorage area. The City of Frankfort, Michigan, understands and accepts the principle that this mooring area is available for use of the general public. No restrictions on the use of the general public have been established nor contemplated.

An environmental review of the proposal has been performed by the Ninth Coast Guard District Planning Staff who determined that the proposed action will have no significant impact. Preparation of an environmental assessment was not required since the action was found to be catergorically excluded in accordance with 2-B-3(g) CONDTINST M16475.1A (National Environmental Policy Act). Also, the establishment of such special anchorage is not a matter on which there is substantial public interest or controversy, nor does it involve impacts on business competition, State or local

government, or the regulations of other programs and agencies.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601, et. seq.), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, it is proposed that Part 110 of Title 33 of the Code of Federal Regulations be amended by adding § 110.81a to read as follows:

§ 110.81a Lake Betsie, Frankfort, Michigan.

The area within the following boundaries: Beginning at latitude 44°37'46" North, longitude 86°13'46" West; thence 180° 80 yards; thence 277° 167 yards; thence 298° 217 yards; thence 35°30'133 yards; thence 120° 317 yards to point of beginning.

(33 U.S.C. 2071; 49 CFR 1.46(n)(14), 33 CFR 1.05-1(g))

Dated: June 2, 1982.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 82-16403 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Parts 126, 154, and 156

[CGD 77-128]

Waterfront Facilities; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking.

SUMMARY: This action withdraws the advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on April 10, 1978 (43 FR 15108) which contains a preliminary draft of proposed regulations which would apply to all waterfront facilities and concerns matters relating to waterfront safety and environmental protection. After reviewing the comments received and reevaluating the proposal the Coast Guard has determined that further study is required to determine the need for such regulations.

EFFECTIVE DATE: This withdrawal is effective on June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gary L. Gregory, Port and Environmental Safety Division (G-WPE-3), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 755-1354.

SUPPLEMENTARY INFORMATION: Public hearings on the ANPRM were held in New York NY; Long Beach, CA; and Houston, TX. More than 280 written comments were received on the ANPRM in addition to the oral comments received at the public hearings. In addition, the Coast Guard consulted with and received valuable information from the Chemical Transportation Advisory Committee (CTAC).

The comments received and the input from CTAC proved to be very useful in evaluating the ANPRM. However upon review of this proposal the Coast Guard has determined that inadequate data was used in determining the need for the proposed rules. As a result, the Coast Guard is commencing a project to develop a proper data based system to determine regulatory need. Since it is not known at this time the direction the analysis will lead, the Coast Guard has decided to withdraw the ANPRM.

Accordingly, the ANPRM docket number CGD 77-128, published in the **Federal Register** on April 10, 1978 (43 FR 15108), is hereby withdrawn.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

June 11, 1982.

[FR Doc. 82-16401 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 161

[CGD-80-093]

Prince William Sound Vessel Traffic Service Loran-C Position Transmitting System (LPTS); Withdrawal of Advance Notice of Proposed Rule

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of advance notice of proposed rule.

SUMMARY: This action withdraws an advance notice of proposed rulemaking published in the **Federal Register** on October 26, 1981 (46 FR 52131). This advance notice requested public comments on a contemplated rule requiring self-propelled vessels of more than 10,000 gross tons operating within the Prince William Sound Vessel Traffic Service Area to have an operating Loran-C Position Transmitting System (LPTS) on board. Upon review of the comments and data received, the Coast Guard has determined that further rulemaking action is inappropriate at this time.

EFFECTIVE DATE: This withdrawal is effective on June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Whittum, Office of Marine Environment and Systems (G-WWM-1), Room 1608, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1940.

SUPPLEMENTARY INFORMATION: On Monday, October 26, 1981 (46 FR 52131), the Coast Guard published an advance notice of proposed rulemaking, followed by a minor correction published on November 5, 1981 (46 FR 54973). The advance notice sought public comment, information, and data concerning a contemplated rule requiring all tankships over 20,000 dead weight tons, and other self-propelled vessels over 10,000 gross tons, operating within the Prince William Sound Vessel Traffic Service to have an Automatic Position Transmitting System installed and programmed to respond to a Vessel Traffic Center (VTC) "all call" signal. This would enable the VTC to take frequent position updates on all subject vessels operating within the Vessel Traffic Service.

Thirteen comments were received. Ten commentors disapproved of the system, each of whom indicated that vessel traffic safety would not be enhanced. One commentor approved of the system predicting an enhancement in safety. Two commentors stated that the system is technically feasible, but failed to approve or disapprove of the system.

Specific criticism of the system includes: No improvement in traffic safety; voice response is not a burden; failure to equip all users, especially foreign vessels, might create a hazard to navigational safety; the Coast Guard's economic analysis failed to account for reduced operating flexibility costs; the system places an unnecessary burden on the target user group; and, that the system is not cost effective.

Upon review of these comments, the Coast Guard has determined that further development of this project is

inappropriate. Therefore, the Prince William Sound Vessel Traffic Service Loran-C Position Transmitting System advance notice of proposed rulemaking is withdrawn.

Dated: June 11, 1982.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 82-16412 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 167

[CGD 81-080]

Traffic Separation Scheme

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to establish a traffic separation scheme (TSS) for the approaches to Galveston Bay. The TSS is designed to increase navigation safety in the approaches by separating opposing lands of vessel traffic. The United States will seek international recognition of the TSS by applying to have it adopted by the International Maritime Organization (IMO) [formerly IMCO].

The proposed new Part 167 also contains general rules which will apply to future offshore TSS's developed for U.S. ports.

DATE: Comments must be received on or before August 16, 1982.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44) (CGD 81-080), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, U.S. Coast Guard Headquarters, Room 4402, 2100 2nd St., S.W. Washington, D.C., between the hours of 8 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Project Manager, or Commander Guy Clark, Assistant Chief, Short Range Aids to Navigation Division, Office of Navigation (G-NSR-3), room 1418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593. Mr. Young can be reached at (202) 245-0108; CDR Clark can be reached at (202) 426-0980.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81-080, and give the reasons for the comment. Persons desiring acknowledgment of receipt should enclose a stamped, self-addressed postcard or envelope.

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 if written requests for a hearing are received and the Coast Guard determines that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are: Mr. Christopher Young, Project Manager, Office of Navigation, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

List of Subjects in 33 CFR Part 167

Navigation (water), Vessels, Traffic seperation scheme.

Discussion of Proposed Regulations

An offshore traffic separation scheme (TSS) is an internationally recognized routing measure which is intended to separate opposing streams of vessel traffic by the establishment of charted traffic lanes. It can be compared to a highway for vessels. Although a vessel can often approach a port without entering a TSS, once a vessel is within the parameters of a scheme it is governed by Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

Rule 10 imposes several operating requirements on a vessel. For instance, a vessel must "proceed in the appropriate traffic lane in the general direction of traffic flow for that lane." Also, a vessel must join or leave a lane either at the termination of the lane or "at as small an angle to the general direction of traffic flow as practicable." If a vessel must cross through a TSS, it is to cross "as nearly as practicable at right angles to the general direction of traffic flow." A TSS receives international recognition when it is adopted by the International Maritime Organization (IMO) [formerly IMCO], and Rule 10 then becomes compulsory within the TSS designation for both U.S. and foreign flag vessels.

In 1978, the Ports and Waterways Safety Act was amended to permit the Coast Guard to establish traffic separation schemes, after a determination of need (Pub. L. 95-474(4)(c); 33 U.S.C. 1223(c)). A study of need for offshore approaches to Houston and Galveston was initiated through a notice in the **Federal Register** in April 1979 (44 FR 22543, modified by 45 FR 7027). The study results for the ports along the Gulf coast were published as a notice on October 8, 1981 (46 FR 49989). The study determined that "because of the increase in traffic flow, the increase in ship size, and the increase in volume of hazardous cargoes being transported into the ports of Houston and Galveston" a TSS is needed for the approach to Galveston Bay (46 FR 49991).

While the Port Access Route Study was being performed, a Coast Guard Board of Inquiry was convened in February 1980, to analyze factors relating to a series of vessel casualties which had occurred in the Galveston area over the previous 14 months. Many of the recommendations of that Board were addressed by the Port Access Route Study. In particular, the study confirmed the need for a TSS at the Galveston approach.

The geographic scope of the area of concern to the Board of Inquiry included the Galveston Bay Entrance Channel and the Fairway approaches. Within this area, between January 1979 and March 1980, there were 14 collisions between vessels, one platform ramming, and three groundings. Four of the collisions occurred in the offshore approach area (seaward of the Entrance Channel), including the major collision between two Liberian flag vessels, the outbound M/V MIMOSA and the inbound M/T BURMAH AGATE on November 1, 1979, a loss of both vessels and 32 lives.

According to the Board of Inquiry, Galveston Bay approach acts as a "funnel" for vessel traffic enroute to the port facilities of Galveston and Texas City; and to the facilities of Houston, Baytown, Bayport and others via the Houston Ship Channel. Information collected by the Board indicated that in 1979 the Houston and Galveston/Texas City pilots (who board vessels to advise masters on the details of navigating a particular port area) directed the passage of about 15,000 ocean-going vessels through the Galveston Bay Entrance, an average of approximately 2 per hour. Once a vessel is within the Entrance Channel and Galveston Bay Entrance, it has available the assistance of Vessel Traffic Service (VTS) Houston-Galveston which acts as a "vessel movement reporting system" by relaying information between participating vessels. Currently, participation by vessels in the VTS is voluntary; but approximately 95% of the vessel operators participate in the service by reporting information on their intended routes and progress through the VTS. A proposed rule concerning the mandatory use of VTS Houston-Galveston was published September 18,

1980 (45 FR 62158). The VTS does not, at this time, extend past the Entrance Channel to the fairway approaches.

The Board of Inquiry reached the following observations regarding the approach area: "Vessel traffic congestion in the immediate vicinity of the seaward end of the Galveston Bay Entrance Channel is the single greatest factor contributing to collisions in the approach area." The congestion of heavy vessel traffic is aggravated by weather conditions and pilot boarding practices which tend to concentrate vessels at the entrance, both in anchoring during low visibility and in maneuvering to be first in line in the "first-come-first-served" system for taking on pilots. The Board noted that it is common to find many vessels anchored "in the fairway proper," and concluded as follows:

"This virtual absence of discipline in vessel traffic movements in this relatively small area and the seeming insufficiency of compliance with the Rules of the Road (72 COLREGS) under these conditions indicated that more advanced levels of traffic management are required."

With the objective of ensuring a minimum safe distance between vessels in this congested area, the Board made several recommendations concerning communication and coordination among vessels, including the following:

(a) A precautionary area in the vicinity of the seaward approach to Galveston Bay Entrance Channel.

(b) A traffic separation scheme (TSS) for the Galveston Entrance Safety Fairway.

The Commandant of the Coast Guard concurred with these recommendations and they were examined in more detail by the Port Access Route Study in the Eighth District. A meeting was held in Galveston on 11 February 1981, to involve a wide spectrum of interested parties in determining the specifics of a Galveston TSS. Attendees included representatives of pilots' groups, shippers' associations and officials from government agencies. A draft plan was circulated for additional comments. The study report was published in the **Federal Register** on October 8, 1981, and contains a description of the proposed TSS.

The traffic separation scheme (TSS) proposed for the approach to Galveston is located within the boundaries of the existing Galveston Entrance Safety Fairway. This Fairway was originally established by the Corps of Engineers to indicate an area where structures or other obstructions to navigation would not be permitted. It was adopted by the Coast Guard on May 13, 1982 (47 FR 20580) as 33 CFR Part 166(d)(10). The alignment of the TSS is skewed to the southwest of the center of the safety fairway to overlay the Galveston deep channel which is being proposed by developers: an approximately 1,000 foot wide separation zone would overlay the proposed 600 foot wide deep water channel. If the channel is completed, the separation zone could be modified to identify a deep water route. The Coast Guard intends to install aids to navigation in the separation zone.

A precautionary area is proposed for each end of the TSS. The shoreward area, near the anchorage areas and the Entrance Channel, is approximately three miles square. The seaward area, where several fairways feed into the TSS, is approximately four miles square.

In order to establish international recognition of this TSS, the proposed designations are also being submitted for adoption by the International Maritime Organization (IMO) [formerly IMCO]. This will obligate operators of foreign flag vessels using the TSS to comply with Rule 10 of 72 COLREGS. In order to ensure that the TSS created by U.S. regulations is identical to that proposed to IMO and to those already in place in approaches to U.S. ports, Rule 10 is made applicable to the TSS in proposed § 167.10, as authorized by the Ports and Waterways Safety Act (33 U.S.C. 1223 4(c)(5)(A)). The proposed rules will not apply to any greater or lesser degree to U.S. than to foreign vessels because the TSS will only become effective after it has been adopted by IMO. The proposed date of effectiveness for the TSS into Galveston is October 1, 1983.

Proposed § 167.15, which is concerned with the modification of TSS's, is intended to insure that the process of amending or adjusting this TSS conforms to the process adopted by IMCO in Resolution A.378(X), as amended by A.428(XI), "General Provisions in Ships' Routeing" (sic). The proposed regulation distinguishes between an "amendment" and an "adjustment" to account for different purposes. A TSS can be permanently amended to improve it for navigation safety and to allow for long-term operations which would otherwise create a hazard to navigation in a traffic lane. On the other hand, a TSS can be temporarily adjusted to allow for short-term operations which would otherwise contravene Rule 10, such as an exploratory drilling, or cable-laying operations.

The proposed Rules are divided into two Subparts. Subpart A "General" (§ 167.01 to § 167.15) will include the definitions, operating requirements, and methods by which schemes can be modified. Subpart A will apply to future offshore TSS's when they are proposed for U.S. port approaches. Subpart B will contain the geographical descriptions of specific TSS's and precautionary areas.

Regulatory Analysis

Neither the establishment of, nor compliance with, the proposed TSS in the approach to Galveston Bay is expected to have an economic impact on industry, small entities, consumers, or the ability of U.S. enterprises to compete with foreign interests. Also, the only environmental impact will be positive, from a lower risk of environmental damage resulting from vessel accidents.

Vessels will not be required to use the TSS lanes during an approach to Galveston Bay. A vessel can enter the Galveston Entrance Channel from an anchorage area without entering a designated traffic lane. However, due to the funnelling-effect of the fairway into Galveston Entrance Channel, and the convenience of following a directional flow of traffic, vessel operators are expected to prefer using the TSS. Once a vessel is within the designated TSS, it will be governed by the operating rules of Rule 10 (72 COLREGS) as made applicable by proposed section 167.10.

Although existence of a TSS can affect the operations of fishing vessels, no negative economic impact or controversy is expected in the Galveston area because of the proposed TSS. By making Rule 10 applicable in the TSS, the proposed rules (§ 167.10) require a fishing vessel in a traffic lane, like any other vessel, to proceed in the "general direction of traffic flow" [Rule 10(b)(i)]. Also, "a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane" [Rule 10(h)(i)]. In other words, a fishing vessel will not be permitted to pull its nets or trawl against the flow of a traffic in a lane. However, while vessels are normally not to enter the separation zone between the lanes, a fishing vessel is specifically permitted to enter a separation zone to engage in fishing [Rule 10(h)(ii)]. Shrimping and fishing vessel operators in the area of Galveston are not expected to be affected by having a TSS in the approach fairway. Fishing activity has already been limited by the heavy vessel traffic in the fairway.

The proposed traffic separation scheme will overlay an existing shipping safety fairway. Therefore, it will create no new interferences with drilling operations and it will not interfere with access to offshore resources.

For the above reasons, these proposed regulations are considered non-significant and non-major under guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980) and in Executive Order 12291. These rules will not impose reporting requirements and will not have an annual effect on the economy of 100 million dollars. The new TSS will not result in a major increase in costs or prices for consumers, individual industries or geographic regions; and it will not have an adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is hereby certified, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354), that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the Coast Guard proposes to amend Subchapter P of Chapter 1 of Title 33 of Code of Federal Regulations by adding Part 167, to read as follows:

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

Subpart A—General

Sec.
167.01 Purpose.
167.05 Definitions
167.10 Operating rules.
167.15 Modification of schemes.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

167.100 In the approach to Galveston Bay.

Authority: Sec. 4, 92 Stat. 1473 (33 U.S.C. 1223); 49 CFR 1.46(n).

Subpart A—General

§ 167.01 Purpose.

The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

§ 167.05 Definitions.

(a) "Traffic separation scheme" (TSS) means a designated routing measure which is aimed at separating opposing streams of traffic. The elements of a TSS include traffic lanes, a separation zone or line, and, often, precautionary areas.

(b) "Traffic lane" means a defined areas of a TSS in which a one-way flow of traffic is established.

(c) "Separation zone or line" means a line or area located between the traffic lanes to separate vessels proceeding in opposite or nearly opposite directions.

(d) "Precautionary area" means a defined area associated with the termination of one or more traffic lanes, in which vessels must navigate with particular caution.

§ 167.10 Operating rules.

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972.

§ 167.15 Modifications of schemes.

(a) A traffic separation scheme or precautionary area may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(b) A traffic separation scheme or precautionary area may be temporarily adjusted by the Coast Guard to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

§ 167.100 In the approach to Galveston Bay.

(a) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'06" N.	94°39'12" W.
29°16'06" N.	94°37'00" W.
29°18'00" N.	94°34'54" W.
29°19'24" N.	94°37'06" W.
29°19'48" N.	94°38'06" W.

(b) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°07'42" N.	94°27'48" W.
29°06'23" N.	94°26'12" W.
29°06'23" N.	94°23'54" W.
29°09'06" N.	94°20'36" W.
29°11'12" N.	94°24'00" W.

(c) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°17'09.5" N.	94°35'48.1" W.
29°09'10.2" N.	94°26'14.2" W.
29°03'03.0" N.	94°26'22.0" W.
29°17'02.4" N.	94°35'55.8" W.

(d) A traffic lane for inbound (northwesterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'00" N.	94°34'54" W.
29°11'12" N.	94°24'00" W.

(e) A traffic lane for outbound (southeasterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°16'06" N.	94°37'00" W.
29°07'42" N.	94°27'48" W.

(92 Stat. 1473, section 4(c); 33 U.S.C. 1223(4)(c); 49 CFR 1.46(n))

Dated: May 19, 1982.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 82-16409 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A-4-FRL 2053-5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Georgia Plan To Control Total Reduced Sulfur From Existing Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to approve a major portion of Georgia's plan for controlling total reduced sulfur (TRS) from existing kraft pulp mills. Georgia's plan was submitted to EPA by the Governor's designee on January 8, 1982, to comply with the requirements of section 111(d) of the Clean Air Act. Section 111(d) requires States to develop plans to control emissions of designated pollutants from certain existing sources. EPA invites interested persons to comment on the plan, in particular its consistency with the requirements of the Clean Air Act.

DATE: To be considered, comments must be submitted on or before July 19, 1982.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see

EPA Region IV address below). Copies of the materials submitted by Georgia 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

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia 30334

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

SUPPLEMENTARY INFORMATION: EPA evaluated Georgia's plan by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60, Adoption and Submittal of State Plans for Designated Facilities, and with the EPA Guidelines Document, Kraft Pulping—Control of TRS Emissions from Existing Mills (EPA-450/2-78-003b). EPA is proposing to approve a major portion of the plan because it is consistent with the requirements of Part 60, and the guidelines.

In accordance with section 111 of the Clean Air Act (amended August 1977, Pub. L. 95-95), "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for certain source categories. These standards include emission limits for criteria (pollutants for which National Ambient Air Quality Standards have been published) and non-criteria pollutants, and apply to "new" sources (i.e., new, modified, or reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular category.

Paragraph (d) of section 111 requires States to develop plans for the control of emissions of the same non-criteria, or designated, pollutants from "existing" sources, as are regulated from new sources. "Existing" sources are defined as those which were present prior to the date on which EPA proposed new source performance standards for that particular source category. The requirements for such plans are set forth in Subpart B of 40 CFR Part 60 (November 17, 1975; 40 FR 53346).

Subpart B states that EPA will publish a guidelines document for each source category for which a State plan is required. Once a guideline document is published, and a notice of its availability published in the **Federal Register**, States have nine months to adopt and submit a plan for the control of emissions of the designated pollutant from existing sources. The Guideline Document for the control of total reduced sulfur from existing (kraft pulp) mills was published in March 1979.

Designated pollutants which may contribute to the endangerment of public health are called "health related pollutants" while those that do not are called "welfare related pollutants." This distinction determines the closeness with which the States must follow the Federal guidelines in developing their plans. While States have limited flexibility in developing plans for the control of health related pollutants, greater flexibility is allowed in the control of welfare related pollutants. EPA has classified total reduced sulfur as a welfare related pollutant.

On May 22, 1979 (44 FR 29828), EPA announced the availability of a final guideline document for the control of TRS from existing kraft pulp mills. The notice initiated the requirement that States submit plans on or before February 22, 1980, and on April 14, 1980, the Georgia Environmental Protection Division (GEPD) submitted a plan. However, on February 17, 1981, GEPD requested EPA to return their plan for reevaluation and on March 24, 1981, EPA returned the plan.

GEPD submitted a revised plan on January 8, 1982, which modified the compliance schedule submitted with the April 14, 1980, plan. The revised plan differs from EPA's guideline in several respects. The GEPD emission limits are based on a 24-hour average and not a 12-hour average as recommended by EPA. The GEPD emission limit for lime kilns is 40 parts per million (ppm) as compared to 20 ppm recommended by EPA. These differences are acceptable within the latitude allowed for welfare pollutants; therefore, EPA proposes to approve these regulations.

The method used to calculate the start date is inconsistent with EPA requirements. The GEPD rule requires sources to begin on compliance schedules after notification by the Director. This notification is to take place "* * * when ten (10) states have U.S. EPA approved TRS Plans covering at least 25% of the applicable kraft mills in the country and the Director has determined that their implementation schedule is consistent with Georgia's implementation schedule."

The regulation notification date is vague as to when it will occur. In addition, if other states choose such language, the regulation may never have an effective date. Any person should be able to determine when the sources must begin meeting the conditions of the compliance schedules. Normally air pollution control agencies use specific dates in compliance schedules. This prevents any misunderstanding on the part of the public or the affected sources as to the compliance status of the source and prevents time-consuming and expensive court suits. EPA's requirements call for both a firm date in compliance schedules and regulations enforceable by EPA.

EPA proposes to approve Georgia's 111(d) plan, except for the procedure for starting compliance schedules discussed above. EPA proposes to take no action on this portion of the plan. When GEPD adopts specific dates for compliance schedules, EPA will take action on this portion of the plan.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, air pollution control, fluoride, intergovernmental relations, reporting and recordkeeping requirements, sulfur.

(Secs. 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411 and 7601(a)))

Dated: March 16, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-16364 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[SW-4-FRL 2149-2]

Hazardous Waste Management Program; Mississippi: Application for Interim Authorization, Phase II, Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the

Mississippi application for Phase II, Components A and B, Interim Authorization, Hazardous Waste Management Program inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for August 2, 1982 at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by July 19, 1982. EPA will determine by July 22, 1982, whether there is significant interest to hold the public hearing. All written comments on the Mississippi interim authorization application must be received by the close of business on July 19, 1982.

ADDRESSES: If significant public interest is expresed, EPA will hold a pulbic hearing on Mississippi's application for interim authorization on August 2, 1982, at 7:00 p.m. at the Metro Center—Ramada Inn, Ellis Avenue and I–20 West, Jackson, Mississippi.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Mississipi application must be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. EPA, 345 Courtland St. NE., Atlanta, Georgia 30365, 404/881–3016.

If you wish to find out whether or not EPA will hold a public hearing on the Mississippi application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after July 19, 1982, the EPA contact person listed below or telephone Mr. Jack McMillan, Director, Division of Solid/Hazardous Waste Management, Mississippi Department of Natural Resources, Post Office Box 10385, Jackson, Mississippi 39209, 601/961–5062.

Copies of the Mississippi Phase II interim authorization application are available during normal business hours at the following addresses for inspection and copying:

Division of Solid/Hazardous Waste Management, Mississippi Department of Natural Resources, Post Office Box 10385, Jackson, Mississippi 39209, Telephone: 601/961–5171

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881–4216

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881–3016.

The public hearing will be held at: Metro Center, Ramada Inn, Ellis Avenue and I–20 West, Jackson, Mississippi.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Telephone: 404/881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as maneded, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Mississippi received interim authorization for Phase I on January 7, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 **Federal Register**, copies of complete State submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: June 8, 1982.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 82–16354 Filed 6–16–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 158

[OPP–250035; PH–FRL 2149–3]

Pesticide Guidelines; Notification to the Secretary of Agriculture of Proposed Regulation Specifying the Data Requirements for Registration of Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule-related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation specifying the data requirements for the registration of pesticide products under the Federal Insecticide, Fungicide, and Rodenticide Act.

FOR FURTHER INFORMATION CONTACT: Fred S. Betz, Hazard Evaluation Division (TS–769), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, Room 821A, Arlington, Virginia 22202 (Tel. 703–557–7351).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753; 7 U.S.C. 136 *et seq.*) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing to the Administrator regarding any such proposed regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register** (with the proposed regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing to the Administrator within 30 days after receiving it, the Administrator may sign such regulation for publication in the **Federal Register** at any time after such 30-day period notwithstanding the foregoing 60-day time requirement. The time requirements may, however, be waived or modified to the extent agreed

upon by the Administrator and the Secretary.

In accordance with section 25(a)(3) of FIFRA, EPA has also furnished a copy of this final regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

This regulation is designated as Part 158 of 40 CFR, and is titled "Data Requirements for Registration".

List of Subjects in 40 CFR Part 158

Administrative practice and procedures, Pesticides and pest, Data requirements, Recordkeeping and reporting requirements.

(Sec. 25 [Pub. L. 92-515, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753 (7 U.S.C. 136 et seq.)])

Dated: June 3, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-16369 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM-181, Advance Notice No. 82-3]

Performance-Oriented Packaging Standards; Corrections; Notice of Industry Meeting

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking, correction.

SUMMARY: This document corrects the advance notice of proposed rulemaking (47 FR 16268, April 15, 1982) relating to preformance-oriented packaging standards for hazardous materials. Notice is also given of an industry sponsored meeting to discuss this proposal. This action is necessary to correct editorial and typographical errors.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2075).

SUPPLEMENTARY INFORMATION: In FR Docket 82-10170 appearing on page 16268 in the issue of Thursday, April 15, 1982 make the following corrections:

1. On page 16271, the first sentence of the second full paragraph, first column, should read: "The following is a description of the five non-bulk Packing Methods found in § 173.119".

2. On the same page, middle column, first paragraph, the sixth sentence should read: "Should a shipper elect not to use Packing Group III performance tested packagings . . .".

3. On page 16281, § 173.24(c)(2) should read: "Is marked NRC as required by Part 178 of this subchapter and has previously contained any material".

4. On that same page, in § 173.119(a)(1), the reference to identification code 1A4 for a steel drum should be removed.

5. In the same paragraph, the identification codes for fiber drum, 1G1, 1G2 and 1G3, should be replaced with 1G.

6. On the same page, § 173.119(a)(2), the identification code associated with steel jerrican should be 3A not 3A1.

7. On the same page, § 173.119(a)(3)(i), the identification code associated with reconstituted wood box in the table should be 4F and not 4F1.

8. On page 16282, § 173.119(c)(1), the identification codes for fiber drum, 1G1, 1G2, and 1G3, should be replaced with 1G.

9. On the same page, § 173.119(c)(2), the identification code for steel jerrican, 3A1, should be replaced with 3A, and the identification code for plastic jerricans, 3H1, should be replaced with 3H.

10. On the same page, § 173.119(c)(3)(i), the identification code for reconstituted wood box, 4F1, should be replaced with 4F.

11. On the same page, § 173.119(c)(3)(ii), the identification code for steel jarrican, 3A1, should be replaced with 3A.

12. On page 16283, § 173.119(e)(1), the identification codes for fiber drum, 1G1, 1G2 and 1G3, should be replaced with 1G.

13. On the same page, § 173.119(e)(2), the identification code for steel jerrican, A1, should be replaced with 3A, and the identification code for plastic jerrican, 3H1, should be replaced with 3H.

14. On the same page, § 173.119(e)(3)(i), the identification code for reconstituted wood box, 4F1, should be replaced with 4F.

15. On page 16284, § 173.119(i) and 173.119(j) should be deleted. The Hazardous Materials Table should be amended to authorize the transportation of acrylonitrile and propylene oxide in the tank cars and cargo tanks specified in § 173.119(f).

16. On the same page, § 173.119(m)(1) should be deleted. Tank cars are not authorized for the transportation of methylhydrazine.

17. On the same page, in § 173.119(n)(1), an additional sentence will be added to authorize bottom washouts and Specification 105 tank cars with test pressures greater than 100 psig when restencilled and equipped as 105A100W tank cars.

18. On page 16288, § 178.501, the reference in the definition of "Combination packagings" should be changed from § 173.24(c)(5) to § 173.24(b)(3).

19. On page 16292, § 178.518(b)(3), the first sentence should be read: "Manufacturing joints in the body of boxes shall be taped, lapped and glued, or lapped and stitched with metal staples."

In addition to these corrections, MTB wishes to advise the interested public that on September 14, 1982, the Hazardous Materials Advisory Council (HMAC) will conduct a meeting in St. Louis, Missouri, concerning the packaging performance standards system proposed under Docket HM-181. MTB has agreed to participate fully in the meeting to discuss various aspects of the ANPRM and to respond to questions. A transcript of that portion of the meeting involving MTB participation will be placed in the public docket. Persons interested in attending the meeting should contact HMAC, 1100 17th Street, NW., Suite 908, Washington, D.C. 20036, (202) 223-1271, for further details.

Issued in Washington, D.C., on June 9, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-16050 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 396

[Docket No. MC-48-1; Notice No. 82-5]

Inspection, Repair, and Maintenance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is proposing to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR) to exempt lightweight vehicles from the paperwork requirements of this part, to eliminate the special inspection required for vehicles leased less than 30 days, and to eliminate the requirement for drivers to sign a vehicle inspection report, showing no defects, following its review. The primary effect of these proposed rule changes is to reduce the

paperwork burden imposed upon the motor carrier industry.

DATE: Comments must be submitted on or before August 16, 1982.

ADDRESS: All comments should refer to the docket number and notice number that appears at the top of this document and should be submitted, preferably in triplicate, to room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426–9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Regulatory Background

Part 396, Inspection, Repair, and Maintenance, of the FMCSR requires every motor carrier that conducts operations in interstate or foreign commerce to systematically inspect, repair, and maintain or cause to be systematically inspected, repaired, and maintained, all motor vehicles subject to its control.

Part 396 was initially issued as part of the FMCSR in 1939 by the Interstate Commerce Commission (ICC) pursuant to section 204 of Part II of the Interstate Commerce Act. This Act authorized the ICC to prescribe regulations with respect to qualifications and maximum hours of service of employees, and safety of operation and equipment of motor carriers engaged in interstate or foreign commerce. In 1967, the Bureau of Motor Carrier Safety (BMCS) was transferred from the ICC to the FHWA, and the FMCSR, including Part 396, became the responsibility of the FHWA.

In response to increasing evidence from several sources (i.e., results of roadside vehicle inspections, accident investigation reports, and complaints by truck and bus drivers) suggesting that inadequate motor carrier maintenance practices were becoming a serious problem, the BMCS, in 1973, published an Advance Notice of Proposed Rulemaking (ANPRM) (38 FR 7127). The ANPRM invited comments on (1) a petition for rulemaking to amend Part 396 which was received from the Professional Driver Safety and Health Organization (PROD) and (2) a number of specific questions on the merits of modifying the inspection and maintenance regulations. In 1977, the BMCS issued a Notice of Proposed Rulemaking (NPRM) to amend Part 396 (42 FR 18103). The NPRM was based on the comments received from the ANPRM and from the results of a study conducted in 1974–1975 for the BMCS by the Highway Safety Research Institute of the University of Michigan which concluded, among other things, that proper inspection and maintenance would reduce the incidence of mechanical defect-related truck accidents. [1] The BMCS in 1979 analyzed all the comments received in response to the ANPRM and the NPRM, and considered the historical trend in terms of the increasing roadside vehicle inspection out-of-service rate (30% out-of-service rate in 1974 to 41% out-of-service rate in 1979). In response to the analysis, the BMCS issued a final rule which amended Part 396 by, among other things, (1) reducing the retention period of certain inspection, repair, and maintenance records, (2) requiring that the motor carrier certify that the items listed on the daily driver vehicle inspection report that would likely affect the safety of operation of the vehicle had been repaired, and (3) requiring that the last driver vehicle inspection report or a copy thereof be carried on the power unit.

In October 1980 (45 FR 70289), in response to a petition for a rule change, the BMCS issued a NPRM proposing to amend Part 396 by exempting vehicles controlled by a motor carrier for less than 30 days from the required vehicle inspection if both carriers involved in the lease are commonly controlled and jointly administer a uniform safety program. Elements of the 1980 NPRM have been incorporated in this notice. Paperwork requirements associated with this regulation have been submitted to the Office of Management and Budget for its review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The FHWA Task Force Review

On April 13, 1981 (46 FR 21620), the FHWA issued a Notice of Review of Regulations and Request for Public Comments to inform the public of its intent to review certain of its regulations. Those regulations contained in 49 CFR 396 were specifically identified for review. Consequently, a FHWA Task Force was formed and instructed to: (1) Study the background of the existing inspection, repair and maintenance regulations, (2) investigate the costs, benefits, and controversies associated with the existing regulations, and (3) consider less costly alternatives to the existing regulations. Emphasis was placed on finding ways to reduce unnecessary reporting and recordkeeping requirements.

Each requirement of part 396 was reviewed and those which had a direct burden associated with them were isolated. These requirements were then examined to determine if they could be eliminated or modified to reduce the burden. The impact of these modifications on the effectiveness of the regulation was also assessed so that recommendations could be made. Several modifications to the regulations which did not diminish safety were developed and subsequently recommended for implementation. They include:

1. Exempting lightweight vehicles from the paperwork requirements of Part 396.
2. Eliminating the inspection requirement for vehicles leased less than 30 days.
3. Eliminating the requirement for drivers to sign a vehicle inspection report, showing no defects, following its review.

Each of the modifications recommended by the Task Force are described in more detail below.

1. *Exempt lightweight vehicles from the paperwork requirements of Part 396.*

Part 396, as it is presently structured, has only two general exemptions. They are:

"(1) Intracity operations. The rules in this part do not apply to a driver or vehicle wholly engaged in exempt intracity operation. * * *

(2) Lightweight mail trucks. The rules in this part do not apply to a motor carrier or driver engaged in transporting mail under contract with the U.S. Postal Service in motor vehicles having a manufacturer's gross vehicle weight rating of 4,535 kg (10,000 pounds) or less."

Other than these two general exemptions, Part 396 applies to, "Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection and maintenance of motor vehicles * * *" There are, however, several specific exemptions from various sections of Part 396, including the exemption of lightweight vehicles from § 396.11, which deals with the driver vehicle inspection reports. As a point of clarification, the term lightweight vehicle may be generally defined as a vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, which is not used to transport passengers or hazardous materials

[1] A copy of the report, "Effect of Commercial Vehicle Systematic Preventive Maintenance on Specific Causes of Accidents," PB–248379, is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487–4650, at a cost of $12.50.

requiring placarding. See § 390.17 of Title 49 for a complete definition.

The Task Force recommended that the lightweight vehicle exemption be extended to all of the recordkeeping requirements of Part 396. The result would be a reduction in the inspection, repair, and maintenance recordkeeping now imposed on motor carriers. The exempted vehicles would include automobiles, small pick-up trucks, small panel trucks, and small vans.

The BMCS estimates that there would be a burden relief of approximately 1,555,500 hours associated with such a change in the regulations.

Since the major portions of this rule have been in force for many years, there is no reasonable way to estimate with complete accuracy what effect such an exemption would have on highway safety. The Task Force, however, concluded that lightweight vehicles do not represent any unusual safety hazard. In addition, lightweight vehicle inspection, repair, and maintenance records are generally not given priority review during management safety audits conducted by FHWA personnel at the motor carrier's place of business. So, while the lightweight vehicles operated by motor carriers must meet the recordkeeping requirements of Part 396, the BMCS currently places little emphasis in this area. Therefore, this proposed exemption is not expected to diminish safety.

2. *Eliminate the special inspection requirement provided for in § 396.3(c) for vehicles leased less than 30 days.*

Section 396.3(c) states that, "For vehicles controlled by a motor carrier for less than 30 days, the motor carrier shall, before taking possession of the vehicle, inspect the vehicle in order to ensure that the vehicle complies with Part 393 and all parts and accessories necessary for safe operations are in good operating condition. The person making the inspection shall certify the results of the inspection."

The Task Force examined this requirement of Part 396 and considered the ramifications of eliminating it. The BMCS estimates that 7 percent of all motor vehicles used by carriers are leased for less than 30 days and would, therefore, fall under this portion of the regulation. The annual burden associated with this section of the regulations has been estimated to be approximately 63,325 hours.

While the burden of 63,325 hours does not appear to be very large, it should be noted that it is comprised of large blocks of time (15 minutes).

These leased vehicles must meet every other inspection, repair, and maintenance requirement imposed by Part 396. In addition, there is neither evidence nor reason to believe that these leased vehicles are likely to be operated under conditions that necessitate further assurances of their safe condition.

3. *Eliminate the requirement for drivers to sign a vehicle inspection report, showing no defects, following its review.*

Section 396.13 requires the driver to review the last vehicle inspection report required to be carried on the power unit and to sign each report to indicate that the review has taken place. The FHWA estimates that approximately two-thirds of all vehicle inspection reports do not report suspected defects or deficiencies. Therefore, there is no reasonable need for a driver to sign a report that indicates no defects or deficiencies have been discovered. The review requirements, would however, still remain. A rule change requiring the reviewing driver's signature only when defects or deficiencies have been noted, would result in a burden relief of approximately 992,628 hours.

List of Subjects in 49 CFR Part 396

Motor carriers, Motor vehicle safety, Motor vehicle maintenance, Reporting requirements.

PART 396—INSPECTION, REPAIR, AND MAINTENANCE

In accordance with the foregoing and under the authority of 49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48, and 49 CFR 301.60, it is proposed that the requirements contained in 49 CFR 396.3, and 396.13 be revised as follows:

1. Section 396.3 is amended by removing the present paragraph (c) and inserting a new paragraph (c) to read as follows:

§ 396.3 Inspection, repair, and maintenance.

* * * * *

(c) *Exemption.* The record requirements contained in paragraph (b) of this section do not apply to lightweight motor vehicles, as defined in § 390.17 of this subchapter.

* * * * *

2. Section 396.13(c) is revised to read as follows:

§ 396.13 Driver inspection.

* * * * *

(c) Sign the report, only if defects or deficiencies were noted by the driver who prepared the report, to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. In a continuing effort to reduce costs imposed upon the motor carrier industry, the FHWA is proposing to eliminate certain paperwork requirements associated with Part 396. This rulemaking action would result in approximately 2,611,453 hours of burden reduction for the motor carrier industry. Although certain paperwork requirements would be eliminated, a high level of care in the area of vehicle inspection, repair, and maintenance would remain.

A draft regulatory evaluation/initial regulatory flexibility analysis has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For further information contact." Due to the preliminary nature of this proposal, the FHWA has not been able to determine that this action will have a significant economic impact on a substantial number of small entities based upon the draft evaluation prepared as of this date. Comments and supporting data and analyses are solicited on the economic impact which may result from this action.

(49 U.S.C. 304; 49 CFR 1.48 and 301.60)
(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: June 14, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-16365 Filed 6-16-82; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice records the denial of a petition for rulemaking to allow the installation of speed control devices on motorcycles. The agency interprets Standard No. 123 as allowing such devices and denied the petition as moot.

FOR FURTHER INFORMATION CONTACT:
Mr. Arturo Y. Casanova, Accident Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1715).

SUPPLEMENTARY INFORMATION: Mr. Thomas R. Lamia, a Washington attorney, petitioned the agency on December 16, 1981, for rulemaking to amend Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays*. Mr. Lamia believed that the standard's requirement that the manual twist-grip throttle be self-closing after its release prohibits the installation of speed control devices on motorcycles. He pointed out that such devices are "permitted" in motor vehicles covered by Standard No. 124 *Accelerator Control Systems*.

NHTSA review of both standards indicates that each neither prohibits nor permits speed control devices. The self-closing requirement of Standard No 123 is conceptually identical to Standard No. 124's requirement that the throttle return to idle after removal of "the opposing actuating force." NHTSA interprets this as a requirement to be met under the implied condition that the speed control device is disengaged. The same interpretation is extended to Standard No. 123; speed control devices are allowable and the throttle must return to idle after manual release when the device is not engaged. On February 11, 1982, Mr. Lamia was informed that his petition was denied on grounds of mootness.

(Sec. 124, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1410a); delegation of authority at 49 CFR Part 1050 and 501.8)

Issued on June 8, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–16281 Filed 6–16–82; 8:45 am]
BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 47, No. 117
Thursday, June 17, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Systems of Records maintained under the Privacy Act.

SUMMARY: Pursuant to 5 U.S.C. 552a(e)(4), the Advisory Council on Historic Preservation (the Council) publishes those systems of records subject to the Privacy Act that the Council maintains.

FOR FURTHER INFORMATION CONTACT: Administrative Officer, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005.

Dated at Washington, D.C. on June 11, 1982.

Robert R. Garvey, Jr.,
Executive Director.

ACHP–1

SYSTEM NAME:

Employee Personnel Data Files—Advisory Council on Historic Preservation. This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT–1, 45 FR 78415.

SYSTEM LOCATION:

Department of the Interior (DOI), Office of the Secretary, Washington, D.C. 20240. Copies held by ACHP (DOI holds the Council's official records under contract).

ACHP–2

SYSTEM NAME:

Member Personnel Data Files—Advisory Council on Historic Preservation. This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT–1, 45 FR 78415.

SYSTEM LOCATION:

Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

ACHP–3

SYSTEM NAME:

Member and employee confidential statements of Employment and Financial Interest. This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT–8, 45 FR 78427, and OPM/GOVT–4, 45 FR 78420.

SYSTEM LOCATION:

Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

ACHP–4

SYSTEM NAME:

Candidates' applications for training at International Center, Rome.

SYSTEM LOCATION:

Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

CATEGORIES OF INDIVIDUALS COVERDED BY THE SYSTEM:

Individual applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data, resumes, curriculum vitae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 470n, 5 U.S.C. 301.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are kept by the Staff Assistant to the Executive Director.

RETRIEVABILITY:

Records are indexed by surname.

SAFEGUARDS:

Stored in file cabinets of the Staff Assistant to the Executive Director; released only to authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed seven years after application is received.

SYSTEM MANAGER AND ADDRESS:

Staff Assistant to the Executive Director, 1522 K Street NW., Washington, D.C. 20005.

NOTIFICATION PROCEDURE:

Contact the Staff Assistant to the Executive Director.

RECORD ACCESS PROCEDURES:

Contact the Staff Assistant to the Executive Director.

CONTESTING RECORD PROCEDURES:

Contact the Staff Assistant to the Executive Director.

RECORD SOURCE CATEGORIES:

All candidates applying for training at the International Center, Rome.

[FR Doc. 82–16402 Filed 6–16–82; 8:45 am]
BILLING CODE 4310–10–M

CIVIL AERONAUTICS BOARD

[Docket 40603]

Air Niagara Fitness Investigation, Hearing

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on June 22, 1982, at 10 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 11, 1982

Rronnie A. Yoder,
Administrative Law Judge.

[FR Doc. 82–16377 Filed 6–16–82; 8:45 am]
BILLING CODE 6320–01–M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing, and able to provide commuter air carrier service under section 419 (c) (2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82–6–20	Omniflight Airways, Inc., d.b.a. Chesapeake & Potomac Airways, Inc..	June 23, 1982.
82–6–24	Great Lakes Aviation, Ltd.	June 23, 1982.

Order	Applicant	Response date
82-6-73	Skyway of Ocala	June 27, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915; 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Stockvis, (202) 673-5198; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 11, 1982

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-16380 Filed 6-16-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37392; Order 82-6-63]

Order Concerning Mail Rates; Eastern Air Lines, Inc.

Order 82-6-63, June 11, 1982, Docket 37392, establishes final service mail rates for Eastern Air Lines, Inc. in the Latin American rate area.

Copies of this order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-16379 Filed 6-16-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40462]

Sea Coast Airways Fitness Investigation; Assignment of Proceeding

This preceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-16378 Filed 6-16-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 36595; Order 82-6-54]

Investigation Into the Competitive Marketing of Air Transportation—Agreements Phases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of June 1982.

Order

On June 1, 1982 Administrative Law Judge Ronnie A. Yoder issued his initial decision in this proceeding. In Order 79-9-64, September 13, 1979 we indicated our intention to take review of his decision. We adopt the following timetable for further procedures:

Initial Briefs, July 28, 1982
Reply Briefs, August 25, 1982
Oral Argument, September 15, 1982

Accordingly:

1. Initial briefs in this proceeding are due by July 28, 1982; replies are due by August 25, 1982; and oral argument will be held on September 15, 1982; and
2. We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-16400 Filed 6-16-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Census coverage Evaluation Research
Type of request: New
Burden: 5,200 respondents; 1,300 reporting hours
Needs and uses: The Census Coverage Evaluation Research Studies are experiments by the Census Bureau to improve its ability to evaluate future censuses. Independent lists will be compared to estimate the rate of Census coverage with each other and with other estimation methods in order to determine the best combination of methods for evaluating coverage in the 1990 Decennial Census. This questionnaire will be used to gather information to determine match status.
Frequency: Nonrecurring
Respondent's obligation: Mandatory
OMB desk officer: Timothy Sprehe 395-7313

Agency: Bureau of the Census
Title: October 1982 School Enrollment Supplement
Type of request: Reinstatement
Burden: 58,000 respondents; 8,200 (FY 83)
Needs and uses: This supplement provides basic data on school enrollement for individuals 5 years old and over who are enrolled in elementary, high school, college, and special schools as well as for persons 3 and 4 years of age enrolled in nursery schools and kindergarten.
Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe 395-7313

Agency: Bureau of the Census
Title: July 1982 Follow-up of Unemployed Persons
Type of request: New
Burden: 1,600 respondents; 128 reporting hours
Needs and uses: These questions will provide data on whether persons who are reported as on layoff in the Current Population Survey (CPS) expect to be called back to the job from which they were laid off and on whether they have actively searched for a job to help assess the impact of modifications to a redesigned CPS labor force questionnaire.
Frequency: Nonrecurring
Respondent's obligaion: Voluntary
OMB desk officer: Timothy Sprehe 395-7313

Agency: Bureau of Economics Analysis
Title: Public Assistance Payments Estimates by County
Type of request: Extension
Burden: 50 respondents; 300 reporting hours
Needs and uses: Secures annual data obtained by states and counties for selected public assistance payments. Required for the preparation of the regional accounts of the United States.
Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe 395-7313

Agency: International Trade Administration
Title: Basic Rules of the Defense Material System and Defense Priorities System
Type of request: Reinstatement
Burden: 25,000 respondents; 16,667 reporting hours
Needs and uses: The recordkeeping is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950 as amended (50 U.S.C. App. 2061, *et seq.*). Any person who receives a defense rated contract or order is subject to the implementing Defense Materials System/ Defense Priorities System regulations and is required to retain records of the transaction for at least three years.
Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen 395-3785

Agency: International Trade Administration
Title: Statement of Controlled Material Requirements for Class "A" Products-Constitution
Type of request: Extension
Burden: 200 respondents; 100 reporting hours
Needs and uses: The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) to manage the consumption and use of controlled materials.

Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen 395–3785
Agency: International Trade Administration
Title: Statement of Controlled Materials Requirements for Class "A" Products–Production or Research and Development.
Type of request: Extension
Burden: 500 respondents; 250 reporting hours
Needs and uses: The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) to manage the consumption and use of controlled materials.
Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen 395–3785
Agency: International Trade Administration
Title: Detailed Breakdown of Controlled Materials Requirements
Type of request: Extension
Burden: 200 respondents; 400 reporting hours
Needs and uses: The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et. seq.*) to manage the consumption and use of controlled materials.
Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen 395–3785
Agency: International Trade Administration
Title: Shipments of Primary Nickel
Type of request: Extension
Burden: 21 respondents; 14 reporting hours
Needs and uses: The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. Appl. 2061 *et seq.*) to manage the consumption and use of primary nickel.
Frequency: Quarterly
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen 395–3785
Agency: International Trade Administration
Title: Steel Producer's Production Directive Report
Type of request: Extension
Burden: 100 respondents; 1,200 reporting hours
Needs and uses: The information collected is required for the enforcement and administration of the delegated authority of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) to manage the consumption and use of iron and steel.
Frequency: Quarterly
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen
395–3785
Agency: International Trade Administration
Title: Marketing Data Form
Type of request: Extension
Burden: 4,000 respondents; 3,000 burden hours
Needs and uses: This form was created as a convenient means for participants in U.S. export promotion exhibitioins overseas to provide the exhibition management staff with an outline of the firm's marketing structure, interests and needs. This information is also used by the Washington staff in assisting the company and the exhibition managers.
Frequency: On occasion
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen
395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Application for Fishing Vessel Obligation Guarantee
Type of request: Extension
Burden: 1,785 respondents; 14,280 reporting hours
Needs and uses: Completion of application form is required to obtain benefits of Fishing Vessel Obligation Guarantee program. The American Fisheries Promotion Act extended eligibility for program to fisheries shoreside facilities.
Frequency: On occasion
Respondent's obligation: Required to obtain or retain benefits
OMB desk officer: Ken Allen
395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Oil Spill Tracking Studies Drift Card Deployment
Type of request: New
Burden: 250 respondents; 38 reporting hours
Needs and uses: Drift cards are used to track the movement of ocean currents and to predict the landfall of shoreward moving oil slicks. The cards are thus used for research purposes as well as to meet operational requirements during major spills.
Frequency: On occasion
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen
395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Vessel Inventory—II. Verification/Classification
Burden: 8,570 respondents; 600 burden hours
Needs and uses: Phase I established a vessel inventory for the Central and Western Pacific Fishery Conservation Zone by assembling records from the U.S. Coast Guard and the Hawaii Department of Transportation. Phase II will (1) verify accuracy of key data on existence of boats, and (2) classify as nonfishing or by various fishing categories. Existing record is not sufficiently accurate or detailed in order for the Fishery Management Council on the National Marine Fisheries Service to describe the fishery or conduct socio-economic studies.
Frequency: Nonrecurring
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen
395–3785
Agency: National Oceanic and Atmospheric Administration
Title: National Ocean Survey (NOS) User Questionnaire-Nautical Products
Type of request: New
Burden: 5,000 respondents; 250 reporting hours
Needs and uses: The purpose of this questionnaire is to identify users of various NOS products so that resources may be directed toward those areas where the greatest benefits may be realized by the majority of the users.
Frequency: Nonrecurring
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen
395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 82–16371 Filed 6–16–82; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

Utah State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00386. Applicant: Utah State University, Department of Range Science, UMC 52, Logan, UT 84322. Article: Root Length Scanner. Manufacturer: Commonwealth Aircraft Corp., Ltd., Australia. Intended use of article: See Notice on page 51627 in the Federal Register of October 21, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purpose as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article analyzes original root samples with an accuracy of plus or minus five percent for a 15 to 60 meter sample range. The Department of Health and Human Services advises in its memorandum dated January 19, 1982 that (1) the capability of the foreign

article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the Unites States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-16366 Filed 6-16-82; 8:45 am]

BILLING CODE 3510-25-M

Yale University; Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 92-00037. Applicant: Yale University, Dept. of Engineering & Applied Science, P.O. Box 2159, Yale Station, New Haven, CT 06520. Article: Optically Contacted Fabry Perot Assembly. Manufacturer: IC Optical Systems Ltd., United Kingdom. Intended use of article: See Notice on page 60867 in the Federal Register of December 14, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-16366 Filed 6-16-82; 8:45 am]

BILLING CODE 3510-25-M

Thomas S. Clarkson Memorial College of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00270. Applicant: Thomas S. Clarkson Memorial College of Technology, Potsdam, New York 13676. Article: NMR Spectrometer, Model JNM/FX-90Q with Accessories. Manufacturer: JEOL, Japan. Intended use of article: See Notice on page 41125 in the Federal Register of August 14, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 80-00361 which was denied without prejudice to resubmission on March 5, 1981 for informational deficiencies. The foreign article operates at a magnet field strength in the region of 1.9-2.1 Tesla. The National Bureau of Standards advises in its memorandum dated April 21, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended us.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-16367 Filed 5-16-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration Pacific Fishery Management Council's, Anchovy Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Anchovy Subpanel which will meet to discuss the preliminary biomass estimate and anchovy quota for the 1982-83 fishing season. Representatives of the Council, the Council's technical advisory bodies, California Department of Fish and Game and the National Marine Fisheries Service (NMFS), will discuss the method used for deriving the preliminary biomass estimate which will be available for review by July 1, 1982.

DATE: The public meeting will convene on Thursday, July 8, 1982, at approximately 10 a.m., and will adjourn at approximately 5 p.m., and will take place at the U.S. Customs Building, 300 South Ferry Street, Conference Room 2032, Terminal Island, California.

FOR FURTHER INFORMATION CONTACT:

Pacific Fishery Management Council, 526 SW Mill Street, Portland, Oregon 97201, (503) 221-6352

or

National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, (213) 548-2575.

SUPPLEMENTARY INFORMATION: Section 8.10 of the Fishery Management Plan for the Northern Anchovy Fishery states that the Regional Director of the Southwest Region, NMFS, with the assistance of the Southwest Fisheries Center, NMFS, and the California Department of Fish and Game, will determine and announce preliminary estimates of the spawning biomass,

optimum yield and associated harvest quotas for different sectors of the anchovy fishery. This is done annually in consultation with the Council and prior to the final establishment of harvest quotas by August 1 of each new fishing season.

A preliminary determination of estimated spawning biomass, optimum yield and harvest quotas for the 1982–83 fishing season will be announced by July 1. The July 8 meeting will begin with an explanation and discussion of the scientific and statistical methods used to derive the preliminary estimate of the anchovy spawning mass. Information developed at this meeting will enable the Anchovy Subpanel to formulate a recommendation to the Council. Commercial and recreational fishermen, the California Fish and Game Commission and other interested persons are invited to participate in the discussions.

Dated: June 14, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-16478 Filed 6-16-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Summer on Training and Training Technology: Notice of Advisory Committee Meeting

The Defense Science Board Summer Study Panel on Training and Training Technology will meet in closed session on 13–14 and 19–20 July 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At these meetings, the Summer Study Panel on Training and Training Technology will discuss the technology and mission impact of training on the readiness of our forces.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, 1976), it has been determined that these Defense Science Board Panel meetings concern matters listed in 5 U.S.C. 552b(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

June 11, 1982.

[FR Doc. 82-16298 Filed 6-16-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Section 10(a)(2)).

DATE: July 8, 1982 at 5:00 p.m. through July 10, 1982 at 2:00 p.m.

ADDRESS: Hampton Institute, Science Center, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW, Washington, D.C. 20202 (202–245–8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education * * * on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda includes:

(a) Reviewing and recommending possible program directions for fiscal year 1982–83.

(b) MISIP and science education.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th and D Streets, SW, Room 3100, Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal Holidays.

Dated: June 8, 1982.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 82-16361 Filed 6-16-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Alderwood Area Service 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 Alderwood Area Service project.

SUMMARY: The Alderwood Area Service Environmental Assessment evaluates BPA's proposal to build a new 115–kV transmission line and 115–12.5–kV, 25–MW substation in the Alderwood, Oregon, area. The proposed action will solve overload problems at Junction City and Alderwood Substations and line voltage problems, and will reduce distribution losses. The proposed transmission line will be built mainly in an exiting State highway right-of-way. The transmission line crosses the Long Tom River, requiring that the line be built within its 100-year floodplain.

Alternatives considered by BPA include no action, conservation, other plans of service including upgrading equipment and tapping another line, and other line locations.

The proposed route is 9.5 miles (15 km) long. All but about 2 miles (3.2 km) of the proposed route is on existing right-of-way. The poles from these lines will be removed and the new taller poles put in approximately the same locations. The highway right-of-way crosses 2.2 miles (3.5 km) of 100-year floodplain designated by the Federal Emergency Management Agency. Some drainage ditches along the highway support wetland vegetation and are considered wetlands. The line will cross 4.7 miles (8 km) of prime farmland. The rest of the line will pass through the town of Cheshire and cross gently rolling hills of pastureland, cropland, and woodlots.

Construction will cause a temporary increase in noise, engine exhaust, and dust. Soil disturbance and vegetation removal may damage some crops and trees. An area of 175 feet by 185 feet (53 by 56 m) will be taken out of crop production. Wildlife will be temporarily dispersed, and there may be some bird collisions with the line. Operation of the

transformer will increase noise, but levels will be within State limits. With the taller poles and the new substation, visual quality will be reduced. No access road construction will be necessary.

The proposed action will not affect any listed or proposed endangered or threatened species or their habitats, properties eligible for inclusion on the National Register of Historic Places, or other protected resources. The proposed project, if undertaken, would be consistent and compatible with local plans and programs, including zoning ordinances and land use plans. Transmission lines over 75 kV and substations are a conditional use in all zones affected by the project.

Alternatives to crossing prime farmland are no action, and two line locations through timber and residential land. No action would not solve the overland problem. Crossing large areas of timerland would create greater impacts involving clearing the right-of-way and constructing access roads than the proposed route.

Because the Junction City Substation and the service area are on opposite sides of the Long Tom River, and because the floodplain is too wide to span, no action is the only alternative to locating transmission poles within the floodplain. However, no action is not practicable because it would not solve the overload problem.

A floodplain/wetlands assessment is included in the Environmental Assessment. Actions within the floodplain involve removing the present poles and placing the new poles in about the same locations. With the exception of the visual impact of the taller poles, the natural and beneficial values of the floodplain/wetlands will not be affected. This action would conform to all local and State floodplain protection standards. To minimize potential harm to and within the floodplain and wetlands, BPA will:

1. Not disturb existing vegetative buffer zones along stream banks.
2. Cover no large areas of soil with impermeable material which could increase runoff.
3. Create no large structures which could block flow of floodwaters.
4. Revegetate all disturbed soil areas after construction.

BPA has prepared an Environmental Assessment in conjunction with local, State, and other Federal agencies. Public meetings were held on August 20, 1981, and December 3, 1981, in the Alderwood area.

Based on the Environmental Assessment, and for reasons outlined above, DOE has determined that BPA's action will not have a significant effect on the quality of the human environment. 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 floodplain.

FOR FURTHER INFORMATION CONTACT: Copies of the Environmental Assessment are available from the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, telephone (503) 230–5136.

BPA may implement the proposed action 15 days after publication of this notice.

Date issued: May 27, 1982.

William A. Vaughan,

Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82–16375 Filed 6–16–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangements; European Atomic Energy Community (EURATOM)

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 Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S–EU–736, to the Universitat Munchen, Federal Republic of Germany, 100 milligrams of thorium-230 for use in coulomb exitation to study the movement, spin, and energy of thorium-230.

Contract Number S–EU–737, to the Federal Republic of Germany, 5 grams of uranium-238, to be used in the production of neptunium-237 for experiments to determine activity release of a nuclear fuel melting condition.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 11, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82–16374 Filed 6–16–82; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreement; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 889.6 grams of uranium depleted in U–235 to the Swiss Federal Institute for Nuclear Research, for use in development of mixed plutonium carbide and uranium carbide fuels, under Contract Number WC–SD–12.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 11, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82–16373 Filed 6–16–82; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Forms Submitted to the Office of Management and Budget for Review

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy

(DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of DOE proposals sent to OMB for approval between May 27, 1982, and June 16, 1982.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the forms; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, June 10, 1982 (47 FR 25179).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 7413 Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–9464.

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–7340.

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., June 11, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

BILLING CODE 6450-01-M

DOE FORMS UNDER REVIEW BY OMB

FORM NUMBER (1)	FORM TITLE (2)	TYPE OF REQUEST (3)	RESPONSE FREQUENCY (4)	RESPONSE OBLIGATION (5)	RESPONDENT DESCRIPTION (6)	ESTIMATED NUMBER OF RESPONDENTS (7)	ANNUAL RESPONDENT BURDEN (8)	ABSTRACT (9)
EIA								
EIA-782A[1/]	Monthly Petroleum Product Sales Report	New	Monthly	Mandatory	Petroleum Refiners/ Gas Plant Operators	380	63,600	Form will collect state level sales data for petroleum products. Data will be collected on petroleum product supply, price and market distribution. Data will be used as input to the State Energy Data Series, as input to the Short Term Integrated Forecasting System and various DOE publications.
EIA-782B[1/]	Monthly No. 2 Distillate Sales Report	New	Monthly	Mandatory	No. 2 Distillate Resellers/ Retailers	1600	38,400	Form will collect data on sales of No. 2 distillate from a sample of retailers/ resellers. Data will be used as input to the Short Term Integrated Forecasting System and various DOE publications.
EIA-782C[1/]	Monthly Report of Petroleum Products Sold into States for Consumption	New	Monthly	Mandatory	Refiners/ Prime Suppliers	340	13,500	Form will collect state sales data for 13 products from all refiners and prime suppliers. Data will be used as input to the State Energy Data Series, the Short Term Integrated Forecasting System and for analysis of State energy supplies.

DOE FORMS UNDER REVIEW BY OMB

FORM NUMBER (1)	FORM TITLE (2)	TYPE OF REQUEST (3)	RESPONSE PREQUENCY (4)	RESPONSE OBLIGATION (5)	RESPONDENT DESCRIPTION (6)	ESTIMATED NUMBER OF RESPONDENTS (7)	ANNUAL RESPONDENT BURDEN (8)	ABSTRACT (9)
EP								
EP-51 2/	Monthly Foreign Oil Transaction Report	Extension	Monthly	Mandatory	Importers of Crude Oil	69	5732	The EP-51 is designed to collect crude oil import volumes, FOB and landed average prices, as well as crude stream and transportation data. Data are used to monitor international oil trends.
ERA								
ERA-329R	Regulatory Reporting and Recordkeeping Requirements Pursuant to 10 CFR 500, 501, 503, and 504	Revision	On Occasion	Required to Obtain Benefit	Electric powerplants and major fuel burning installations	58	51,570	Data are required to meet evidentiary requirements for petitions for exemptions of the Powerplant and Industrial Fuel Use Act. Data are also needed to verify requests for prohibition orders under amendments contained in the Omnibus Budget Reconciliation Act.
FERC								
FERC-512	Application for Preliminary Permit	Extension-No Change	On Occasion	Mandatory	Potential Developers of hydroelectric projects	1200	90,000	Data are used by the Federal Energy Regulatory Commission to determine the qualifications of an applicant to hold a preliminary permit, to to analyze the feasibility of hydro development and to issue notices to the public to solicit comments on the proposed application.

DOE FORMS UNDER REVIEW BY OMB

ORM JMBER (1)	FORM TITLE (2)	TYPE OF REQUEST (3)	RESPONSE FREQUENCY (4)	RESPONSE OBLIGATION (5)	RESPONDENT DESCRIPTION (6)	ESTIMATED NUMBER OF RESPONDENTS (7)	ANNUAL RESPONDENT BURDEN (8)	ABSTRACT (9)
-789R 3/	Contractor's Invention Recordkeeping/Reporting Procedures	New	On Occasion	Mandatory	DOE Contractors	5,000	5,000	Data will be used to evaluate and determine the effectiveness of a contractor's procedures in identifying and reporting conception or first actual reduction to practice of inventions.
-790R 3/	Invention Disclosure Report	New	On Occasion	Mandatory	DOE Contractors	1,000	500	Provides essential information for each invention conceived or first actually reduced to practice under a contract, subcontract or other arrangement with DOE in order to establish priority of inventorship.
-791R 3/	Petition for Waiver of Waiver of Patent Rights and Related Reporting Requirements	New	On Occasion	Mandatory	DOE Contractors	100	250	A contractor may petition for a waiver of the Government's rights to inventions. If the petition is granted, the petitioner must report its use of the waived invention, provide a notice of sale, public use, or public disclosure of waived inventions and provide a notice of filing of foreign patent applications.
-792	Patent Certification Form (Interim/Final)	New	On occasion	Mandatory	DOE Contractors	5,000	2,500	Data are required to attest to compliance with patent provisions of a contract, identify inventions made thereunder and facilitate the acquisition of formal instruments of convenience for any rights accruing to the Government.

1/ These requests are revisions to proposed forms EIA-782 and EIA-783. These forms underwent extensive public review, including an EIA public hearing on May 5 and May 6, 1982.

2/ A one year extension of EP-51 has been requested in order to give DOE time to develop a consolidate oil imports reporting system that will replace several forms that collect imports data with a system of forms that is less burdensome to industry.

3/ These forms supersede form GC-765R previously cleared by OMB. OMB number 1901-0246.

[FR Doc. 82-16599 Filed 6-16-82; 8:45 am]
BILLING CODE 6450-01-C

Federal Energy Regulatory Commission

Oil Pipeline Tentative Valuation

June 14, 1982.

Notice:

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1978 Annual Report

Valuation Docket No. PV–1451–000, Okie Pipe Line Company, P.O. Box 2256, Wichita, Kansas 67201.

On or before July 22, 1982, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 82-16313 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-1-000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

June 11, 1982.

Take notice that on June 1, 1982, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Thirty-Seventh Revised Sheet No. 3–A

Fourth Revised Sheet No. 3–B

These tariff sheets are proposed to become effective July 1, 1982.

Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the proposed changes in the rates of its suppliers, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Sun Gas Company. Alabama-Tennessee states that the changes have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$6.37
Commodity	380.28¢
SG-1 Commodity	426.82¢
I-1 Commodity	401.21¢

Fourth Revised Sheet No. 3–B shows that there are no incremental pricing surcharges which Alabama-Tennessee anticipates charging its customers for the six months commencing July 1, 1982.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 June 23, 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. 82-16417 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6237-000]

American Hydro, Inc.; Application for Preliminary Permit

June 16, 1982.

Take notice that American Hydro, Inc. (Applicant) filed on April 20, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6237 to be known as the Echo Lake Waterpower Project located on Echo Lake near the town of Meyers in El Dorado County, California. The proposed project would affect U.S. lands in El Dorado National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald Coffin, 1091 Bollinger Canyon Road, Moraga, California 94556.

Project Description—The proposed project would consist of: (1) Repairing the existing 6-foot-high Cascade diversion structure located 90 feet downstream of the spillway of the existing Echo Lake Dam owned and operated by the Pacific Gas and Electric Company; (2) an intake structure; (3) a 2500-foot-long, 18-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 300 kW; (5) a tailrace discharging water to the creek; (6) a transmission line interconnecting with an existing 12-kV PG&E transmission line. Applicant estimates that the average annual output of the project would be 1.97 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Appliant seeks issuance of a preliminary permit for period of 24 months during which it would conduct engineering, environmental and economic studies and prepare an FERC license application. The cost of conducting these studies is estimated by the Applicant to be $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 28, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 30, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petiton to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatiory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16462 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-333-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Application

June 11, 1982.

Take notice that May 18, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82-333-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap and related facilities on Applicant's jurisdictional gas pipeline 2-C-2 in Caddo County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a tap and related facilities on its jurisdictional 2-C-2 pipeline for the purpose of effecting deliveries of natural gas for fuel use to Oklahoma Gasohol, Inc.'s ethanol distillation plant in Caddo County, Oklahoma, in accordance with the terms of a gas service agreement between Applicant and Oklahoma Gasohol, Inc. dated March 29, 1982. Pursuant to the gas service agreement, Applicant proposes to sell to Oklahoma Gasohol, Inc. up to a daily maximum of 450 Mcf of gas for a term commencing on June 1, 1982, and continuing until terminated by either party upon thirty days written notice. It is estimated that the volumes delivered would average approximately 350 Mcf per day.

It is stated that the proposed sale would be from Applicant's general system supply and that the impact on Applicant's gas supply would be negligible. The cost of the proposed tap and related facilities is estimated at $15,400 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 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 paryt 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. 82-16432 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-336-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Application

June 16, 1982.

Take notice that on May 19, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71161, filed in Docket No. CP82-336-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this application is to allow Applicant to deliver the natural gas into its own distribution facilities. It is stated that Rimrock Gas Company (Rimrock) is now in bankruptcy and that the Bankruptcy Judge ordered the sale of all of Rimrock's distribution properties to Harmon County Gas Company (Harmon County). It is stated that subsequent to Harmon County's purchase of the Rimrock distribution properties, Applicant agreed to take over the distribution properties that Harmon County had acquired from Rimrock. Applicant states that the delivery would no longer be to another party for resale, but rather into Arkla's own distribution facilities that it is acquiring from Harmon County. Hence, the instant application requests authorization to abandon the sale for resale service to Rimrock by Arkla.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16447 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4550-001]

Belgrade Development Corp.; Surrender of Preliminary Permit

June 14, 1982.

Take notice that Belgrade Development Corporation, Permittee for the proposed Belgrade Project No. 4550, requested on May 20, 1982, that its preliminary permit be terminated. The preliminary permit was issued on October 15, 1982, and would have expired on April 1, 1983. The project would have been located at a series of dams on the Belgrade Lakes in Kennebec County, Maine. Permittee cites that the project would not be an economic source of energy under present economic conditions.

The surrender of the permit is in the public interest and the surrender of the preliminary permit for Project No. 4550 is effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16433 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1764-002]

Earl A. Borgmann; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 2, 1982, Earl A. Borgmann filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Director, Union Light, Heat & Power Company
Senior Vice President, Miami Power Corporation
Senior Vice President and Director, Cincinnati Gas & Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16448 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1614-000]

William H. Dickhonor; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 2, 1982, William H. Dickhonor filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director and President, Union Light, Heat & Power Company
Director and President, Miami Power Corporation
Director and President, Cincinnati Gas & Electric Company
Director, Ohio Valley Electric Corp.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16449 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-332-000]

Columbia Gas Transmission Corp.; Application

June 16, 1982.

Take notice that on May 17, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-332-000 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 the account of International Harvester Company (IH), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated April 30, 1982, Applicant proposes to transport up to 1,000 dekatherms (dt) equivalent of natural gas per day for IH from a point of receipt in Lawrence County, Ohio, to five IH plants located in Springfield, Columbus, and Shadyside, Ohio. Applicant states that additional facilities would not be required to transport the natural gas as Applicant would redeliver the gas at existing points of delivery to Columbus Gas of Ohio, Inc.

It is asserted that IH would pay Applicant 30.97 cents per dt equivalent. It is also asserted that Applicant would retain for company use and unaccounted for gas 2.56 percent of the total quantity of gas received for the account of IH. Applicant asserts that the term of the transportation agreement is for one year. It is indicated that the gas to be transported would be supplied to IH by Southern Ohio Energy Company, a wholly-owned subsidiary of IH, and would be produced from wells owned and operated by Southern Ohio Energy Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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. 82-16463 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6200-000]

Cripple Creek Hydro Associates; Application for Short Form License (Minor)

June 14, 1982.

Take notice that Cripple Creek Hydro Associates (Applicant) filed on April 8, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Cripple Creek Project No. 6200. The project would be located on Cripple Creek in the Mt. Hood National Forest in Clackamas County near the City of Estacada, Oregon. Correspondence with the Applicant should be directed to: Mr. Philip B. Rettger, Cripple Creek Hydro Associates, Room 1211 Oregon Bank Building, 319 S.W. Washington, Portland, Oregon 92704.

Project Description—The proposed project would consist of: (1) A 4-foot-high 20-foot-long wood and concrete diversion struction on Cripple Creek at elevation 2,880 feet; (2) a 6,800-foot-long, 18-inch-diameter steel penstock; (3) a powerhouse at elevation 1,600 feet containing a single 1.2-MW generating unit; and (4) associated electrical and transmission equipment. Applicant estimates that the project would have an average annual output of 7,000 MWh and would cost $2,500,000.

Purpose of Project—Project energy would be sold to the Portland General Electric Company or the Bonneville Power Administration.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Polilcy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submissin of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intevene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16464 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-141-001 & RP82-33-001]

El Paso Natural Gas Co.; Tariff Filing

June 11, 1982.

Take notice that on June 1, 1982, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act and in compliance with the Commission's letter order dated July 20, 1979 at Docket No. RP79-12, as clarified by order issued April 14, 1982 at Docket No. RP82-33-000,[1] and the Commission's order issued November 25, 1981 at Docket No. RP81-141-000, as modified by order issued April 30, 1982 at Docket No. RP82-33-000,[2] the following revised tariff sheets to its FERC Gas Tariff:

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[1] By letter order dated July 20, 1979 at Docket No. RP79-12, as clarified by order issued April 14, 1982 at Docket No. RP82-33-000, the Commission directed El Paso to file, with its restated Base Tariff Rates filing to become effective June 1, 1982, revised tariff sheets providing for reinstitution of the methodology for determining rate adjustments under its Purchased Gas Cost Adjustment Provisions ("PGAC") in effect prior to adoption of certain modifications authorized at Docket No. RP79-12.

[2] By order issued November 25, 1981 at Docket No. RP81-141-000, the Commission directed El Paso

Original Volume No. 1

Second Substitute Thirtieth Revised Sheet No. 3–B
Sixth Revised Sheet No. 67–B
Fifth Revised Sheet No. 67–C
Eighth Revised Sheet No. 67–D
Second Revised Sheet No. 67–D.1

Third Revised Volume No. 2

Second Substitute Twenty-first Revised Sheet No. 1–D

Original Volume No. 2A

Second Substitute Twenty-second Revised Sheet No. 1–C

El Paso states that the tendered revised tariff sheets, when accepted for filing and permitted to become effective, will (i) restate El Paso's Base Tariff Rates, effective June 1, 1982; and (ii) revise the PGAC contained in Original Volume No. 1 of El Paso's FERC Gas Tariff to reinstate, effective June 1, 1982, the methodology for determining PGAC rate adjustments in effect prior to adoption of certain modifications approved by the Commission as part of El Paso's rate settlement at Docket No. RP79–12. Revised Sheet Nos. 3–B, 1–D, and 1–C tendered by El Paso to restate its Base Tariff Rates reflect, in the Currently Effective Tariff Rates set forth thereon, a partial implementation of the recent decision in *El Paso Natural Gas Company v. FERC*, No. 81–4295 (5th Cir., May 24, 1982) regarding inclusion of accrued but unpaid purchased gas costs in the calculation of El Paso's surcharge adjustment. El Paso also tendered alternative Revised Sheet Nos. 3–B, 1–D and 1–C which do not reflect implementation of the Fifth Circuit's decision.

El Paso requested, pursuant to Section 154.51 of the Commission's Regulations, that waiver of the notice requirements of Section 154.22 of the Commission's Regulations be granted so as to permit the tendered revised tariff sheets to become effective on June 1, 1982 as directed by the Commission.

El Paso further states that copies of the instant filing have been served upon all of its interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before June 23, 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 (18 CFR 1.8, 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–16418 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3816–001]

Energenics Systems, Inc., Application for License (5 NM or Less)

June 15, 1982.

Take notice that Energenics Systems, Inc.(Applicant) filed on April 23, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as Southside Canal Project No. 3816. The project would be located from Station 199+90 to Station 171+90 on the Southside Canal in Mesa County, Colorado. The application was filed during the term of Applicant's preliminary permit for Project No. 3816. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, President, Energenics Systems, Inc., 1717 K Street, N.W., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would consist of:(1) A proposed intake structure at an existing check structure in the canal which is owned by the U.S. Bureau of Reclamation and is operated by the Collbran Water Conservancy District; (2) a proposed 2,800-foot-long, 50-inch diameter steel penstock; (3) a proposed powerhouse containing one turbine-generator unit with a rated capacity of 3,950-kW; (4) a proposed 75-foot-long concrete tailrace; (5) a proposed 4.16/kV/12.47-kV step-up transformer station; (6) a proposed 7.8-mile long 12.47-kV transmission line; and (7) appurtenant facilities. Applicant estimates that average annual energy generation would be 8,000,000 kWh.

Purposed of Project—Project energy would be sold to Public Service Company of Colorado.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 27, 1982, either the competing application itself [see 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

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to file a restatement of its Base Tariff Rates and appropriate cost of service study, in compliance with Section 154.38(d)(4)(vi) of the Commission's Regulations, by June 1, 1982 to be effective on that date. However, by order issued April 30, 1982 at Docket No. RP82–33–000, the Commission granted waiver of that portion of its November 25, 1981 order and Section 154.38 of its Regulations requiring El Paso to file a separately prepared cost study to permit El Paso to support its restated Base Tariff Rates by supplemental data to be furnished in its ongoing Section 4 rate proceeding at Docket No. RP82–33.

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16465 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6357-000]

Energenics Systems, Inc.; Application for Preliminary Permit

June 15, 1982.

Take notice that Energenics Systems, filed (Applicant) filed on May 20, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6357 to be known as the Dewey Lake Dam Project located on Johns Creek in Floyd County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, Energenics Systems, Inc., 1717 K Street, N.W., Washington, D.C. 20006

Project Description—The proposed project would utilize the existing Corps of Engineers' Dewey Lake Dam and would consist of: (1) A new powerhouse containing one generating unit with a rated capacity of 2.3 MW; (2) 5 miles of 138-kV transmission line; and (3) appurtenant facilities. Applicant estimates that the average annual energy output would be 5.3 GWh. The most likely market for energy produced would be the Kentucky Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 27, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 27, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16466 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6356-000]

Energenics Systems, Inc.; Application for Preliminary Permit

June 15, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on May 20, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6356 to be known as the Hulah Lake Project located on the Caney River in Osage County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing Corps of Engineers' Hulah Lake Dam and would consist of: (1) A new powerhouse containing one generating unit with a rated capacity of 1,640 kW; (2) 5 miles of 138-kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2.5 Gwh. The most likely market for the energy derived at the proposed project would be The Oklahoma Power and Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 27, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice

of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 27, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16467 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1696-001]

Frank J. Ficadenti; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on May 20, 1982, Frank J. Ficadenti filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Atlantic City Electric Company
Director, Deepwater Operating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16468 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-567-000]

Florida Power & Light Co.; Filing

June 14, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 1, 1982, tendered for filing documents entitled Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Lakeland and Amendment Number One to Agreement to Provide Specified Transmission Service Between Florida Power & Light COmpany and City of Lakeland.

FPL states that under the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Lakeland FPL will transmit power and energy for the City of Lakeland (Lakeland) as is required by Lakeland in the implementation of its interchange agreements with Jacksonville Electric Authority, Utilities Commission of the City of New Smyrna Beach, Lake Worth Utilities Authority, City of Vero Beach and Fort Pierce Utilities Authoriy.

Amendment Number One updates the rates for transmission service provided by FPL, bringing them in accord with the increased rates filed by the Commission on July 1, 1981, in *Florida Power & Light Company*, Docket No. ER81-583-000.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and the proposed Agreement and Amendment be made effective immediately. FPL states that copies of the filing were served on the Superintendent—Planning & Engineering, City of Lakeland.

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 June 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16419 Filed 6-16-2; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-571-000]

Florida Power & Light Co.; Filing

June 14, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 3, 1982, tendered for filing documents entitled Amendment Number Five, Amendment Number Six and Amendment Number Seven to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Vero Beach.

FPL states that under Amendment Number Five FPL will transmit power and energy for the City of Vero Beach (Vero Beach) as is required by Vero

each in the implementation of its interchange agreements with Florida Power Corporation and Tampa Electric Company.

Under Amendment Number Sic FPL will transmit power and energy for Vero Beach as is required by Vero Beach in the implementation of its interchange agreement with the City of St. Cloud.

Amendment Number Seven updates the rates for transmission service provided by FPL, bringing them in accord with the increased rates filed by the Commission on July 1, 1981, in *Florida Power & Light Company*, Docket No. ER81–588–000.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendments be made effective immediately. FPL states that copies of the filing were served on the City Manager, City of Vero Beach.

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, DC 20426, in accordance with §§ 1.8 and 1.10). All such petitions or protests should be filed on or before June 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–16420 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–570–000]

Florida Power & Light Co.; Filing

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 3, 1982, tendered for filing document entitled Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Tallahassee and Amendments Number One and Number Two to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Tallahassee.

FPL states that under the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Tallahassee FPL will transmit power and energy for the City of Tallahassee (Tallahassee) as is required by Tallahassee in the implementation of its interchange agreement with Lake Worth Utilities Authority.

Under Amendment Number One FPL will transmit power and energy for Tallahassee as is required by Tallahassee in the implementation of its interchange agreement with Fort Pierce Utilitis Authority, Utilities Commission, City of New Smyrna Beach, City of Vero Beach and City of Homestead.

Amendment Number Two updates the rates for transmission service provided by FPL, bringing them in accord with the increased rates filed by the Commission on July 1, 1981, in *Florida Power & Light Company*, Docket No. ER81–588–000.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Agreement and Amendments be made effective immediately. FPL states that copies of the filing were served on the Superintendent—Transmission & Distribution, City of Tallahassee.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–16421 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–102–000]

Gas Research Institute; Annual Application

June 10, 1982.

Take notice that on June 1, 1982, Gas Research Institute (GRI) filed herein an application requesting advance approval of its 1983–1987 Five-Year R&D Plan and 1983 R&D Program and the funding thereof pursuant to the Natural Gas Act and the Commission's Regulations thereunder, particularly 18 CFR 154.38(d)(5).

GRI states that its application demonstrates compliance with the Commission's Regulations, the requirements of Opinion No. 131, Opinion and Order Amending and Approving Gas Research Institute's 1982 Research Development Program and Related Five-Year Plan for 1982–1986, Docket No. RP81–72–000 issued September 28, 1981, and the ongoing provisions of a Stipulation and Agreement reached by the parties to the proceedings in Docket No. RM77–14 and approved by the Commission in Opinion No. 11, Opinion and Order Approving the Initial Research Development and Demonstration Program of Gas Research Institute, Docket No. RM77–14, issued March 28, 1978. GRI's application seeks approval of its 1983 R&D Program which proposes that $124,366,000 be collected through jurisdictional and non-jurisdictional rates and charges during the twelve (12) months ending December 31, 1983 to support the R&D activities detailed in GRI's application. Applicant states that its application was filed in accordance with the provision of Order No. 566 which requires "RD&D organizations" to submit, annually a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan, which is scheduled to commence on January 1, 1983.

GRI states that the proposed unit cost of GRI's 1983 Program is 917 mills per Mcf or equivalent to become effective January 1, 1983. This Annual R&D Funding Unit is proposed to be applied to the services included in GRI's Program Funding Service in 1982 which include jurisdictional, direct sale and intrastate volumes of GRI's members and which are estimated to be 12,798 Bcf.

GRI's filing was accompanied by workpapers providing detail about its application. These workpapers are available for inspection in the Commission's Office of Public Information. The Appendix to the filing contains a list of GRI members and state regulatory commissions which were served with a copy of GRI's application on June 1, 1982. Such members and commissions are hereby permitted to participate in this proceeding as intervenors and need *not* file formal petitions to intervene or notices of intervenation.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a comment, protest, or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR 157.70). All comments or

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 proceedings. Any person wishing to become a party to a proceedings or to participate as a party in any hearing therein other than those listed in the Appendix who are automatically entitled to participate, must file a petition to intevene in accordance with the Commission's Rules.

Additionally, take notice that a Commission Staff report on GRI's filing will be served on all parties and filed with the Commission as a public document on July 30, 1982. Additional comments by all parties may be filed concurrently with the Staff report on July 30, 1982. Comments on the Staff report by all parties except GRI shall be filed by August 16, 1982, and reply comments by GRI shall be filed by August 30, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16435 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6294-000]

Goldenwest Power; Application for Preliminary Permit

June 14, 1982.

Take notice that Goldenwest Power (Applicant) filed on May 4, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6294 to be known as the Pilot Creek Power Project located on Pilot Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. H. Ochinero, 2811 Bechelli Lane, Redding, California 96002.

Project Description—The proposed project would consist of: (1) A 50-foot-long, 5-foot-high diversion structure; (2) a 10,400-foot-long, 60-inch-diameter diversion pipeline; (3) a 800-foot-long, 48-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 1,300 kW; and (5) a 2.5-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 11.4 million Kwh.

Purposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 19, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 19, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than October 18, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

FR Doc. 82-16469 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6283-000]

G&B Water Users; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 16, 1982.

Take notice that on May 3, 1982, G&B Water Users (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6283) would be located on Twin Lakes, Goose Lake, Brundage Reservoir, and Goose Creek in Payette National Forest, in Adams County near New Meadows, Idaho. Correspondence with the Applicant should be directed to: Mr. Robert Butts, P.O. Box 361, New Meadow, ID 83654, with a copy to Mr. G. William Ross, Drawer K, New Meadows, ID 83654.

Project Description—The proposed project would consist of four developments. Powerhouse No. 1 development would consist of: (1) A 4-foot-high by 24-foot-long concrete diversion structure; (2) an inlet structure; (3) a 1250-foot-long earthen canal; (4) a 4300-foot-long, 21-inch-diameter buried steel penstock; and (5) a powerhouse with a proposed rated capacity of 490 kW. Powerhouse No. 2 development would consist of: (1) A 4-foot-high by 24-foot-long concrete diversion structure; (2) an inlet structure; (3) a 1000-foot-long earthen canal; (4) a 500-foot-long, 30-inch-diameter buried steel penstock; and (5) a powerhouse with a proposed rated capacity of 250 kW. Powerhouse No. 3

development would consist of: (1) An inlet structure to be constructed at the outlet of the existing Brundage Water Users Association's Brundage Reservoir dam; (2) a 3500-foot-long, 30-inch-diameter buried steel penstock; and (3) a powerhouse with a proposed rated capacity of 550 kW. Powerhouse No. 4 development would consist of : (1) A 4-foot-high by 24-foot-long concrete diversion structure; (2) an inlet structure; (3) a 7500-foot-long earthen canel; (4) a 7900-foot-long, 39-inch diameter buried steel penstock; and (5) a powerhouse with a proposed rated capacity of 3.7 MW. Approximately six miles of new transmission line would be included in the project to connect the powerhouse to an existing Idaho Power Company line.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protests the Exemptee from permit or license applicants that would seek to take or development the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purpose set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 9, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16381 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2006-000]

Arthur A. Hatch; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on May 24, 1982, Arthur A. Hatch filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Blackstone Valley Electric Company
Vice President, Eastern Edison Company
Vice President, Montaup Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16450 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1960-002]

George F. Head; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 1, 1982, George F. Head filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Georgia Power Company
Director, Southern Electric Generating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16451 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4776-001]

Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit

June 14, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Experimental Forest Hydroelectric Project No. 4776, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired June 30, 1983. The project would have been located on the Canyon Creek in Bonner County, Idaho.

The Permittee filed its request on June 1, 1982, and the surrender of the preliminary permit for Project No. 4776 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16436 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4772-001]

Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit

June 14, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Chicopee Hydroelectric Project No. 4772, has requested that its preliminary permit be terminated. The permit was issued on January 29, 1982, and would have expired June 30, 1983. The project would have been located on the Chicopee Creek in Bonner County, Idaho.

The Permittee filed its request on June 1, 1982, and the surrender of the preliminary permit for Project No. 4772 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16437 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4778-001]

Homestake Consulting and Investments, Inc.; Surrender of Preliminary Permit

June 14, 1982.

Take notice that Homestake Consulting and Investments, Inc., Permittee for the proposed Morris Creek Hydroelectric Project No. 4778, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired June 30, 1983. The project would have been located on the Morris Creek in Bonner County, Idaho.

The Permittee filed its request on June 1,.1982, and the surrender of the preliminary permit for Project No. 4778 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16438 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1811-002]

Ernest D. Huggard; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on May 20, 1982, Ernest D. Huggard filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Atlantic City Electric Company

Director and Vice President, Deepwater Operating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16452 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3195-003]

Joseph M. Keating; Application for Short-Form License (5 MW or Less)

June 16, 1982.

Take notice that Joseph M. Keating (Applicant) filed on April 29, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Sayles Flat Project No. 3195. The project would be located on the South Fork American River, near Twin Bridges, in El Dorado County, California, and affect U.S. lands within Eldorado National Forest. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667.

Project Description—The proposed project would consist of: (1) A 130-foot-long, 5-foot-high diversion structure with a Bascule gate; (2) a small 2.3-acre reservoir with 6 acre-feet of usable capacity; (3) an intake structure; (4) a 4,000-foot-long, 42-inch-diameter steel penstock; (5) a powerhouse containing two generating units, one unit rated at 950 kW and one mobile unit rated at 2,000 kW; (6) a 1,200-foot-long transmission line; and appurtenant facilities. The Applicant estimates the average annual energy generation to be 7.5 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments directly from the Applicant. If an agency does not file comments within the time set below, it will presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 9, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent

[(See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or peitions to intervene must be received on or before August 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16470 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1896-001]

Richard J. Kelly; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 1, 1982, Richard J. Kelly filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President—Georgia Power Company

Director—Southern Edison Generation Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16453 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. GP80-39-000 and GP80-39-002]

Kentucky West Virginia Gas Company; Third-Party Protest

June 14, 1982.

On June 2, 1982, the Staff of the Federal Energy Regulatory Commission (Commission Staff) filed a protest in accordance with § 154.94(j) of the Commission's regulations to the assertion by J.W. Kinzer, Allen, Kentucky 41601 (Kinzer) that his natural gas sales contract No. 282 with Kentucky West Virginia Gas Company (Kentucky West) in effect for the period December 1, 1978, through December 4, 1979, when it was eventually amended, provided contractual authorization to charge prices under the Natural Gas Policy Act of 1978 (NGPA). Staff's protest was filed in the captioned docket in a document styled "Reply Of The Commission Staff To Responses Submitted To The Presiding Judge And Third-Party Protest Pursuant To § 154.94(j)."

Staff stated that its protest is based on, *inter alia*, the statements of Kentucky West made in its now-withdrawn protests of April 30, and August 13, 1979 respecting the subject original contract. In these protests, Kentucky West stated its position that the subject original contract did not authorize collection of NGPA prices. Staff requests a hearing on the issue of whether original contract No. 282 constituted contractual authorization to charge and collect NGPA rates. Kinzer made its assertion of contractual authorization in a letter dated March 22, 1982, and appended to the Presiding Administrative Law Judge's "Notice Concerning Responses Submitted To The Presiding Judge" issued on May 21, 1982, in Docket No. GP80-39-000 and GP80-39-002.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to this protest should file on or before July 2, 1982, a petition to intervene in accordance with 18 CFR 1.8. The seller need not petition to intervene because, under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16422 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3509-002]

Little Falls Hydroelectric Associates; Application for License (Over 5 MW)

June 15, 1982.

Take notice that Little Falls Hydroelectric Associates (Applicant) filed on April 13, 1982, an application for license [pursaunt to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Little Falls Project No. 3509. The project would be located on the Mohawk River and New York State Barge Canal in Herkimer County, Little Falls, New York. Correspondence with the Applicant should be directed to: Mr. David Goodman, Little Falls Hydroelectric Associates, 80 Eighth Avenue, New York, New York 10011.

Project Description.—The proposed project would consist of: (1) The addition of 1-foot-high flashboards and flow control gates to two existing dams joined together by Hansen Island. The dams are owned by the New York State Department of Transportation (NYSDOT) and are 594 feet long (total) and 6.23 feet high; (2) an existing 45-foot-wide, 300-foot-long, and 54.5-foot deep Navigation Lock 17, owned and operated by the NYSDOT; (3) a portion of the New York State Barge Canal; (4) an existing reservoir with a storage capacity of 800 acre-feet at a normal surface elevation of 362.8 feet M.S.L.; (5) a proposed reinforced concrete intake structure; (6) two proposed 90-foot-long steel penstocks with diameters of 14 feet; (7) a proposed 3,650 square-foot powerhouse containing two turbine-generator units, operating under a 40.5-foot-head, each with a capacity of 6,800 kW; (8) a proposed 100-foot-long, 4.16-

kV transmission line with a 4.16/46-kV step-up transformer; and (9) appurtenant facilities. Applicant estimates that the average annual generation would be 49,400,000 kWh.

Purpose of Project—The power generated by this project will be sold to Niagara Mohawk Power Corporation, the local utility, for distribution over their existing grid.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 27, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16471 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1994-001]

Darrow R. McLeod; Application

June 15, 1982.

The filing indivisual submits the following:

Take notice that on June 1, 1982, Darrow R. McLeod filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Engineering and Division Administration—Central Vermont Public Service Corporation
Vice President—Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Vice President Central Vermont Public Service Corporation—East Barnet Hydroelectric, 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16454 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-15]

Michigan Wisconsin Pipeline Co.; Two-Party Protest

June 14, 1982.

In accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [1] and Order on Rehearing of Order No. 23-B [2] the Michigan Wisconsin Pipeline Company (Michigan-Wisconsin) filed protests on April 2, 1982, to assertions by natural gas producers of their contractual authority to charge and collect certain maximum lawful prices under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (Supp. IV 1980). The protests appear in Supplemental Schedule C-4 to Michigan-Wisconsin's Tenth Supplemental Evidentiary Submission filed under 18 CFR 154.94(j) of the Commission's regulations. Michigan-Wisconsin is located at 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.

Michigan-Wisconsin protests the contractual authority of certain producers to charge and collect NGPA section 103 maximum lawful prices on the basis that the contracts do not contain area rate clauses. Protests by Michigan-Wisconsin on this basis are made under § 154.94(i)(3) of the Commission's regulations to interim collection filings made by Forest Oil Corporation and Tema Oil Company pursuant to § 273.202 of the regulations. In addition, Michigan-Wisconsin protests the contractual authority of John F. Riddell, Jr., to charge and collect NGPA section 108 maximum lawful prices on the basis that the contract cited by Riddell specifically prohibits the collection of the maximum lawful prices under NGPA section 108. Specifically, Michigan-Wisconsin protests, under § 157.40(c)(1)(v)(B) of the Commission's regulations which relates to small producers, the interim collection filing made by Riddell pursuant to § 273.202 of the regulations.

The actual language of the contracts at issue herein is contained in Michigan-Wisconsin's protests, copies of which are contained in the Commission's public files and available for inspection by any member of the public.

Any person desiring to be heard or to make any protests concerning Michigan-Wisconsin's protests filed in this docket should, on or before 30 days after publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the

[1] Order Adopting Final Regulations Establishing Protest Procedures Regarding Blanket Affidavit Filings and Interim and Retroactive Collection Filings, Docket No. RM79-22, 44 FR 38834 (July 3, 1979).

[2] Docket No. RM79-22, 44 FR 48174 (August 17, 1979).

protestants parties to this proceeding. Any person desiring to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16424 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-5-000]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 11, 1982.

Take notice that on May 28, 1982, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1 to be effective January 1, 1982:

Third Revised Sheet Nos. 5, 7, and 8
Fourth Revised Sheet No. 6
Alternate Third Revised Sheet No. 5.

Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustment for the Southern System pursuant to Sections 2 and 3 of Article XVII;

(2) PGA Rate Adjustment for the Northern System pursuant to Section 3 of Article XVIII;

(3) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Section 2 of Article XXII; and

(4) Estimated Incremental Pricing Surcharges for the Northern system pursuant to Section 2 of Article XXIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 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. 82-16423 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1568-000]

James H. Miller, Jr.; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 1, 1982, James H. Miller, Jr., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director and Executive Vice President—Georgia Power Company
Director—Southern Electric Generating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16455 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP76-91-013 and TC82-37-000]

Montana-Dakota Utilities Co.; Tariff Filing

June 11, 1982.

Take notice that on May 24, 1982, Montana-Dakota Utilities Co. (Montana-Dakota), 400 North Fourth Street, Bismark, North Dakota 58501, tendered for filing in Docket Nos. RP76-91-013 and TC82-37-000, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act and the Order Approving Settlement issued November 30, 1979, in Docket No. RP76-91-013, the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective July 1, 1982:

Fifth Revised Sheet No. 100
Fifth Revised Sheet No. 101
Fifth Revised Sheet No. 102
Sixth Revised Sheet No. 103
Fifth Revised Sheet No. 104
Fifth Revised Sheet No. 105
Fifth Revised Sheet No. 106
Fourth Revised Sheet No. 107
Fourth Revised Sheet No. 108
Third Revised Sheet No. 109
Fifth Revised Sheet No. 110

Montana-Dakota states that the volume changes on the proposed tariff sheets reflect changes in requirements for essential agricultural use and are based on affidavits submitted by each agricultural user. Montana-Dakota requests permission to make the necessary changes without the need to call a Date Verification Committee meeting since all the changes are said to be in conformance with the approved stipulation and agreement. Montana-Dakota asserts that it has lifted curtailment on its system and that the subject filings are conformance filings only. Further, Montana-Dakota states that there would be no volume limitations imposed on industrial customers during the 1982-83 supply year and that a Data Verification Committee meeting would serve no useful purpose.

Montana-Dakota indicates that it was discovered that Transbas, Inc., of Billings, Montana, listed on Sheet No. 102, is an essential agricultural user and that such customer has filed an affidavit certifying its essential agricultural use status and that the appropriate change has been made in the Index of Requirements to classify properly such customer's usage.

Any person desiring to be heard or to make any protest with reference to said tariff filings should on or before June 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16425 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP76-91-013 and TC82-4-002]

Montana-Dakota Utilities Co.; Proposed Change in FERC Gas Tariff

June 11, 1982.

Take notice that on May 21, 1982, Montana-Dakota Utilities Company (MDU) tendered for filing the following revised tariff sheets for filing and inclusion in its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 100
Fifth Revised Sheet No. 101
Fifth Revised Sheet No. 102
Sixth Revised Sheet No. 103
Fifth Revised Sheet No. 104
Fifth Revised Sheet No. 105
Fifth Revised Sheet No. 106
Fourth Revised Sheet No. 107
Fourth Revised Sheet No. 108
Third Revised Sheet No. 109
Fifth Revised Sheet No. 110

The proposed effective date is July 1, 1982.

MDU filed these revised tariff sheets pursuant to the Commission's "Order Approving Settlement" issued in this proceeding on November 30, 1979, and pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act.

MDU states that the volume changes on the attached tariff sheets reflect changes in requirements for essential agricultural use and are based on affidavits submitted to MDU by each agricultural user.

In addition, MDU requests permission to make the necesary charges without the need to call a Data Verification Committee meeting, since all the changes are in conformance with the Stipulation and Agreement approved by the Commission. MDU states that it has lifted curtailment on its system and this filing is a conformance filing only; moreover, MDU alleges that there will be no volume limitations imposed on MDU's industrial customers during the 1982–83 Supply Year and a Data Verification Committee meeting would serve no useful purpose.

Furthermore, MDU states that during the course of the year it was discovered that Transbas, Inc. of Billings, Montana, listed on Sheet No. 102 is in fact an essential agricultural user. Transbas is a manufacturer of agricultural chemicals and pesticides and is classified under SIC Code No. 2879.

Copies of this filing have been submitted to all customers and persons listed on the official service list.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 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. 82-16426 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4569-001, 4570-001, and 4571-001]

City of Montrose, Colo.; Surrender of Preliminary Permits

June 14, 1982.

Take notice that the City of Montrose, Colorado, Permittee for the proposed Shavano Falls Project No. 4569, South Canal (Sites 2, 5 and 7) Project No. 4570, and South Canal (Sites 1, 3 and 4) Project No. 4571, requested by letter dated April 30, 1982, that its aforementioned preliminary permits be surrendered. The preliminary permits were issued on October 26, 1981, August 19, 1981, and October 26, 1981, and would have expired on April 1, 1983, February 1, 1983, and October 1, 1983, respectively. The projects would have been located on the Montrose and Delta Canal and the South Canal in Montrose County, Colorado. The City states that the unavailability of private capital on reasonable terms makes this action necessary.

The surrender of the permits is in the public interest. Therefore, the surrender of preliminary permits for Project Nos. 4569, 4570, and 4571 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16434 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1656-000]

William J. Moran; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on June 2, 1982, William J. Moran filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and General Counsel—Union Light, Heat & Power Company
Vice President and General Counsel—Miami Power Corporation
Vice President and General Counsel—Cincinnati Gas & Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16456 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1935-001]

Paul W. Murrill; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on May 24, 1982, Paul W. Murrill filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board of Directors and Chief Executive Officer, Gulf States Utilities Company
Director, The Foxboro Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16457 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4346-000]

New England Hydro; Surrender of Preliminary Permit

June 14, 1982.

Take notice that New England Hydro, Permittee for the Technical Tape Hydro Project No. 4346 located on the Fishkill Creek in Dutchess County, New York, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 9, 1981, and would have expired on December 31, 1982.

New England Hydro's request was dated February 23, 1982. The surrender of the permit for Project No. 4346 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16440 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP68-75-009]

Northern Natural Gas Company, Division To InterNorth, Inc.; Petition of Amend

June 16, 1982.

Take notice that on May 24, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68-75-009 a petition to amend the order issued May 10, 1968 in Docket No. CP68-75,[1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of an additional delivery point for the exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 10, 1968, it was authorized, *inter alia*, to construct and operate certain measuring stations and to exchange with and transport natural gas for Phillips Petroleum Company (Phillips).

Pursuant to an amendment to the gas exchange agreement dated February 24, 1981, Petitioner seeks to establish the wellhead meter facilities on the Search Drilling Company, Flock No. 1-20 well, in Beaver County, Oklahoma as an additional point of delivery of exchange gas by Petitioner to Phillips.

It is stated that Petitioner would deliver and Phillips would receive into its low-pressure gathering system 100 percent of Petitioner's 12.5 percent dedicated interest in all gas volumes produced from said well.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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. 82-16458 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. ST80-334-001]

Oasis Pipeline Co.; Extension Reports

June 14, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modifiy the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 10, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest 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 party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transportation/seller	Recipient	Date filed	Part 284 Subpart	Effective date
ST80-334-101	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Transwestern Pipeline Co	5/21/82	C	8/22/82
ST81-335-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Transwestern Pipeline Co	5/21/82	C	8/22/82
ST81-290-001	Seagull Pipeline Corp., 1100 Louisiana, Houston, TX 77002	United Gas Pipe Line Co	5/17/82	C	9/10/82

[FR Doc. 82-16427 Filed 6-16-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 4129-001]

Olcese Water District; Application for License (Over 5 MW)

June 15, 1982.

Take notice that Olcese Water District (Applicant) filed on April 9, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be know as the Rio Bravo Project No. 4129. The project would be located on the Kern River, near Bakersfield, in Kern County, California. Correspondence with the Applicant should be directed to: Owen Goodman, Olcese Water District, 1518—18th Street, Room 307 Bakersfield, California 93301.

Project Description.—The proposed project would consist of: (1) An 8-foot-high, 300-foot-long concrete diversion dam; (2) an intake structure; (3) an 8,300-foot-long, 8-foot-wide trapezoidal canal; (4) a concrete-lined forebay; (5) two 270-foot-long, 6-foot-diameter steel penstocks; (6) a powerhouse containing two generating units, each rated at 3.56 MW; (7) a 1,050-foot-long tailrace; (8) a 2,400-foot-long transmission line; (9) an access road; and appurtenant facilities. The average annual energy generation is estimated to be 31 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 26, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16472 Filed 6-16-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-566-000]

Orange & Rockland Utilities, Inc.; Filing

June 14, 1982.

The filing Company submits the following:

Take notice that on June 1, 1982, Orange and Rockland Utilities, Inc. (Orange and Rockland) tendered for filing proposed changes to its FPC Rate Schedule No. 24, Supplement No. 5. The proposed changes would increase revenues from Pike County Light and Power Company $81,956 based on the 12 month period ending December 31, 1981.

Orange and Rockland is also proposing the following changes in the tariff:

(1) To allocate the capital expend on coal conversion facilities and the property taxes and insurance costs associated with these facilities on an energy rather than demand basis and to charge AFUDC on a net of tax basis for such capital expenditures;

(2) To allocate distribution expenses and associated payroll costs;

(3) To modify the formula for determining the cash working fund requirement by using a lead/lag study for fuel and purchased power costs;

(4) To increase the return on equity to 16 percent and to eliminate the ceiling on the equity component of capitalization;

(5) To allocate fuel inventory on an energy rather than a demand basis;

(6) To allocate deferred taxes attributable to investment tax credit;

(7) To include specified amortization expenses in the monthly bills;

(8) To modify the rate at which interest will be accrued on unpaid bills; and

(9) To modify the effective date of the tariff and the address of Orange and Rockland as appropriate.

The above changes have been proposed to provide Orange and Rockland with a reasonable return on equity from sales to jurisdictional customers to allow for the proper allocation of costs among jurisdictional customers.

Orange and Rockland proposes an effective date of August 1, 1982.

Copies of the filing were served upon the public utility's jurisdictional customers, the Public Service Commission of the State of New York, and the Public Service Commission of the Commonwealth of Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16428 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-568-000]

Pacific Power & Light Co.; Filing

June 14, 1982.

The filing Company submits the following:

Take notice that on June 1, 1982, Pacific Power & Light Company (PP&L) tendered for filing a letter objecting to Bonnevile Power Administration's (Bonneville) Adjustments and a revised reconciliation that reflects the Average System Cost after Pacific's adjustments.

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 June 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16429 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6330-000]

Perry Logging Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 15, 1982.

Take notice that on May 13, 1982, Perry Logging Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6330) would be located on the Mud Creek, near Chico, in Butte County, California. Correspondence with the Applicant should be directed to: Mr. Ronald T. Moser, Project Manager, 1365 Hawthorne Avenue, Chico, California 95926.

Project Description—The proposed project would consist of: (1) An existing 11-foot-high concrete diversion dam; (2) a 1,450-foot-long, 24-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 300 kW; and (4) a 1,500-foot-long transmission line. The average annual energy generation is estimated to be 1.3 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 5, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-16473 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-39-000]

Railroad Commission of Texas NGPA Section 108 Determination; Phillips Petroleum Co.; Petition To Reopen and Vacate Well Category Determination

June 14, 1982.

On May 20, 1982 Phillips Petroleum Company (Phillips) 336 Home Savings & Loan Building, Bartlessville, Oklahoma 74004 filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen well category determinations for thirty-seven wells pursuant to the Commission's authority

under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. IV 1980). Phillips is the operator of all the wells listed in the petition and owns either all or part of the working interest in each well.

As grounds for its request to reopen and vacate the NGPA section 108 well category determinations, Phillips states that an "inaccurate 'allowable' method for determination of compliance with the permissable crude oil and gas production limits under § 271.803(b) of the Commission's regulations was used in qualifying the wells for stripper status."

With respect to the questions of refunds arising out of Phillips' request to reopen and vacate the well category determinations, notice is hereby given that whether refunds will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a protest or a petition to intervene in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Exhibit A to Petition for Reopening

Well name and No.	Jurisdictional agency Docket No.	FERC JD control No.
1. Deson #4	F-10-038232	82-16938
2. Clay #7	F-10-033814	82-05202
3. Clay #78	F-10-011881	80-47295
4. Clay #103	F-10-012952	80-45638
5. Clay #62-11	F-10-029321	81-42838
6. Clay #62-8	F-10-014154	80-37806
7. Jordon D #20	F-10-014176	80-56789
8. Phil Pampa Unit #21-1	F-10-030448	81-19652
9. Phil Pampa Unit #17-2	F-10-015677	80-56841
10. Phil Pampa Unit #13-7	F-10-014184	80-37812
11. Phil Pampa Unit #8-8	Not Available	81-07934
12. Phil Pampa Unit #9-13	Not Available	81-02541
13. Phil Pampa Unit #7-13	F-10-019524	81-20840
14. Phil Pampa Unit #9-5	F-10-012918	80-37674
15. Phil Pampa Unit #3-4	F-10-021673	80-58881
16. Phil Pampa Unit #7-6	F-10-014181	81-02455
17. Phil Pampa Unit #3-6	F-10-015296	80-54377
18. Harvey Unit #8-11	F-10-014166	80-37810
19. Cooper C #7	F-10-014137	80-37800
20. Cooper C #8	F-10-014136	80-37799
21. Timms E T #8	F-10-013090	81-47326
22. Greenriver #6	F-10-021672	81-31312
23. Pritchard #2	F-10-023776	81-33907
24. Phil Pampa Unit #1-1	F-10-028547	81-42824
25. Jeffs #1	F-7C-024038	81-07335
26. N. Pembrook SU #5-12	F-7C-013964	80-47391
27. N. Pembrook SU #5-13	F-7C-014937	80-40370
28. N. Pembrook SU #5-30	F-7C-014973	80-45360
29. N. Pembrook SU #39-05	F-7C-022115	81-01362
30. N. Pembrook SU #55-01	F-7C-026203	81-15860
31. N. Pembrook SU #78-03	F-7C-022114	81-01361
32. N. Pembrook SU #85-01	F-7C-016726	81-02500
33. N. Penwell U #8	F-08-022131	81-03213
34. N. Penwell U #46	F-08-022178	81-01349
35. Zulette #14	F-7C-028039	81-45452
36. Zulette #15	F-7C-030673	81-21209
37. Turner-Harris #1	F-10-030505	81-19666

All wells disqualify due to excessive oil production.

[FR Doc. 82-16430 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 82-2-8-000]

South Georgia Natural Gas Co.; Revision To Tariff

June 11, 1982.

Take notice that on June 1, 1982, South Georgia Natural Gas Company (South Georgia) tendered for filing Eighteenth Revised Sheet No. 4 and Alternate Eighteenth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1.

Eighteenth Revised Sheet No. 4 reflects no change in the cost of gas from its January 1, 1982 PGA filing because South Georgia's sole supplier of gas, Southern Natural Gas Company, has requested a change in the dates of its semi-annual PGA adjustment from January 1 and July 1 to October 1 and April 1. Alternate Eighteenth Revised Sheet No. 4 reflects a change in gas costs that will become effective July 1, 1982 if the Commission does not accept Southern's request to change the effective dates of Southern's PGA filings. This rate change will increase the cost of purchased gas to jurisdictional customers by $2,769,323.

Also reflected on Eighteenth and Alternate Eighteenth Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FERC Gas Tariff. The debit balance in the Unrecovered Purchased Gas Cost Account of $29,175 will be amortized over the estimated sales for the six-month period commencing July 1, 1982 by a surcharge adjustment rate of 0.37¢ per MMBtu.

Additionally, South Georgia is filing Second Revised Sheet No. 31 and Sixth Revised Sheet No. 32. This is a modification suggested by the FERC during their audit of South Georgia's PGA accounts. South Georgia has also reflected in this filing the sub-accounting for Account 191 as required by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with §§ 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 June 23, 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 part 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. 82-16431 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6286-000]

Sunny M Ranch Inc.; Application for Preliminary Permit

June 16, 1982.

Take notice that Sunny M Ranch Incorporated (Applicant) filed on May 3, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6286 to be known as the Little Wolf

Creek Hydroelectric Project located on Little Wolf Creek, partially within Okanogan National Forest in Okanogan County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. Lester, P.O. Box 1000, Winthrop, Washington 98862.

Project Description—The proposed project would consist of: (1) A screened intake structure placed in the streambed; (2) an 18-inch-diameter penstock 2,500 feet long; (3) a powerhouse on the shore of Lake Patterson containing a single turbine generator with a 100-kW capacity; and (4) a transmission line 300 feet long. Project output would be sold to the Okanogan County Electric Cooperative.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 30, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 19, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 30, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than October 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16382 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-150-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 16, 1982.

Take notice that on May 5, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-150-001 a petition to amend the order issued April 13, 1982, in Docket No. CP82-150-000, pursuant to Section 7(c) of the Natural Gas Act and Subpart F of Part 284 of the Commission's Regulations so as to authorize the extension of the term of the transportation service therein authorized for an additional sixty days, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued April 13, 1982, Authorized Petitioner to transport for Consolidated Edison Company of New York, Inc. (Con Ed) up to 75,836 Mcf of natural gas per day that Con Ed arranged to purchase from Equitable Gas Company. It is stated that on April 13, 1982, Tennessee received certificate authorization to transport such gas, which is used by Con Ed to displace fuel oil, for a term of sixty days. Petitioner states that it commenced service on March 4, 1982, pursuant to a temporary certificate issued February 25, 1982.

It is now asserted that Con Ed has requested Petitioner to continue service for an additional sixty day period. Petitioner therefore requests authority to extend service for Con Ed for an additional sixty days. Petitioner estimates that it would transport up to 9,100,320 Mcf for Con Ed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16480 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

Docket No. CP81-378-002]

Texas Eastern Transmission Corp.; Petition To Amend

June 11, 1982.

Take notice that on May 17, 1982, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP81-378-002 a petition to amend the order issued March 17, 1982, in Docket No. CP82-378-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an extension of the

transportation service presently being provided to Public Service Electric and Gas Company (Public Service), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued March 17, 1982, Petitioner was authorized to transport for the account of Public Service up to 20,000 dekatherms (dt) equivalent of natural gas per day which Public Service purchases from National Gas and Oil Corporation (National). It is stated that such gas is used for the purpose of electric generation.

Petitioner states that the terms of the transportation agreement between Petitioner and Public Service and the Commission order issued March 17, 1982, provide that the transportation service terminate on May 31, 1982. Petitioner explains that Public Service is purchasing natural gas from National under a gas purchase agreement which would remain in effect until May 31, 1982 and that prior to the expiration of such agreement Public Service and National would enter into a new gas purchase agreement which would provide for a term of one year commencing on June 1, 1982, and terminating on May 31, 1983.

It is stated that Petitioner and Public Service have entered into a gas transportation agreement dated May 5, 1982, which provides that Petitioner would continue transportation of up to 20,000 dt equivalent of natural gas per day for Public Service for a period terminating on November 15, 1982. Accordingly, Petitioner requests that the Commission amend the March 17, 1982, order to authorize an extension of the transportation service which Petitioner provides for Public Service allowing such service to terminate on November 15, 1982.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16441 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-334-000]

Texas Gas Transmission Corp.; Application

June 16, 1982.

Take notice that on May 18, 1982, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP82-334-000 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 three segments of pipeline in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that the first segment, 12.51 miles of 20-inch pipeline, would extend in a southwesterly direction from the Eunice Compressor Station in Acadia Parish, along the Eunice-Roanoke System. The Second segment, 4.92 miles of 12¾-inch loop pipeline, would, it is stated, extend from the Roanoke-Grand Cheniere 12¾-inch and 20-inch system to Cameron Parish. The third segment, 9.93 miles of 10¾-inch pipeline, would extend from Vermilion Parish to a point of interconnection in Cameron Parish, it is explained.

Applicant states that the proposed facilities are necessary to connect new reserves of natural gas purchased from Union Oil Company of California with Applicant's system. Applicant estimates that total deliverability would be 24,000 Mcf of natural gas per day.

It is asserted that the cost of the facilities proposed herein would be $12,706,780 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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 the 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. 82-16474 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4794-001]

Robert I. Thompson; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 16, 1982.

Take notice that on May 7, 1982, Robert I. Thompson (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4794) would be located on Hat Creek near Burney, in Shasta County, California. Correspondence with the Applicant should be directed to: Mr. Robert I. Thompson, Route 2, Box 655, Hat Creek, California 96040.

Project Description—The proposed project would consist of: (1) An 8-foot-high concrete diversion structure containing three 10-foot-sections with stop logs; (2) a stiling basin; (3) a 1,000-foot-long concrete channel; (4) a 60-foot-long, 5-foot-diameter penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 420 kW; and (6) a 600-foot-long transmission line connecting the project to an existing Pacific Gas and Electric

Company's 12-kV transmission line, west of the project.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 2, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16383 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5761-001]

Trinity Meadows, Inc.; Application for Preliminary Permit

June 14, 1982.

Take notice that Trinity Meadows, Inc. (Applicant) filed on April 21, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] or Project No. 5761 to be known as the Trinity Meadows Project located on Whitney Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: David Hull, P.O. Box 5 C, French Gulch, California 96033.

Project Description—The proposed project would consist of: (1) An existing 4-foot-high diversion structure owned by Applicant on Whitney Creek at elevation 1,700 feet; (2) a new 12-inch-diameter, 1/2-mile-long penstock; (3) a powerhouse containing a single 160-kW generating unit at elevation 1,450 feet; and (4) associated electrical and transmission equipment. Applicant estimates that the project would have an average annual output of 270 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. During the term of the permit Applicant would study the economic, engineering, and environmental feasibility of the project. Applicant estimates that the studies would cost $5,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 20, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before August 19, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16475 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-57-004]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

June 11, 1982.

Take notice that United Gas Pipe Line Company (United), on June 1, 1982, tendered for filing an amendment to proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes would amend portions of United's Docket No. RP82-57 filing of March 31, 1982, which, as amended, would increase annual jurisdictional sales and transportation revenues by $537,454,251.

United states that the amended changes reflect the inclusion of Canadian gas costs pursuant to the Federal Energy Regulatory Commission's April 30, 1982 suspension order in Docket No. RP82-57.

Copies of the filing have been served upon United's jurisdictional customers and the public service commission of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16442 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6216-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 15, 1982.

Take notice that on April 15, 1982, Western Hydro Electric, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6216) would be located on Troublesome Creek in Snohomish County, near Darrington, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A new 5-foot-high by 70-foot-long reinforced concrete diversion structure; (2) an inlet structure; (3) a 10,000-foot-long, 48-inch-diameter penstock; and (4) a powerhouse with a proposed rated capacity of 2.07 NW. Annual energy production is estimated to be 10.0 GWhs.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Game and Fisheries are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and is resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 6, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-16476 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1792-000]

Robert P. Wiwi; Application

June 15, 1982.

The filing individuals submits the following:

Take notice that on June 2, 1982, Robert P. Wiwi filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Union Light, Heat & Power Company
Vice President and Director, Miami Power Corporation
Vice President, Cincinnati Gas & Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16459 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2007-000]

Alan Zamansky; Application

June 15, 1982.

The filing individual submits the following:

Take notice that on May 28, 1982, Alan Zamansky filed an appliction pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Comptroller, Asst. Treasurer and Asst. Clerk, Eastern Edison Company
Comptroller, Asst. Treasurer and Asst. Clerk, Montaup Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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. 82-16461 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 11, 1982.

JD NO.	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	05/19/82	JA: KS			
8233795	K 82-0082	1518720338		103		KANSAS UNIV ENDOWMENT ASSOC #1	PANOMA	60.0	CITIES SERVICE GA
-F G HOLL				RECEIVED:	05/19/82	JA: KS			
8233796	K 82-0116	1504720806		102-4		EMBRY "A" #2-23	EMBRY	7.3	NORTHERN NATURAL
-HERNDON OIL & GAS CO				RECEIVED:	05/19/82	JA: KS			
8233794	K81-1248	1504720849		103		ZUERCHER #3	EMBRY	90.0	NORTHERN NATURAL
-K R M PETROLEUM CORPORATION				RECEIVED:	05/19/82	JA: KS			
8233791	K 82-0118	1503320473		102-4		SELZER #5-2	COLLIER FLATS SOUTH	70.0	NORTHERN NATURAL
8233792	K 82-0120	1503320474		102-4		SELZER #7-2	COLLIER FLATS SOUTH	80.0	NORTHERN NATURAL
8233793	K 82-0121	1503320497		102-4		SELZER #8-2	COLLIER FLATS SOUTH	175.0	NORTHERN NATURAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	05/17/82	JA: NM			
8233558		3004524736		103		GALLEGOS CANYON UNIT #"I" #181E	BASIN DAKOTA	12.5	EL PASO NATURAL G
8233580		3004524737		103		GALLEGOS CANYON UNIT #197E	BASIN DAKOTA	6.8	EL PASO NATURAL G
8233559		3004524868		103		GALLEGOS CANYON UNIT COM "D" #160E	BASIN DAKOTA	5.0	EL PASO NATURAL G
8233535		3004525223		103		GALLEGOS CANYON UNIT COM "F" #162E	BASIN DAKOTA	30.6	EL PASO NATURAL G
8233534		3004524873		103		MCCOY GAS COM "D" #1E	BASIN DAKOTA	41.8	EL PASO NATURAL G
8233529		3002527387		102-4		STATE HS COM #I	WILDCAT BONE SPRINGS	108.0	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/17/82	JA: NM			
8233564		3001523546		102-4		GLASS #1	BOYD	30.0	NATURAL GAS PIPEL
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/17/82	JA: NM			
8233527		3001521673		108		STATE BT COM #1	AVALON MORROW GAS	0.0	GAS CO OF NEW MEX
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/17/82	JA: NM			
8233578		3001523897		102-4		JURNEGAN STATE COM #2	BALDRIDGE CANYON MORR	292.0	EL PASO NATURAL G
8233583		3003907857		108		SAN JUAN 30-6 UNIT #24	BLANCO - MESA VERDE	13.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	05/17/82	JA: NM			
8233549		3004120565		102-2		PEARL JORDAN #1	NORTH PETERSON	13.0	TRANSWESTERN PIPE
8233548		3004120593		102-2		PEARL JORDAN #3	PETERSON N	62.0	TRANSWESTERN PIPE
-GULF OIL CORPORATION				RECEIVED:	05/17/82	JA: NM			
8233552		3002527523		103		J F JANDA (NCT-D) #2	HARDY DRINKARD	0.0	PHILLIPS PETROLEU
8233542		3002527443		103		LEA "LL" STATE #1	MALJAMAR GARYBURG SAN	0.0	CONTINENTAL OIL C
-HNG OIL COMPANY				RECEIVED:	05/17/82	JA: NM			
8233532		3001500000		102-2		KELLY "5" COM #1	NORTH LOVING MORROW	0.0	UNITED GAS PIPELI
-INTEGRATED ENERGY INC				RECEIVED:	05/17/82	JA: NM			
8233530		3004320386		102-2		STATE 36-22-6 #1	CHACRA	24.8	SOUTHWEST GAS COR
-KENAI OIL AND GAS INC				RECEIVED:	05/17/82	JA: NM			
8233537		3804525274		103		STATE OF NEW MEXICO #36-24	LYBROOK-GALLUP	27.0	GAS CO OF NEW MEX
-MARBOB ENERGY CORPORATION				RECEIVED:	05/17/82	JA: NM			
8233538		3001523712		103		AURORA STATE #1	TURKEY TRACK SEVEN RI	10.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233550		3001523984		103		GILLESPIE ST #2	RED LAKE QN GRBG SA	28.0	PHILLIPS PETROLEU
8233551		3001523842		103		JENNINGS #1	ARTESIA QUEEN GRAYBUR	1.5	PHILLIPS PETROLEU
8233536		3001523740		103		WEST CONOCO ST #1	GRBG JACKSON SR QN GR	5.0	PHILLIPS PETROLEU
8233541		3001523918		103		WEST CONOCO ST #2	GRBG JACKSON SR QN GR	5.0	PHILLIPS PETROLEU
-MESA PETROLEUM CO				RECEIVED:		05/20/82 JA: NM			
8233790		3004507627		108		STATE COM AA #23	AZTEC PICTURED CLIFFS	21.0	EL PASO NATURAL G
-MTS LTD PARTNERSHIP				RECEIVED:		05/17/82 JA: NM			
8233565		3000560991		102-3		BLANCO #1	UNDESIGNATED ABO	144.0	TRANSWESTERN PIPE
-PETROLEUM CORP OF DELAWARE				RECEIVED:		05/17/82 JA: NM			
8233567		3001523107		103		PARKWAY WEST UNIT #3	UNDESIGNATED PARKWAY	1095.0	EL PASO NATURAL G
8233566		3010523109		103		PARKWAY WEST UNIT #9	UNDESIGNATED PARKWAY	1460.0	EL PASO NATURAL G
-POGO PRODUCING CO				RECEIVED:		05/17/82 JA: NM			
8233531		3001500000		102-4		URQUIDEZ COM #1	UND NORTH LOVING	364.0	LLANO INC
-SOUTHLAND ROYALTY CO				RECEIVED:		05/17/82 JA: NM			
8233582		3004520704		108		BRUINGTON #3	BLANCO	14.0	SOUTHERN UNION GA
8233581		3004520705		108		RANDLEMAN #2	BLANCO	16.0	SOUTHERN UNION GA
8233579		3004520543		108		TURNER #2	BLANCO	10.0	SOUTHERN UNION GA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		05/17/82 JA: NM			
8233573		3002500000		108		STATE "A" A/C 1 #43	LANGLIE MATTIX 7 RVRS	3.0	PHILLIPS PETROLEU
8233575		3002500000		108		STATE "A" A/C 1 #60	LANGLIE MATTIX 7 RVRS	5.0	PHILLIPS PETROLEU
8233574		3002500000		108		STATE "A" A/C 1 #63	LANGLIE MATTIX 7 RVRS	12.0	PHILLIPS PETROLEU
8233576		3002500000		108		STATE "A" A/C 1 #67	LANGLIE MATTIX 7 RVRS	3.0	PHILLIPS PETROLEU
8233572		3002500000		108		STATE "A" A/C 1 #70	LANGLIE MATTIX 7 RVRS	3.0	PHILLIPS PETROLEU
8233585		3002500000		108		STATE "A" A/C 1 #74	LANGLIE MATTIX 7 RVRS	11.0	PHILLIPS PETROLEU
8233570		3002500000		108		STATE "A" A/C 1 #79	LANGLIE MATTIX 7 RVRS	9.0	PHILLIPS PETROLEU
8233569		3002500000		108		STATE "A" A/C 1 #80	LANGLIE MATTIX 7 RVRS	3.0	PHILLIPS PETROLEU
8233571		3002500000		108		STATE "A" A/C 1 #99	LANGLIE MATTIX 7 RVRS	5.0	PHILLIPS PETROLEU
8233584		3002500000		108		STATE "A" A/C 3 #4	LANGLIE MATTIX 7 RVRS	7.0	PHILLIPS PETROLEU
8233568		3004100000		108		STATE C V #1	CHAVEROO SAN ANDRES	4.0	CITIES SERVICE CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED:		05/17/82 JA: NM			
8233577		3002500000		108		STATE "A" A/C 1 #77	LANGLIE MATTIX 7 RVRS	16.0	PHILLIPS PETROLEU
-THRESHOLD DEVELOPMENT CO				RECEIVED:		05/17/82 JA: NM			
8233560		3001523693		103		CONOCO "7" STATE #2	E MILLMAN QUEEN GRAYB	3.0	CONOCO INC
8233557		3001523694		103		CONOCO "7" STATE #3	E MILLMAN QUEEN GRAYB	5.0	CONOCO INC
8233554		3001523919		103		CONOCO "7" STATE #4	E MILLMAN QUEEN GRAYB	12.0	CONOCO INC
8233555		3001523921		103		CONOCO "7" STATE #6	E MILLMAN QUEEN GRAYB	3.0	CONOCO INC
8233556		3001523930		103		CONOCO "7" STATE #7	E MILLMAN QUEEN GRAYB	71.0	CONOCO INC
-VIKING PETROLEUM CORP				RECEIVED:		05/17/82 JA: NM			
8233562		3000500000		107-TF		GRYNBERG 14 STATE #1	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
8233561		3000500000		107-TF		GRYNBERG 16 STATE #2	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
8233563		3000500000		107-TF		GRYNBERG 16 STATE #4	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
8233546		3000500000		107-TF		GRYNBERG 32 STATE #2	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:		05/17/82 JA: NM			
8233540		3002527529		103		H T MATTERN (NCT-C) #15	DRINKARD	0.0	EL PASO NATURAL G
8233539		3002527530		103		H T MATTERN (NCT-C) #16	DRINKARD	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORP				RECEIVED:		05/17/82 JA: NM			
8233528		3001524063		102-4		RALPH "SJ" COM #1	MORROW	0.0	TRANSWESTERN PIPE
8233533		3001523716		102-4		DAVIS NC #2	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8233547		3000561325		107-TF		FINLEY "RV" COM #1-Y	PECOS SLOPE - ABO GAS	0.0	TRANSWESTERN PIPE
8233553		3001523838		103		NORTH MILLMAN UNIT #3	MILLMAN STRAWN	0.0	TRANSWESTERN PIPE
8233545		3000561050		107-TF		ROOK RK STATE #1	UND ABO	0.0	TRANSWESTERN PIPE
8233543		3000561271		107-TF		SACRA "SA" COM #1	PECOS SLOPE-ABO GAS	0.0	TRANSWESTERN PIPE
8233544		3000561331		107-TF		SMERNOFF "NL" STATE #3	PECOS SLOPE-ABO GAS	0.0	TRANSWESTERN PIPE

JD NO	JA PKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********									
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/19/82	JA: NY			
8233653	2572	3101315362	D	107-DV		CLAUDE HALLER UNIT #2	WILDCAT	0.0	COLUMBIA GAS TRAN
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	05/17/82	JA: NY			
8233588	1772	3101314609		108		BROWN #3155	LAKE SHORE	6.0	NATIONAL FUEL GAS
8233590	1776	3101314607		108		BROWN #4 #3153	LAKE SHORE	5.0	NATIONAL FUEL GAS
8233591	1777	3101314608		108		BROWN #5 #3154	LAKE SHORE	0.0	NATIONAL FUEL GAS
8233593	3057	3101314792		103		ROCKEY #3161	LAKE SHORE	0.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	05/17/82	JA: NY			
8233607	1879	3101315723		107-DV		A FIRSTER #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8233612	1878	3101315724		107-DV		A FIRSTER #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8233633	2287	3101315858		107-DV		A ROSATI #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8233587	1872	3101315180		107-DV		C BANK #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233613	1876	3101314821		107-DV		C CARLSON #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8233599	1871	3101315331		107-DV		C DENGENFELDER #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8233604	1890	3101315341		107-DV		C DINSBIER #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233600	1874	3101315489		107-DV		CHAUTAUQUA INSTITUTION #6	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8233605	1873	3101315200		107-DV		CHAUTAUQUA LAKE SNOWMOBILE CLUB #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8233597	1877	3101315232		107-DP		D CANFIELD #	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233606	1880	3101315231		107-DV		D CANFIELD #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233598	1875	3101315215		107-DV		D CANFIELD #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233623	2286	3101315542		107-DV		D HARPER #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8233625	2278	3101316213		107-DV		E OONK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8233608	1887	3101314654		107-DV		G HEWES #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8233617	2276	3101315778		107-DV		G NECKERS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8233621	2289	3101315771		107-DV		H WASSINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8233618	2274	3101315807		107-DV		H WHITE #4	CLYMER	18.0	COLUMBIA GAS TRAN
8233601	1883	3101315186		107-DV		J BOWEN #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233611	1884	3101315025		107-DV		J BRIGHTMAN #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233602	1882	3101315033		107-DV		J BRIGHTMAN #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8233603	1881	3101315003		107-DV		J BRIGHTMAN #3	STEBBIN CORNERS	18.0	COLUMBIA GAS TRAN
8233594	1889	3101314777		107-DV		J J BAKER #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8233595	1888	3101314778		107-DV		J J BAKER #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8233630	2281	3101316081		107-DV		J LEGTERS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8233624	2280	3101315755		107-DV		LEGTERS BROTHERS #4	CLYMER	18.0	COLUMBIA GAS TRAN
8233629	2283	3101315779		107-DV		LEGTERS BROTHERS #5	CLYMER	18.0	COLUMBIA GAS TRAN
8233610	1885	3101315250		107-DV		M BOEHM #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8233609	1886	3101315251		107-DV		M BOEHM #2	LAKESHORE	18.0	COLUMBIA GAS TRAN
8233622	2288	3101315721		107-DV		NEW YORK STATE REF AREA 3 #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8233627	2282	3101315892		107-DV		P GRAVINK #3	CLYMER	18.0	COLUMBIA GAS TRAN
8233628	2279	3101316034		107-DV		R BAKERINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8233586	1862	3101315641		107-DV		R DAVIS #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8233616	2277	3101315610		107-DV		R WASSINK #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8233626	2275	3101315660		107-DV		R WASSINK #4	CLYMER	18.0	COLUMBIA GAS TRAN
8233589	2018	3101315694		107-DV		W PIHL #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8233632	2285	3101315859		107-DV		X WASSINK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8233631	2284	3101315860		107-DV		X WASSINK #3	CLYMER	18.0	COLUMBIA GAS TRAN
-SUNRISE RESOURCES INC				RECEIVED:	05/17/82	JA: NY			
8233615	2247	3101316528		107-DV		RICHTER #3	LAKESHORE	20.0	NATIONAL FUEL GAS
-TRAHAN PETROLEUM INC				RECEIVED:	05/17/82	JA: NY			
8233614	1649	3101312538		107-DV		D E SCHIMEK-CHAUTAUGUA3 3101312538	CHERRY CREEK	36.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233596	2194	3101315631	102-2		DONALD JAMES #1 31-013-15631	HARMONY	36.0	COLUMBIA GAS TRAN
8233592	2192	31 1315826	102-2		DONALD JAMES #2 31-013-15826	LAKEWOOD	36.0	COLUMBIA GAS TRAN
8233620	2100	3101315865	102-2		THOMAS POTTER #1 31-013-15865	LAKEWOOD	36.0	NATIONAL FUEL GAS
8233619	2196	3101315541	102-2		W & L SEELEY - NY #72 31-013-15541	PANAMA	36.0	COLUMBIA GAS TRAN

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OKLAHOMA CORPORATION COMMISSION

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-ANDOVER OIL COMPANY			RECEIVED:	05/19/82	JA: OK			
8233750	14265	3501721934	103		SIEGRIST #9-4		0.0	DELHI GAS PIPELIN
8233758	14296	3505320483	103		STORMONT #10-1		25.0	CITIES SERVICE GA
8233759	14297	3509322064	103		THOMAS #24-1		75.0	PANHANDLE EASTERN
-BEARD OIL COMPANY			RECEIVED:	05/19/82	JA: OK			
8233741	14324	3507323263	103		LILLIBRIDGE #2	DOVER-EAST	180.0	PHILLIPS PETROLEU
8233742	14325	3510920538	103		WARD #1	CHOCTAW	350.0	OKLAHOMA NATURAL
-BRACKEN EXPLORATION CO			RECEIVED:	05/19/82	JA: OK			
8233776	17068	3504321407	102-4		FINCH 1-5	W HUCMAC	150.0	PHILLIPS PETROLEU
-COOK OPERATING CO			RECEIVED:	05/19/82	JA: OK			
8233748	13641	3511720563	108		BREWER B-25 (FRANK WHITE)	SKINNER	27.9	H J D CATTLE CO
-CULPEPPER OIL CO			RECEIVED:	05/19/82	JA: OK			
8233789	04718	3501721225	103		HINTON 28-3	WEST YUKON	0.0	PHILLIPS PETROLEU
8233788	04717	3501721237	103		RUBES 28-4	WEST YUKON	0.0	PHILLIPS PETROLEU
-DEMINEX US OIL COMPANY			RECEIVED:	05/19/82	JA: OK			
8233778	14193	3504921597	103		JORDON-HACKLER #1	S W PAOLI "A"	105.0	WARREN PETROLEUM
-DLB ENERGY CORP			RECEIVED:	05/19/82	JA: OK			
8233736	14303	3501721904	103		HENTHORN & HULL #1	NORTHEAST OF PIEDMONT	0.0	CONOCO INC
-DOME PETROLEUM CORP			RECEIVED:	05/19/82	JA: OK			
8233770	14177	3501121546	103		GILCHRIST #1		692.1	EL PASO NATURAL G
-DYCO PETROLEUM CORPORATION			RECEIVED:	05/19/82	JA: OK			
8233787	18481	3512920641	107-DP		BAKER-FLENNER #1-20		500.0	PANHANDLE EASTERN
-ECC OIL CO			RECEIVED:	05/19/82	JA: OK			
8233785	17093	3510523917	102-2		ALTER #2 SW/4 SW/4 NE/4 10-28N-15E	OENAPAH	0.0	OKAN GAS CO
8233786	17094	3510523918	102-2		ALTER #3 C W/2 SW/4 11-28N-15E		23.0	OKAN GAS CO
8233784	14388	3510524370	102-2		GLASS #6A NW/4 NE/4 NE/4 14-28N-15E	LENAPAH	9.0	OKAN GAS CO
-ENSERCH EXPLORATION INC			RECEIVED:	05/19/82	JA: OK			
8233733	12343	3509300000	103		WICHERT #1	RED FORK	224.0	
-F C D OIL CORP			RECEIVED:	05/19/82	JA: OK			
8233783	13992	3509322305	103		KOEHN 1-24A	NORTH OKEENE	127.8	PIONEER GAS PRODU
-FLINT & ASSOCIATES			RECEIVED:	05/19/82	JA: OK			
8233749	14004	3510720670	103		MARGIE #1	GREGORY	73.0	PUBLIC SERVICE CO
-FOSSIL OIL & GAS INC			RECEIVED:	05/19/82	JA: OK			
8233756	14287	3501721867	103		PIVNTSKA #1-341	NW YUKON	100.0	PHILLIPS PETROLEU
-FUNK EXPLORATION INC			RECEIVED:	05/19/82	JA: OK			
8233764	14072	3507323282	103		POPE #2	S REEDING	0.0	
-GETTY OIL COMPANY			RECEIVED:	05/19/82	JA: OK			
*8233767	14148	3513722812	103		DOAK UNIT #6 (SYCAMORE)	SHO-VEL-TUM	400.0	OKLAHOMA NATURAL
-HADSON PETROLEUM CORP			RECEIVED:	05/19/82	JA: OK			
8233772	16965	3506120488	102-2	103	ADDITION 1-15	NORTH ENTERPRISE	365.0	ARKANSAS LOUISIAN
8233771	14262	3503221145	103		DRAKE 1-33	SW VICI	600.0	PANHANDLE EASTERN
-HARPER OIL COMPANY			RECEIVED:	05/19/82	JA: OK			
8233768	14142	3507323295	103		FERRIL #2	SOONER TREND	73.0	EXXON CORP
-HILLIARD OIL & GAS INC			RECEIVED:	05/19/82	JA: OK			
8233760	13461	3504321086	103		KENNEDY #1	SOUTH CESTOS	378.0	TRANSCONTINENTAL
-HWC CO			RECEIVED:	05/19/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8233762	13979	3511100000		103		COWAN #1 56163
8233763	13981	3511100000		103		COWAN #3 57531
8233761	13978	3511100000		103		JAMISON 2-A 56164
				RECEIVED:	05/19/82	JA: OK
-INFINITE INVESTMENTS INC						
8233731	12214	3514320831		103		MONGOOSE #1
				RECEIVED:	05/19/82	JA: OK
-JAN OIL CO						
8233747	14387	3510321397		103		BODE #1-26
				RECEIVED:	05/19/82	JA: OK
-JERRY CHAMBERS EXPLORATION CO						
8233773	17045	3501520676		102-2		GARY HOWK #1-18
8233774	17046	3501520650		102-2		VELMA COX #1-6
				RECEIVED:	05/19/82	JA: OK
-L & T OIL & GAS INC						
8233775	17061	3507323513		102-4		POPE #1
				RECEIVED:	05/19/82	JA: OK
-LAR-MIE PETROLEUM INC						
8233779	14195	3507122220		103		MOYER #1
8233780	14196	3507122291		103		RONCK #1
				RECEIVED:	05/19/82	JA: OK
-NATIONAL COOP REFINERY ASSOC						
8233782	14198	3509322302		103		RATZLAFF #4
				RECEIVED:	05/19/82	JA: OK
-NEW TREND RESOURCES INC						
8233777	14189	3506321379		103		BLOOM #1-A
				RECEIVED:	05/19/82	JA: OK
-NIXON-DAVIS ENERGY CO INC						
8233732	12331	3508300000		103		CARLA #1
				RECEIVED:	05/19/82	JA: OK
-NOBLE OPERATING INC						
8233766	14135	3501121626		102-2		WESTFARL #2
				RECEIVED:	05/19/82	JA: OK
-ONEOK EXPLORATION INC						
8233738	14320	3512120819		103		DAVENPORT #2
				RECEIVED:	05/19/82	JA: OK
-P-T LTD 80						
8233746	14329	3509322261		103		MALONE 28-2
				RECEIVED:	05/19/82	JA: OK
-P-T LTD 81						
8233744	14327	3504722519		103		BULLIS 31-2
8233743	14326	3509322334		103		HAND 33-1
8233745	14328	3504722667		103		WEHLING 12-1
				RECEIVED:	05/19/82	JA: OK
-PAUL WALKER						
8233740	14323	3503320342		103		SCHOOL LAND #1
				RECEIVED:	05/19/82	JA: OK
-PETRA PETROLEUM CORP						
8233754	14282	3511721840		102-2		STATE 16-3
				RECEIVED:	05/19/82	JA: OK
-PETROMARK EXPLORATION INC						
8233739	14321	3507322998		103		ANNA 26-1
				RECEIVED:	05/19/82	JA: OK
-PREMIER RESOURCES LTD						
8233757	14288	3505920862		103		HOWARD #1 A02702
				RECEIVED:	05/19/82	JA: OK
-R L BURNS CORP						
8233753	14209	3509322265		103		C ELLISON "31" #1
				RECEIVED:	05/19/82	JA: OK
-RICHARD WHEELER JR						
8233730	11927	3508321483		103		HENKE #2
				RECEIVED:	05/19/82	JA: OK
-SEAGULL OPERATING CO INC						
8233752	14268	3511122570		103		SHREWSBURY #1
				RECEIVED:	05/19/82	JA: OK
-SOUTHLAND ROYALTY CO						
8233737	14319	3509322016		103		KEETON #1-32
8233769	14175	3504321305		103		STAMBAUGH #7-32
				RECEIVED:	05/19/82	JA: OK
-SUN OIL COMPANY (DELAWARE)						
8233751	14267	3501720756		103		E R STEELE #2
				RECEIVED:	05/19/82	JA: OK
-TENNECO OIL COMPANY						
8233781	14197	3501520741		103		FANNIE DAVISON #1-8
				RECEIVED:	05/19/82	JA: OK
-TEXAS AMERICAN OIL CORP						

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FIELD NAME	PROD	PURCHASER
NORTHWEST POLYANNA	21.5	PHILLIPS PETROLEU
NORTHWEST POLLYANNA	27.0	PHILLIPS PETROLEU
NORTHWEST POLLYANNA	90.0	PHILLIPS PETROLEU
SOUTH WEKIWA	80.0	COLORADO GAS COMP
SOUTH LONE ELM	11.0	AMINOIL USA INC
N W SICKLES	0.0	RIMROCK GAS CO
LIBBIE	0.0	RIMROCK GAS CO
NORTH OKARCHE	16.0	PHILLIPS PETROLEU
UNKNOWN	730.0	CITIES SERVICE CO
UNKNOWN	800.0	CITIES SERVICE CO
ORIENTA	146.0	UNION TEXAS PETRO
GREASY CREED	120.0	
	0.0	EASON OIL CO
NW OKEENE	0.0	DELHI GAS PIPELIN
FEATHERSTON	50.0	SOUTHEAST TRANSMI
SOONER TREND	35.0	WELLHEAD ENTERPRI
SOONER TREND	0.0	WELLHEAD ENTERPRI
SOONER TREND	35.0	WELLHEAD ENTERPRI
SOONER TREND	35.0	WELLHEAD ENTERPRI
N WALTERS	17.0	NATURAL GAS OPERA
GREENEY	9.0	COLORADO GAS COMP
SOONER TREND	100.0	DALCO PETROLEUM U
E SELMAN	100.0	MICHIGAN-WISCONSI
WEST CHEYENNE VALLEY	120.4	TENNESSEE GAS PIP
SOUTH ELKHORN	30.0	EASON OIL CO
SLICK	70.0	PHILLIPS PETROLEU
ORION	182.0	PHILLIPS PETROLEU
ORION	164.0	MICHIGAN WISCONSI
CALUMET	290.0	OKLAHOMA GAS & EL
NORTH SICKLES	50.0	RIMROCK GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233755	14286	3507322925		103		LEE YOUNG #1	SOONER TREND	69.4	CITIES SERVICE GA
-TEXAS OIL & GAS CORP				RECEIVED:	05/19/82	JA: OK			
8233734	14301	35 1121602		103		MONSEES #2	E FAY	34.0	
8233735	14302	3505921084		103		WHEELER "A" #1	LAVERENE	207.0	
-WHITMAR EXPLORATION CO				RECEIVED:	05/19/82	JA: OK			
8233765	14034	3507920431		103		WILLIAMS #1-33	CEDARS	250.0	ARKLA GAS CO

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WEST VIRGINIA DEPARTMENT OF MINES

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-ASHLAND EXPLORATION INC				RECEIVED:	05/17/82	JA: WV			
8233640		47.3903705		107-DV		EASTERN GAS & FUEL #73 - 091222	PAINT CREEK	20.0	
-BLUE CREEK GAS COMPANY				RECEIVED:	05/17/82	JA: WV			
8233647		4701501918		103		CANNEL #2	HENRY	22.0	COLUMBIA GAS TRAN
-CONTINENTAL PETROLEUM CO				RECEIVED:	05/17/82	JA: WV			
8233635		4702103836		103		A MESSENGER #1	GLENVILLE NORTH	50.0	CONSOLIDATED GAS
8233638		4700701711		103		GILLESPIE #1	CHAPEL-GERMAN	20.0	CONSOLIDATED GAS
8233639		4702103764		103		J MESSENGER #2-A	GLENVILLE NORTH	45.0	COLUMBIA GAS TRAN
8233637		4700701722		103		RATLIFF #1	HEATERS	16.0	CONSOLIDATED GAS
8233636		4702103835		103		STELLA LOWTHER #2-A	GLENVILLE NORTH	28.0	CONSOLIDATED GAS
-FERRELL L PRIOR				RECEIVED:	05/17/82	JA: WV			
8233649		4707300931		107-DV		MCCULLOUGH #1	SHULTZ	6.0	CONSOLIDATED GAS
8233652		47 7301022		107-DV		MCCULLOUGH #2	SHULTZ	0.0	CONSOLIDATED GAS
8233650		4707301089		107-DV		MCCULLOUGH #3	SHULTZ	0.0	CONSOLIDATED GAS
8233651		4707301116		107-DV		MCCULLOUGH #4	SHULTZ	0.0	CONSOLIDATED GAS
8233648		4707301159		107-DV		TAYLOR #1	GRANT	0.0	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES				RECEIVED:	05/17/82	JA: WV			
8233634		4708300327	D	102-2		KING #1C	ROARING CREEK DISTRIC	122.0	COLUMBIA GAS TRAN
-KIOWA PETROLEUM CORP				RECEIVED:	05/17/82	JA: WV			
8233644		4707301298		107-DV		C M SCADDEN #1	MCKIM DISTRICT ST MAR	100.0	COLUMBIA GAS TRAN
8233643		4708505234		107-DV		D W CUNNINGHAM #1	CLAY DISTRICT ELLENBO	75.0	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	05/17/82	JA: WV			
8233646		47 4102915		103		OLETA TURNER #2	ASPINALL - FINSTER	84.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	05/17/82	JA: WV			
8233642		4705900966		107-DV		C-9	HARDEE	35.0	COLUMBIA GAS TRAN
-SPARTAN GAS COMPANY				RECEIVED:	05/17/82	JA: WV			
8233641		4701100689		107-DV		F W MCCULLOUGH #2	GRANT DISTRICT	3.6	COLUMBIA GAS TRAN
-TEN-A-COAL CO				RECEIVED:	05/17/82	JA: WV			
8233645		4700101555		103		CUNNINGHAM #4	PLEASANT DIST	30.0	CONSOLIDATED GAS

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM

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-AMERADA HESS CORPORATION				RECEIVED:	05/19/82	JA: NM 4			
8233722	NM-0264-82	3003905951		108		J APACHE "F" #7 (DUAL GAS)	OTERO	21.6	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	05/19/82	JA: NM 4			
8233726	NM 0283-82	3004525234		103		GALLEGOS CANYON UNIT #133E	BASIN DAKOTA	44.0	AMOCO GAS CO
8233728	NM 0285-82	3004524429		103		GALLEGOS CANYON UNIT #166E	BASIN DAKOTA	24.0	EL PASO NATURAL G
8233727	NM 0284-82	3004524862		103		GALLEGOS CANYON UNIT #167E	BASIN DAKOTA	30.0	EL PASO NATURAL G
8233725	NM 0281-82	3003922521		103		JICARILLA CONTRACT 146 #33	GONZALES-MESAVERDE	20.0	NORTHWEST PIPELIN
8233729	NM 0286-82	3003922521		103		JICARILLA CONTRACT 146 #33	OTERO - CHACRA	30.0	NORTHWEST PIPELIN
8233718	NM-0280-82	3003923000		103		JICARILLA CONTRACT 146 #39	OTERO-CHACRA	23.0	NORTHWEST PIPELIN
-BILLY J KNOTT				RECEIVED:	05/19/82	JA: NM 4			
8233683	NM-0490-81	3004523987		108		JK #1	WAW FRUITLAND	5.6	EL PASO NATURAL G
-C W STUMHOFFER				RECEIVED:	05/19/82	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233700	NM-0007-82	3002527434		103		FEDERAL CS #1	E-K YATES-SEVEN RIVER	14.0	CONOCO INC
-DOME PETROLEUM CORP				RECEIVED:	05/19/82	JA: NM 4			
8233724	NM C277-82	3004523528		103		FREW FEDERAL #16	WAW-FRUITLAND PICTURE	52.6	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	05/19/82	JA: NM 4			
8233684	NM-0811-81	3004524235		108		KING FISH #1	WAW FIELD-FRUITLAND P	25.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/19/82	JA: NM 4			
8233694	NM-1662-81	3003905632		108		CANYON LARGO UNIT #120	BALLARD - PICTURED CL	23.0	EL PASO NATURAL G
8233719	NM-0233-82	3003905441		108		CANYON LARGO UNIT #89 GL & NP DK	DEVILS FORK GALLUP/BA	21.0	EL PASO NATURAL G
8233692	NM-1815-81	3004520493		108		DAY #4	BLANCO/PICTURED CLIFF	22.0	EL PASO NATURAL G
8233693	NM-1819-81	3004511785		108		HEATON #20	AZTEC-PICTURED CLIFFS	20.0	EL PASO NATURAL G
8233687	NM-1476-81	3004508920		108		HOWELL #5	BLANCO PICTURED CLIFF	23.0	EL PASO NATURAL G
8233655	NM 0002-82ER	3004521770		108-ER		HOWELL D #3A	BLANCO - MESA VERDE	6.0	EL PASO NATURAL G
8233715	NM-C177-82	3004505743		108		HUERFANO UNIT NP #23	HUERFANO - PICTURED C	16.0	EL PASO NATURAL G
8233654	NM-0001-82ER	3004521192		108-ER		JONES #	BLANCO PICTURED CLIFF	20.0	EL PASO NATURAL G
8233666	NM 0033-82PB	3003920383		108-PB		S J 27-4 UNIT #57	BASIN-DAKOTA GAS	20.0	EL PASO NATURAL G
8233680	NM 0048-82PB	3003907171		108-PB		SAN JUAN 27-4 UNIT #18	BLANCO-MESAVERDE GAS	11.0	EL PASO NATURAL G
8233659	NM 0023-82PB	3003920484		108-PB		SAN JUAN 27-4 UNIT #60	BASIN DAKOTA	17.0	EL PASO NATURAL G
8233660	NM 0024-82PB	3003920733		108-PB		SAN JUAN 27-4 UNIT #61	TAPACITO-PICTURED CLI	14.2	EL PASO NATURAL G
8233661	NM 0025-82PB	3003920685		108-PB		SAN JUAN 27-4 UNIT #67	TAPACITO-PICTURED CLI	21.0	EL PASO NATURAL G
8233668	NM 0036-82PB	3003920827		108-PB		SAN JUAN 27-4 UNIT #88	TAPACITO-PICTURED CLI	20.0	EL PASO NATURAL G
8233669	NM 0037-82PB	3003916964		108-PB		SAN JUAN 27-5 UNIT #16	BLANCO-MESAVERDE	14.0	EL PASO NATURAL G
8233670	NM 0038-82PB	3003920869		108-PB		SAN JUAN 27-5 UNIT #173	TAPACITO-PICTURED CLI	14.0	EL PASO NATURAL G
8233673	NM0041-82 PB	3003906878		108-PB		SAN JUAN 27-5 UNIT #66	BLANCO - MESAVERDE	15.0	EL PASO NATURAL G
8233686	NM-1109-81	3003982363		108		SAN JUAN 27-5 UNIT #80	TAPACITO - PICTURED C	19.0	EL PASO NATURAL G
8233664	NM 0029-82PB	3003920175		108-PB		SAN JUAN 28-4 UNIT #33	BASIN - DAKOTA	6.0	EL PASO NATURAL G
8233656	NM 0020-82PB	3003920674		108-PB		SAN JUAN 28-4 UNIT #36	BASIN DAKOTA	14.0	EL PASO NATURAL G
8233662	NM 0027-82PB	3003920187		108-PB		SAN JUAN 28-5 UNIT #81	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G
8233658	NM 0022-82PB	3003920608		108-PB		SAN JUAN 28-6 UNIT #172	BLANCO SOUTH-PICTURED	20.0	EL PASO NATURAL G
8233672	NM0048-82 PB	3003920603		108-PB		SAN JUAN 28-6 UNIT #174	BLANCO SOUTH-PICTURED	16.0	EL PASO NATURAL G
8233665	NM 0031-82PB	3003920863		108-PB		SAN JUAN 28-6 UNIT #202	BLANCO SOUTH-PICTURED	9.0	EL PASO NATURAL G
8233676	NM0044-82 PB	3003907167		108-PB		SAN JUAN 28-6 UNIT #26	BLANCO - MESAVERDE GA	16.0	EL PASO NATURAL G
8233704	NM-0085-82	3003907175		108		SAN JUAN 28-6 UNIT #37	BLANCO - MESA VERDE	16.0	EL PASO NATURAL G
8233689	NM-1680-81	3003920381		108		SAN JUAN 28-7 UNIT #158	BASIN - DAKOTA	23.0	EL PASO NATURAL G
8233703	NM-0084-82	3003907355		108		SAN JUAN 28-7 UNIT #25	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8233691	NM-1805-81	3003907265		108		SAN JUAN 28-7 UNIT #7	BLANCO MESAVERDE	18.0	EL PASO NATURAL G
8233657	NM 0021-82PB	3003920732		108-PB		SAN JUAN 29-4 UNIT #62	TAPACITO-PICTURED CLI	15.0	EL PASO NATURAL G
8233675	NM 0043-82PB	3003907808		108-PB		SAN JUAN 30-4 UNIT #14	EAST BLANCO - PICTURE	22.0	EL PASO NATURAL G
8233674	NM 0042-82PB	3003907866		108-PB		SAN JUAN 30-6 UNIT #34	BLANCO-MESAVERDE GAS	10.0	EL PASO NATURAL G
8233702	NM-0077-82	3004510958		108		SAN JUAN 32-9 UNIT #14	BLANCO - MESA VERDE	23.0	EL PASO NATURAL G
8233698	NM 1932-81	3004511407		108		SAN JUAN 32-9 UNIT NP #78	BLANCO - MESA VERDE	20.0	EL PASO NATURAL G
8233663	NM 0028-82PB	3003907206		108-PB		SJ 27-4 UNIT #19 PC & MV	TAPACITO - PICTURED C	18.0	EL PASO NATURAL G
8233671	NM 0039-82PB	3003907191		108-PB		SJ 27-5 UNIT #61	BLANCO-MESAVERDE GAS	12.0	EL PASO NATURAL G
8233667	NM 0034-82PB	3003907342		108-PB		SJ 28-5 UNIT #46	BLANCO-MESAVERDE GAS	12.0	EL PASO NATURAL G
-HOLLY ENERGY INC				RECEIVED:	05/19/82	JA: NM 4			
8233714	NM-0164-82	3001523845		103		NELSON #7	GRAYBURG-SAN ANDRES-L	20.0	CONOCO INC
-HONDO OIL & GAS COMPANY				RECEIVED:	05/19/82	JA: NM 4			
8233705	NM-0102-82	3001510438		108		HONDO "B" FEDERAL #1	RED LAKE GRAYBURG (SA	2.6	AMOCO PRODUCTION
-JOHN YURONKA				RECEIVED:	05/19/82	JA: NM 4			
8233696	NM 1924-81	3002527447		103		DONNA FEDERAL #1	JALMAT	42.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	05/19/82	JA: NM 4			
8233681	NM-1788-80	3004524395		103		OHIO "C" GOVERNMENT #2-E	KUTZ CANYON	212.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	05/19/82	JA: NM 4			
8233716	NM-0187-82	3003922021		108		EAST LINDRITH #1	SOUTH BLANCO PICTURED	14.2	NORTHWEST PIPELIN

JD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233717	NM-0188-82	3003922023		108		EAST LINDRITH #3	SOUTH BLANCO PICTURED	12.3	NORTHWEST PIPELIN
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 05/19/82 JA: NM 4					
8233711	NM-0122-82	3003921288		108-SA		JICARILLA B #3-A	BLANCO MESAVERDE GAS	180.2	NORTHWEST PIPELIN
-MESA PETROLEUM CO				RECEIVED: 05/19/82 JA: NM 4					
8233709	NM-0117-82	3000561209		102-2	107-TF	COYOTE FEDERAL #6	UNDESIGNATED ABO	550.0	TRANSWESTERN PIPE
8233707	NM-0115-82	3000561158		102-2	107-TF	SAVAGE FEDERAL #3	UNDESIGNATED ABO	600.0	TRANSWESTERN PIPE
-MTS LTD PARTNERSHIP				RECEIVED: 05/19/82 JA: NM 4					
8233710	NM-0118-82	3000561131		102-2	107-TF	ALKALI FEDERAL #3	UNDESIGNATED ABO	600.0	TRANSWESTERN PIPE
8233706	NM-0114-82	3000561065		102-2	107-TF	ALKALI FEDERAL COM #2	UNDESIGNATED ABO	550.0	TRANSWESTERN PIPE
8233708	NM-0116-82	3000561176		102-2	107-TF	STEWART FEDERAL #3	UNDESIGNATED ABO	225.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/19/82 JA: NM 4					
8233688	NM-1539-81	3004524526		108		BLANCO #2	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8233679	NM 1047-82PB	3003907965		108-PB		ROSA UNIT #25	BLANCO	18.0	NORTHWEST PIPELIN
8233712	NM-0155-82	3003907981		108		ROSA UNIT #41	BLANCO MESAVERDE	25.0	EL PASO NATURAL G
8233677	NM 0045-82PB	3003907835		108-PB		SAN JUAN 30-5 UNIT 25	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8233678	NM0046-82 PB	3003907907		108-PB		SAN JUAN 31-6 #14	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8233723	NM 1265-82	3004525384		103		SAN JUAN 32-7 UNIT 28A	BLANCO MESAVERDE	116.8	NORTHWEST PIPELIN
-PIONEER PRODUCTION CORPORATION				RECEIVED: 05/19/82 JA: NM 4					
8233682	NM-0223-81	3004508708		103		DUSTIN #1-E	BASIN DAKOTA	0.0	PIONEER NATURAL G
-SUPRON ENERGY CORPORATION				RECEIVED: 05/19/82 JA: NM 4					
8233721	NM 0259-82	3004525042		103		USA #4	BLANCO MESA VERDE	834.0	SOUTHERN UNION GA
8233720	NM 0258-82	3004525194		103		ZACHRY 28	WILDCAT GALLUP	5.1	
-TENNECO OIL COMPANY				RECEIVED: 05/19/82 JA: NM 4					
8233685	NM-0960-81	3004500000		108		GAGE COM #1	BASIN DAKOTA	20.0	EL PASO NATURAL G
				RECEIVED: 05/19/82 JA: NM 4					
8233701	NM-0323-82	3000561292		103	107-TF	BEVMOR 24 FEDERAL #2	UNDESIGNATED (ABO)	58.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED: 05/19/82 JA: NM 4					
8233697	NM 1929-81	3001523591		102-4		AMOCO "QT" FEDERAL #1	SIEGREST DRAW	0.0	TRANSWESTERN PIPE
8233699	NM-1955-81	3001523862		102-4		EASTERN SHORE "QW" FEDERAL #1	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8233690	NM-1777-81	3001521523		102-4		ROSS "EG FEDERAL COM #1	WILDCAT STRAWN	0.0	TRANSWESTERN PIPE
-ZIA ENERGY INC				RECEIVED: 05/19/82 JA: NM 4					
8233695	NM 1888-81	3002500000		102-4		FEDERAL #3	EUNICE SAN ANDRES SOU	73.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED: 05/19/82 JA: OK 4					
8233713	OKA-0160-82	3515330019		108		USA-CURTIS UNIT #1	WAYNOKA NE (COTTAGE G	21.0	CITIES SERVICE GA

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 July 2, 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. 82–16443 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 11, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ANCHOR PETROLEUM CORP				RECEIVED:	05/21/82	JA: CA			
8233881	82-6-0004	0411320615		102-4		HUDSON #1	MERRITT ISLAND GAS	365.0	
-BUTTES RESOURCES CO				RECEIVED:	05/21/82	JA: CA			
8233880	81-6-0067	0401120170		102-4		POUNDSTONE 29-1	GRIMES	0.0	PACIFIC GAS & ELE
-CASEX CO				RECEIVED:	05/21/82	JA: CA			
8233875	82-6-0005	0409520479		102-4		SEAHAWK CALIF 1-1	LINDSEY SLOUGH	1575.0	TOSCO CORP
-CHALLENGER MINERALS INC				RECEIVED:	05/21/82	JA: CA			
8233873	82-4-0080	0402962329		102-4		D L WILLIAMS - 73X-32	WEST BELLEVUE	8.0	PACIFIC LIGHTING
8233882	82-4-0086	0402961250		102-4		HOUGHTON 13X-33	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8233883	82-4-0084	0402964424		102-4		JOHNSON 54-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8233872	82-4-0077	0402964169		102-4		JOHNSON 63X-32	WEST BELLEVUE	32.5	PACIFIC LIGHTING
8233884	82-4-0085	0402965147		102-4		JOHNSON 64X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8233871	82-4-0079	0402962832		102-4		KLIEWER-MESSENGER - 23X-33	WEST BELLEVUE	5.0	PACIFIC LIGHTING
8233877	82-4-0078	0402963269		102-4		PAUL - 82X-32	WEST BELLEVUE	31.7	PACIFIC LIGHTING
-CHEVRON U S A INC				RECEIVED:	05/21/82	JA: CA			
8233876	82-6-0003	0401120177		102-4		ARBUCKLE ROAD #7	GRIMES	240.0	PACIFIC GAS & ELE
-MCFARLAND ENERGY INC				RECEIVED:	05/21/82	JA: CA		1095.0	SHELL OIL CO
8233878	81-6-0072	0401320177		102-4		CALPLANS TAYLOR SLOUGH-2	EAGLE REST	16.0	
-TENNECO OIL COMPANY				RECEIVED:	05/21/82	JA: CA	BUTTES SLOUGH	146.0	PACIFIC GAS & ELE
8233885	82-4-0087	0402962724		102-4		EAGLE REST 52X-15			
8233874	81-6-0069	0410120174		102-4		MATSUMURA-STADERMANN #1	GRAND ISLAND GAS	180.0	PACIFIC GAS & ELE
-TXO PRODUCTION CORP				RECEIVED:	05/21/82	JA: CA			
8233879	81-6-0063	0406720180		102-4		DH & P 30-1			
LOUISIANA OFFICE OF CONSERVATION									
-AMERADA HESS CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233966	81-2568	1705721488		103		J P MOORE #12	RACELAND	365.0	TRANSCONTINENTAL
-AMOCO PRODUCTION CO				RECEIVED:	05/21/82	JA: LA			
8233912	81-2759	1702321381		103		GULF LAND A R/A B #215	EAST HACKBERRY	37.0	VALLEY GAS TRANSM
8233947	81-2594	1709920729		103		P H MARAIST "C" #1	SECTION 28 DOME	559.0	GAS GATHERING COR
-DELTA ENERGY RESOURCES INC				RECEIVED:	05/21/82	JA: LA			
8233914	81-2761	1701921018		103		LOUISIANA FARM & LIVESTOCK #1	EAST MOSS LAKE	0.0	LOUISIANA GAS SYS
-DEWEY WHITE				RECEIVED:	05/21/82	JA: LA			
8233964	81-2954	1708320486		108		J B RATCLIFF #6	RICHLAND	8.9	MID LOUISIANA GAS
-EXCALIBUR RESOURCES INC				RECEIVED:	05/21/82	JA: LA			
8233938	81-2583	1703121341		103		CONTINENTAL CAN A #1	RED RIVER BULL BAYOU	75.0	LOUISIANA INTRAST
-FIFTY-THIRD CORP				RECEIVED:	05/21/82	JA: LA			
8233946	81-2948	1711121929		108		ANNIE J FORD #1	MONROE	4.0	IMC PIPELINE CO I
8233963	81-2951	1707321004		108		WILLIAMS #1	MONROE	4.0	IMC PIPELINE CO I
-GOLDKING PRODUCTION COMPANY				RECEIVED:	05/21/82	JA: LA			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8233929	81-2586	1702321445		103		MIAMI CORP "O" #2	CHENIERE PERDUE	219.0	MICHIGAN-WISCONSI
8233961	81-2740	1712120131		103		WILBERTS "A" #2	PORT ALLEN	38.0	LOUISIANA INTRAST
-GUERNSEY PETROLEUM CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233932	81-2593	1703121430		103		INTERNATIONAL PAPER CO # "B" 1	BENSON	150.0	LOUISIANA INTRAST
-GULF OIL CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233917	81-2753	1705721725		103		S L 1772 #120 TB D-19 RA SU	TIMBALIER BAY	100.0	TENNESSEE GAS PIP
8233933	81-2595	1707522753		103		SL 195 QQ #309	QUARANTINE BAY	250.0	UNITED GAS PIPELI
8233948	81-2596	1707522758		103		SL 195 QQ #98	WEST BLACK BAY	1.5	SOUTHERN NATURAL
8233910	81-2755	1705721772		103		STATE LEASE PP 192 #283	TIMBALIER BAY	21.5	TENNESSEE GAS PIP
8233928	81-2597	1705721770		103		STATE LEASE 1772 #125	TIMBALIER BAY	124.0	TENNESSEE GAS PIP
-IMC EXPLORATION COMPANY				RECEIVED:	05/21/82	JA: LA			
8233965	81-2962	1707321722		108		COLE T #33	MONROE	8.0	IMC PIPELINE CO I
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	05/21/82	JA: LA			
8233951	81-2780	1703121486		103		CROWN ZELLERBACH #1	GROGAN 4319	233.0	TENNESSEE GAS PIP
-JOHNSON OIL & GAS CORP				RECEIVED:	05/21/82	JA: LA			
8233930	81-2588	1700320204		103		LABOKAY #1 SERIAL #172501	HARMONY CHURCH	300.0	SOUTH TEXAS GATHE
-KERR-MCGEE CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233962	81-2741	1772620230		103		S L 123[illegible]#4-D	BRETON SOUND BLOCK 36	269.0	SOUTHERN NATURAL
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	05/21/82	JA: LA			
8233913	81-2761	1710922384		103		LL&E UZ #1 WUC	BAY JUNOP	365.0	TEXAS GAS TRANSMI
-MARSHALL EXPLORATION INC				RECEIVED:	05/21/82	JA: LA			
8233942	81-2943	1703121108		108		CLARA FOSHEE #1 FBG RA SU14	LOGANSPORT	14.0	ARKANSAS-LOUISIAN
-MID LOUISIANA GAS COMPANY				RECEIVED:	05/21/82	JA: LA			
8233952	81-2941	1711122601		108		MLGC FEE GAS #935	MONROE GAS FIELD	10.6	MID LOUISIANA GAS
8233954	81-2942	1711122604		108		MLGC FEE GAS #938	MONROE GAS FIELD	12.2	MID LOUISIANA GAS
-MURPHY OIL CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233958	81-2728	1706120272		102-2		PALMER #1 171325	SIMSBORO	91.0	ARKANSAS LOUISIAN
-NICKLOS OIL & GAS CO C/O BRADCO OIL				RECEIVED:	05/21/82	JA: LA			
8233936	81-2576	1705721704		103		R C PLATER JR #1	ROUSSEAU	1095.0	
-PETRO-LEWIS CORPORATION				RECEIVED:	05/21/82	JA: LA			
8233915	81-2751	1708720213		103		STATE LEASE 4909 #3-D	STUARD'S BLUFF	722.0	SOUTHERN NATURAL
-PICKENS CO INC				RECEIVED:	05/21/82	JA: LA			
8233955	81-2598	1705320680		103		R A ROUSEAU #2	WEST TEPETATE	216.0	LOUISIANA GAS SYS
-PLACID OIL COMPANY				RECEIVED:	05/21/82	JA: LA			
8233960	81-2734	1701320507		103		IPB LBN LUC #2 VUG	LUCKY	375.0	TEXAS EASTERN TRA
8233959	81-2729	1701320377		102-2		VUG BODCAW #4	LUCKY	200.0	TEXAS EASTERN TRA
-REMUDA OIL & GAS CO				RECEIVED:	05/21/82	JA: LA			
8233924	81-2538	1703120694		103		ADAMS #1	GROGAN	62.7	LUMAR GAS GATHERI
8233921	81-2535	1703120850		103		CONTINENTAL CAN #2	GROGAN	53.2	LUMAR GAS GATHERI
8233922	81-2536	1703120740		103		CONTINENTAL CAN CO #1	GROGAN	6.4	LUMAR GAS GATHERI
8233908	81-2540	1703120679		103		HESSER #1	GROGAN	20.8	LUMAR GAS GATHERI
8233953	81-2541	1703120796		103		HUGHES #2	GROGAN	72.2	LUMAR GAS GATHERI
8233941	81-2542	1703120726		103		KINNEBREW #1	GROGAN	68.9	LUMAR GAS GATHERI
8233919	81-2533	1703120667		103		RAMBIN #1	GROGAN	8.0	LUMAR GAS GATHERI
8233918	81-2531	1703120797		103		RAMBIN #5	CHEMARD LAKE	7.3	LUMAR GAS GATHERI
8233920	81-2534	1703121178		103		SAMUELS #1	GROGAN	7.6	LUMAR GAS GATHERI
8233949	81-2539	1703121020		103		SUN INTERNATIONAL PAPER CO	GROGAN	4.6	LUMAR GAS GATHERI
8233923	81-2537	1703121793		103		WHITAKER #1	GROGAN	101.4	LUMAR GAS GATHERI
-SAND HILL LTD (LA)				RECEIVED:	05/21/82	JA: LA			
8233943	81-2944	1711122311		108		CLARK #2	MONROE	37.0	PETRO-LEWIS FUNDS
8233944	81-2945	1711122394		108		SPEARS #1	MONROE	57.0	PETRO-LEWIS FUNDS
-SHELL OIL CO				RECEIVED:	05/21/82	JA: LA			
8233911	81-2758	1772520199		103		MP 69 SL 1357 #51	MAIN PASS BLOCK 69	420.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	05/21/82	JA: LA			
8233925	81-2552	1703121420		103		H C REDING #1	GROGAN	65.0	TENNESSEE GAS PIP
8233950	81-2770	1703121389		102-2		LELONG #3	RED RIVER BULL BAYOU	110.0	LOUISIANA INTRAST
8233937	81-2582	1711122428		103		LUTCHER MOORE LBR CO #14	SHOATS CREEK	82.0	TRUNKLINE GAS CO
-TEXACO INC				RECEIVED:	05/20/82	JA: LA			
8233886	81-2676	1710121210		102-4		SL 340 ATCHAFALAYA BAY #39	BELLE ISLE	1277.0	UNITED GAS PIPE L
-TEXACO INC				RECEIVED:	05/21/82	JA: LA			
8233967	81-2777	1710121080		103		BAL SU SL 341 #9	BATEMAN LAKE	345.3	CITY OF MORGAN CI
8233916	81-2752	1709720496		103		BOTANY BAY LBR CO MIN FEE TR-4 #156	PORT BARRE	18.0	CAJUN ELECTRIC PO
8233907	81-2569	1705721269		103		CITY OF NEW ORLEANS #42	LEEVILLE	166.0	KAISER ALUMINUM &
8233926	81-2553	1710922470		103		CONTINENTAL LD & FUR TR 1 #19	BAYOU PENCHANT	256.0	TENNESSEE GAS PIP
8233957	81-2600	1705721620		103		LATERRE CO INC #267	GOLDEN MEADOW	101.0	KAISER ALUMINUM &
8233939	81-2763	1710922279		103		LP U-13 #73 VUM	LAKE PELTO	34.0	KAISER ALUMINUM &
8233909	81-2774	1710922323		103		LP U-13 #76 VUM	LAKE PELTO	85.0	KAISER ALUMINUM &
8233956	81-2599	1710922207		103		LP U-13 72 VUM	LAKE PELTO	50.0	KAISER ALUMINUM &
8233940	81-2746	1770720096		103		SL 340 MOUND POINT #62	MOUND POINT	1460.0	TEXAS GAS TRANSMI
8233931	81-2591	1770720093		103		SL 340 MOUND POINT #72	MOUND POINT	1752.0	TEXAS GAS TRANSMI
8233934	81-2745	1770720102		103		SL 340 MOUND POINT #80-D	MOUND POINT	1277.0	KAISER ALUMINUM &
8233927	81-2560	1705721385		103		SL 378 CATFISH LAKE 110	GOLDEN MEADOW	5.0	KAISER ALUMINUM &
-TOCE OIL COMPANY INC				RECEIVED:	05/21/82	JA: LA			
8233935	81-2570	1704720560		103		V J KURZWEG JR #2	BAYOU DES GLAISES	730.0	GAS GATHERING COR
-W H WEGMAN JR				RECEIVED:	05/21/82	JA: LA			
8233945	81-2947	1711102328		108		HODGE #1	MONROE	4.3	

MISSISSIPPI OIL & GAS BOARD

-BERT J ROSSON & DEE W LAYMAN				RECEIVED:	05/20/82	JA: MS			
8233828	27-82-8	2306120343		107-DP		NATHANIEL JONES #1	HEIDELBERG	425.0	
-CALLON PETROLEUM COMPANY				RECEIVED:	05/20/82	JA: MS			
8233821	16-82-372	2312720068		102-4	103	VIRGIL BERRY GAS UNIT-#1	OAK GROVE	0.9	SYSTEM FUELS INC
-COASTAL EXPL INC & EARL R WILSON				RECEIVED:	05/20/82	JA: MS			
8233819	17-82-486	2306520194		107-DP		ALLAR UNIT 19-13 #1	WEST OAKVALE FIELD	900.0	
-GULF OIL CORPORATION				RECEIVED:	05/20/82	JA: MS			
8233818	19-82-11	2307320235		103		MALCOLM COOPER #3	BAXTERVILLE	0.0	UNITED GAS PIPE L
8233825	21-82-8	2306120329		103		MRS L P THORNTON 35-9-4	WEST HEIDELBERG	18.0	UNITED GAS PIPE L
-HUNT ENERGY CORPORATION ET AL				RECEIVED:	05/20/82	JA: MS			
8233827	26-82-546	2304520075		107-DP		RHODA LEE BROWN #1	WILDCAT	3000.0	
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	05/20/82	JA: MS			
8233824	4-82-480(1)	2301720032		102-2		BOBBIE LEE ALLEN #1	BACON	365.0	TEXAS EASTERN TRA
8233823	3-82-527	2309520340		102-2		C P COGGIN #2	COMPENNA CREEK	0.0	TEXAS EASTERN TRA
-MARSHALL R YOUNG OIL CO				RECEIVED:	05/20/82	JA: MS			
8233830	34-82-224	2314520081		103		ZENGARLING 26-14	WAVELAND	803.0	UNITED GAS PIPELI
-PLACID OIL COMPANY				RECEIVED:	05/20/82	JA: MS			
8233826	22-82-540	2314920018		107-DP		UNIT 8-3 #1	BOVINA	1131.0	
-SHELL OIL CO				RECEIVED:	05/20/82	JA: MS			
8233822	9-82-522	2306320324		102-4		FOX UNIT #1	ALCORN	75.0	
-SOUTH LOUISIANA PRODUCTION CO INC				RECEIVED:	05/20/82	JA: MS			
8233820	18-82-91	2304520079		102-2		INTERNATIONAL PAPER #1	ANSLEY	0.0	
-SYSTEM FUELS INC				RECEIVED:	05/20/82	JA: MS			
8233829	29-82-420	2306520196		107-TF		GAS UNIT 19-13 #1	HOLIDAY CREEK	750.0	

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-VILLANOVA NATURAL GAS CORP				RECEIVED:	05/21/82	JA: NY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233968	2591	31[illegible]1304356	D	107-DV		GEO&ELMER BURBULES #2 31-013-04356	WESTFIELD-LAKESHORE	0.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION									
-INTER-TRIBAL INDUSTRIES INC				RECEIVED:	05/24/82	JA: OK			
8233976	18684	3510500000		103		SHOATE WEBSTER #1	SHOATE WEBSTER	0.0	RH OPERATING
8233977	18685	3510500000		103		SHOATE WEBSTER #1-A	SHOATE WEBSTER	0.0	RH OPERATING
8233978	18686	3510500000		103		SHOATE WEBSTER #2	SHOATE WEBSTER	0.0	RH OPERATING
8233979	18687	3510500000		103		SHOATE WEBSTER #2-A	SHOATE WEBSTER	0.0	RH OPERATING
8233980	18688	3510500000		103		SHOATE WEBSTER #3	SHOATE WEBSTER	0.0	RH OPERATING
8233981	18689	3510500000		103		SHOATE WEBSTER #4	SHOATE WEBSTER	0.0	RH OPERATING
8233975	18683	3510525759		103		WEBSTER #4	WEBSTER	0.0	NATURAL GAS PRODU
8233969	18677	3510525808		103		WEBSTER #4-A	WEBSTER	0.0	NATURAL GAS PRODU
8233970	18678	3510525761		103		WEBSTER #5	WEBSTER	0.0	NATURAL GAS PRODU
8233971	18679	3510525834		103		WEBSTER #5-A	WEBSTER	0.0	NATURAL GAS PRODU
8233972	18680	3510525770		103		WEBSTER #6	WEBSTER	0.0	NATURAL GAS PRODU
8233973	18681	3510525835		103		WEBSTER #7-A	WEBSTER	0.0	NATURAL GAS PRODU
8233974	18682	3510525836		103		WEBSTER #8-A	WEBSTER	0.0	NATURAL GAS PRODU
WEST VIRGINIA DEPARTMENT OF MINES									
-ASHLAND EXPLORATION INC				RECEIVED:	05/20/82	JA: WV			
8233835		4710900647		108		W M RITTER LUMBER CO #211	LOGAN-WYOMING	21.0	CONSOLIDATED GAS
-BAISDEN GAS CO				RECEIVED:	05/20/82	JA: WV			
8233834		47[illegible]4321174		108		ELBERT BAISDEN #1	HARTS CREEK DISTRICT	17.0	ROARING FORK GAS
-CABOT OIL & GAS CORP				RECEIVED:	05/20/82	JA: WV			
8233838		47[illegible]3903573		103		ALLEN #1	WASHINGTON	27.0	TENNESSEE GAS PIP
8233836		47[illegible]7901040		103		J L MCLEAN A-94	UNION	33.0	TENNESSEE GAS PIP
8233837		4710900858		103		POCAHONTAS I-34	BARKERS RIDGE	56.0	CONSOLIDATED GAS
8233847		4703903747		103		SILER COAL A-13	WASHINGTON	60.0	TENNESSEE GAS PIP
8233865		4703903753		103		SILER COAL A-14	WASHINGTON	9.0	TENNESSEE GAS PIP
8233839		4703903653		103		SILER COAL A-17	WASHINGTON	26.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP				RECEIVED:	05/21/82	JA: WV			
8233893		47[illegible]7901043		103		AMHERST #1	POCATALICO	12.0	TENNESSEE GAS PIP
8233898		47[illegible]7901043		107-DV		AMHERST #1	POCATALICO	12.0	TENNESSEE GAS PIP
8233891		47[illegible]7901018		103		FRYE #1	UNION	23.0	TENNESSEE GAS PIP
8233894		47[illegible]7901018		107-DV		FRYE #1	UNION	23.0	TENNESSEE GAS PIP
8233889		47[illegible]7900982		103		J L MCLEAN A-51	UNION	14.0	TENNESSEE GAS PIP
8233899		47[illegible]7900982		107-DV		J L MCLEAN A-51	UNION	14.0	TENNESSEE GAS PIP
8233892		47[illegible]7901039		103		J L MCLEAN A-97	BUFFALO	18.0	TENNESSEE GAS PIP
8233896		47[illegible]7901039		107-DV		J L MCLEAN A-97	BUFFALO	18.0	TENNESSEE GAS PIP
8233890		47[illegible]7901008		103		MCLEAN A-29	UNION	25.0	TENNESSEE GAS PIP
8233895		47[illegible]7901008		107-DV		MCLEAN A-29	UNION	25.0	TENNESSEE GAS PIP
8233888		47[illegible]7901020		103		PUTNAM B-24	UNION	37.0	TENNESSEE GAS PIP
8233900		47[illegible]7901020		107-DV		PUTNAM B-24	UNION	37.0	TENNESSEE GAS PIP
8233887		47[illegible]7901021		103		PUTNAM B-25	UNION	14.0	TENNESSEE GAS PIP
8233897		47[illegible]7901021		107-DV		PUTNAM B-25	UNION	14.0	TENNESSEE GAS PIP
-CARTER JONES LUMBER CO				RECEIVED:	05/21/82	JA: WV			
8233903		47[illegible]9500776		108		BUCK 1	LINCOLN DISTRICT	5.0	CONSOLIDATED GAS
8233901		47[illegible]9500793		108		HEINTZMAN 1	LINCOLN DISTRICT	14.0	CONSOLIDATED GAS
8233906		4709500685		108		KIMBLE 1	ELLSWORTH DISTRICT	2.0	CONSOLIDATED GAS
8233905		47[illegible]9500690		108		KIMBLE 2	ELLSWORTH DISTRICT	1.0	CONSOLIDATED GAS
8233902		47[illegible]9500779		108		TUTTLE 2	LINCOLN DISTRICT	7.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233904		4709500723		108		VANCAMP 1	ELLSWORTH DISTRICT	2.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/20/82	JA: WV			
8233866		4709702287		103		JAY A SAMPLES WN-12732	MEADE	65.6	GENERAL SYSTEM PU
-DEVON CORPORATION				RECEIVED:	05/20/82	JA: WV			
8233831		4704500152		107-DV		DINGESS RUM COAL CO #538	STOLLINGS	40.0	COLUMBIA GAS TRAN
-FOX DRILLING CO INC				RECEIVED:	05/20/82	JA: WV			
8233848		4700101254		107-DV		A THORN #1	BELINGTON	3.0	COLUMBIA GAS TRAN
8233869		4700101121		107-DV		R K TALBOTT #2	BELINGTON	3.0	COLUMBIA GAS TRAN
8233849		4700101135		107-DV		STURM #1-B	BELINGTON FIELD	1.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	05/20/82	JA: WV			
8233861		4700101495		103		B-309	PLEASANT	0.0	CONSOLIDATED GAS
8233857		4703324290		103		B-318	EAGLE	0.0	CONSOLIDATED GAS
8233855		4703323390		103		B-346	SARDIS	0.0	CONSOLIDATED GAS
8233862		4700101491		103		B-388	PHILIPPI	0.0	CONSOLIDATED GAS
8233860		4700101466		103		B-391	PLEASANT	0.0	CONSOLIDATED GAS
8233859		4700101467		103		B-392	PLEASANT	0.0	CONSOLIDATED GAS
8233856		4703324710		103		B-401	SARDIS	0.0	CONSOLIDATED GAS
8233858		4703325110		103		B-414	SIMPSON	0.0	CONSOLIDATED GAS
8233846		4701725060		107-DV		J-20	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233841		4701702507		107-DV		J-21 (JJ-2#2)	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233854		4701702625		107-DV		J-232	CENTRAL	0.0	COLUMBIA GAS TRAN
8233843		4701702636		107-DV		J-235	CENTRAL	0.0	COLUMBIA GAS TRAN
8233840		4701702740		107-DV		J-241	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233852		4701702741		107-DV		J-242	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233864		4701702703		107-DV		J-243	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233851		4701726560		107-DV		J-264	CENTRAL	0.0	COLUMBIA GAS TRAN
8233832		4701702960		103		J-422	WEST UNION	0.0	COLUMBIA GAS TRAN
8233833		4703326060		103		J-487	SARDIS	0.0	CONSOLIDATED GAS
8233845		4701703017		103		J-510	WEST UNION	0.0	CONSOLIDATED GAS
8233853		4701702503		107-DV		J-62 (K-26#1)	WEST UNION	0.0	COLUMBIA GAS TRAN
8233844		4701725800		107-DV		J-74	CENTRAL	0.0	COLUMBIA GAS TRAN
8233842		4701724720		107-DV		J-75	NEW MILTON	0.0	COLUMBIA GAS TRAN
8233863		4701702767		107-DV		J-97	WEST UNION	0.0	COLUMBIA GAS TRAN
8233850		4701725000		107-DV		J-98	WEST UNION	0.0	COLUMBIA GAS TRAN
-PEAKE OPERATING COMPANY				RECEIVED:	05/20/82	JA: WV			
8233868		4708100568		103		WELCHLANDS #1-AW	SLAB FORK	5.0	CONSOLIDATED GAS
8233867		4710900855		103		WELCHLANDS #7-AW	SLAB FORK	5.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	05/20/82	JA: WV			
8233870		4708300450		102-4		J M HUBER #73	MIDDLE FORK	35.0	EQUITABLE GAS CO
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-CIG EXPLORATION INC				RECEIVED:	05/20/82	JA: CO 1			
8233817	CD 0139-82	0504506095		108		FEDERAL 5-15-8-104	JIM CANYON	16.0	COLORADO INTERSTA
-DAVIS OIL COMPANY				RECEIVED:	05/20/82	JA: CO 1			
8233797	CD 0109-82	0503306045		103		SQUAW CANYON FEDERAL #2	PAPOOSE CANYON	60.0	MOUNTAIN FUEL SUP
-EQUITY OIL COMPANY				RECEIVED:	05/20/82	JA: CO 1			
8233798	CD 0057-82	0510300000		103	107-TF	EQUITY FEDERAL 298-13-1	RIO BLANCO UNIT	110.0	COLORADO INTERSTA
-JEROME P MCHUGH				RECEIVED:	05/20/82	JA: CO 1			
*8233799	COA 1698-81	0506706023		108		UTE #2	IGNACIO BLANCO DAKOTA	21.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED:	05/20/82	JA: CO 1			
8233810	CD 0150-82	0507708155		102-2		HANCOCK GULCH #1	WILDCAT	73.0	NORTHWEST PIPELIN
8233811	CD 0178-82	0507708382		103		HORSESHOE CANYON UNIT #2-34	ROBERTS CANYON-SHIRE	118.0	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOHIO PETROLEUM CO				RECEIVED:	05/20/82	JA: CO 1			
8233812	CD 0131-82PB	0506705017		108-PB		SOUTHERN UTE #8	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8233813	CD0093-82PB	0506705017		108-PB		SOUTHERN UTE #8	IGNACIO BLANCO	0.0	EL PASO NATURAL G
-TWIN ARROW INC				RECEIVED:	05/20/82	JA: CO 1			
8233802	CD 0098-82	0510308578		107-TF		CONTINENTAL 3-16	CATHEDRAL	0.0	NORTHWEST PIPELIN
8233800	CD 0108-82	0510308540		107-TF		CONTINENTAL 6-22	CATHEDRAL	0.0	NORTHWEST PIPELIN
8233801	CD 0138-82	0510308124		108		MOUNTAIN FUEL 5-34	CATHEDRAL	14.9	IGC PRODUCTION CO
-BELCO PETROLEUM CORPORATION				RECEIVED:	05/20/82	JA: UT 1			
8233815	UD 0110-81	4304730627		103		DUCK CREEK 10-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8233814	UD 0430-81	4304730769		103		NATURAL DUCK 10-21	NATURAL DUCK	0.0	NORTHWEST PIPELIN
8233816	VD0018-81	4304730780		103		NORTH DUCK CREEK 40-30	DUCK CREEK (NORTH)	0.0	NORTHWEST PIPELIN
-COASTAL OIL & GAS CORP				RECEIVED:	05/20/82	JA: UT 1			
8233804	UD 0140-82	4304730884		107-TF		NBU 56-N2	NATURAL BUTTES	752.0	COLORADO INTERSTA
8233803	UD 0132-82	4304730444		108		NBU 64-24B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-NP ENERGY CORP				RECEIVED:	05/20/82	JA: UT 1			
8233806	UD 0053-82	4301930882		103		FEDERAL 11-2	GREATER CISCO AREA	360.0	NORTHWEST PIPELIN
8233807	UD 0054-82	4301930884		103		FEDERAL 11-3	GREATER CISCO AREA	360.0	NORTHWEST PIPELIN
8233805	UD 0026-82	4301930636		103		FEDERAL 15-2	GREATER CISCO AREA	180.0	NORTHWEST PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	05/20/82	JA: UT 1			
8233808	UD 0137-82	4301930893		103		BENNION FEDERAL #1	BRYSON CANYON	432.0	
8233809	UD 0136-82	4304731094		102-2		MEADOW CREEK UNIT #1	MEADOW CREEK UNIT	85.0	

OTHER PURCHASERS VOLUME NO : 66

8233799 EL PASO NATURAL GAS C

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 July 2, 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. 82–16444 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 11, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME*	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-ASHLAND EXPLORATION INC			RECEIVED:	05/21/82	JA: KY				
8234074	502622	1615943678	103			ARTHUR KIRK #3 - 092091	EASTERN KENTUCKY GAS	14.0	COLUMBIA GAS TRAN
8234075	502623	1615943678	107-DV			ARTHUR KIRK #3 - 092091	EASTERN KENTUCKY GAS	14.0	COLUMBIA GAS TRAN
8234068	502616	1615944090	103			JAMES M CASSELL #2 - 092241	EASTERN KENTUCKY GAS	12.0	COLUMBIA GAS TRAN
8234069	502617	1615944090	107-DV			JAMES M CASSELL #2 - 092241	EASTERN KENTUCKY GAS	12.0	COLUMBIA GAS TRAN
8234066	502614	1615944089	103			JAMES M CASSELL #3 - 092251	EASTERN KENTUCKY GAS	30.0	COLUMBIA GAS TRAN
8234067	502615	1615944089	107-DV			JAMES M CASSELL #3 - 092251	EASTERN KENTUCKY GAS	30.0	COLUMBIA GAS TRAN
8234076	502624	1615944376	103			KIRK & MAYNARD #2 - 092261	EASTERN KENTUCKY GAS	12.0	COLUMBIA GAS TRAN
8234077	502625	1615944376	107-DV			KIRK & MAYNARD #2 - 092261	EASTERN KENTUCKY GAS	12.0	COLUMBIA GAS TRAN
8234078	502626	1619544448	103			MASON COAL & COKE #14 - 091821	EASTERN KENTUCKY GAS	40.0	COLUMBIA GAS TRAN
8234079	502627	1619500000	107-DV			MASON COAL & COKE #14 - 091821	EASTERN KENTUCKY GAS	40.0	COLUMBIA GAS TRAN
8234070	502618	1619542873	103			REPUBLIC STEEL #61 - 091741	EASTERN KENTUCKY GAS	51.0	COLUMBIA GAS TRAN
8234071	502619	1619542873	107-DV			REPUBLIC STEEL #61 - 091741	EASTERN KENTUCKY GAS	51.0	COLUMBIA GAS TRAN
8234072	502620	1619544817	103			REPUBLIC STEEL #65 - 092571	EASTERN KENTUCKY GAS	17.0	COLUMBIA GAS TRAN
8234073	502621	1619544817	107-DV			REPUBLIC STEEL #65 - 092571	EASTERN KENTUCKY GAS	17.0	COLUMBIA GAS TRAN
8234064	502612	1619542795	103			SOUTH SHELBY LAND CO #6 - 091721	EASTERN KENTUCKY	28.0	COLUMBIA GAS TRAN
8234065	502613	1619542795	107-DV			SOUTH SHELBY LAND CO #6 - 091722	EASTERN KENTUCKY GAS	28.0	COLUMBIA GAS TRAN
-BOB HURT DRILLING CO			RECEIVED:	05/21/82	JA: KY				
8234041	502588	1619500000	103			COWPEN #8	EASTERN KENTUCKY-PIKE	0.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY			RECEIVED:	05/21/82	JA: KY				
8233988	502529	1619541224	107-DV			HATCHER "B" #21	CANADA 59	14.4	COLUMBIA GAS TRAN
8234037	502582	1619541930	107-DV			LAW HEIRS "A" #40	CANADA	129.6	COLUMBIA GAS TRAN
-COLUMBUS HOBBS/OPERATOR			RECEIVED:	05/21/82	JA: KY				
8234029	502570	1615900000	108			AMY PAULEY LEASE #6	MARTIN COUNTY GAS FIE	15.2	COLUMBIA GAS TRAN
8234030	16159 502571	1615900000	108			AMY PAULEY LEASE #7	MARTIN COUNTY GAS FIE	15.2	COLUMBIA GAS TRAN
8234019	502560	1615900000	108			MINNIE MESSICK LEASE #1	MARTIN COUNTY GAS FIE	14.1	COLUMBIA GAS TRAN
8234020	502561	1615900000	108			MINNIE MESSICK LEASE-#2	MARTIN COUNTY GAS FIE	14.1	COLUMBIA GAS TRAN
-COMPASS PETROLEUM INDUSTRIES INC			RECEIVED:	05/21/82	JA: KY				
8234080	502628	1608503003	107-DV			HARLEY DAVIS #4	SHREWSBURY	10.0	EQUITABLE LIFE AS
8234042	502590	1608500000	103			WILMUTH DEWEESE #1	SHREWSBURY	7.3	EQUITABLE LIFE AS
-E C WARE			RECEIVED:	05/21/82	JA: KY				
8234008	502549	1615900000	108			CASSADY HEIRS A	MARTIN COUNTY GAS FIE	11.9	KENTUCKY WEST VIR
8234009	502550	1615900000	108			CASSADY HEIRS B	MARTIN COUNTY GAS FIE	11.9	KENTUCKY WEST VIR
8234010	502551	1615900000	108			F M DAVIS LEASE	MARTIN COUNTY GAS FIE	7.7	COLUMBIA GAS TRAN
8234017	502558	1611900000	108			FARRIS HAYES LEASE	MARTIN COUNTY GAS FIE	5.8	COLUMBIA GAS TRAN
8234012	502553	1615900000	108			FLOYD PARSLEY LEASE	MARTIN COUNTY GAS FIE	14.8	COLUMBIA GAS TRAN
8234021	502562	1615900000	108			FRANCIS HARDIN LEASE #1	MARTIN COUNTY GAS FIE	7.2	COLUMBIA GAS TRAN
8234022	502563	1615900000	108			FRANCIS HARDIN LEASE #2	MARTIN COUNTY GAS FIE	7.2	COLUMBIA GAS TRAN
8234031	502572	1619500000	108			HIRAM BAILEY LEASE #2	MARTIN COUNTY GAS FIE	6.0	COLUMBIA GAS TRAN
8234032	502573	1619500000	108			HIRAM BAILEY LEASE #3	MARTIN COUNTY GAS FIE	6.0	COLUMBIA GAS TRAN
8234013	502554	1615900000	108			J H MAYNARD #1	MARTIN COUNTY GAS FIE	4.3	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8234014	502555	1615900000		108		J H MAYNARD #3	MARTIN COUNTY GAS FIE	4.3	COLUMBIA GAS TRAN
8234011	502552	1615900000		108		J W GOBLE LEASE	MARTIN COUNTY GAS FIE	15.6	COLUMBIA GAS TRAN
8234018	502559	1612700000		108		JESSE CORDLE LEASE	MARTIN COUNTY GAS FIE	1.0	KENTUCKY WEST VIR
8234035	502577	1615900000		108		JIM HORN LEASE	MARTIN COUNTY GAS FIE	4.6	COLUMBIA GAS TRAN
8234016	502557	1615900000		108		M T DAVIS LEASE	MARTIN COUNTY GAS FIE	17.3	COLUMBIA GAS TRAN
8234034	502576	1615900000		108		MARY L THOMAS LEASE	MARTIN COUNTY GAS FIE	5.7	COLUMBIA GAS TRAN
8234026	502567	1615900000		108		MCGEE BRANCH LEASE #1	MARTIN COUNTY GAS FIE	10.4	COLUMBIA GAS TRAN
8234027	502568	1615900000		108		MCGEE BRANCH LEASE #2	MARTIN COUNTY GAS FIE	10.4	COLUMBIA GAS TRAN
8234028	502569	1615900000		108		MCGEE BRANCH LEASE #3	MARTIN COUNTY GAS FIE	10.4	COLUMBIA GAS TRAN
8234015	502556	1615900000		108		ROBERT CRUM	MARTIN COUNTY GAS FIE	4.3	COLUMBIA GAS TRAN
8234033	502575	1615900000		108		SHAYDE CHAPMAN LEASE	MARTIN COUNTY GAS FIE	5.7	COLUMBIA GAS TRAN
8234036	502578	1619500000		108		SUSIE BREWER LEASE	MARTIN COUNTY GAS FIE	0.0	KENTUCKY WEST VIR
8234024	502565	1615900000		108		T J HARDIN LEASE #1	MARTIN COUNTY GAS FIE	0.0	COLUMBIA GAS TRAN
8234023	502564	1615900000		108		T J HARDIN LEASE #2	MARTIN COUNTY GAS FIE	7.2	COLUMBIA GAS TRAN
8234025	502566	1615900000		108		T J HARDIN LEASE #3	MARTIN COUNTY GAS FIE	7.2	COLUMBIA GAS TRAN
-INLAND GAS CO INC				RECEIVED:		05/21/82 JA: KY			
8234057	502605	1611900000		108		BECKHAM BATES 363	BIG SANDY	0.1	
8234050	502598	1611900000		108		C M HAYES 414	BIG SANDY	2.0	
8234060	502608	1619300000		108		CALVIN CORP 553	BIG SANDY	1.7	
8234052	502600	1611900000		108		ELIZA NICKLES 254	BIG SANDY	7.9	
8234047	502595	1611900000		108		GIRLIE WALLEN 512	BIG SANDY	2.5	
8234056	502604	1611900000		108		GREEN SLONE 121	BIG SANDY	13.0	
8234045	502593	1611900000		108		HENRY J SCHMIDT 555	BIG SANDY	1.9	
8234044	502592	1611900000		108		HENRY J SCHMIDT 564	BIG SANDY	1.4	
8234054	502602	1611900000		108		HENRY J SCHMIDT 575	BIG SANDY	4.0	
8234043	502591	1611900000		108		HENRY J SCHMIDT 593	BIG SANDY	7.4	
8234048	502596	1611900000		108		J H ALLEN 423	BIG SANDY	0.3	
8234059	502607	1615300000		108		J H HAMMONDS 243	BIG SANDY	4.3	
8234055	502603	1615300000		108		J H HAMMONDS 268	BIG SANDY	4.9	
8234049	502597	1611900000		108		JETHRO AMBURGEY 417	BIG SANDY	15.4	
8234058	502606	1615300000		108		JOHN J HOWARD HEIRS 336	BIG SANDY	6.4	
8234046	502594	1601900000		108		L O WHITE HEIRS 529	ASHLAND	0.7	
8234051	502599	1611900000		108		LUCY J AMBURGEY 392	BIG SANDY	1.0	
8234053	502601	1601900000		108		O M PAISLEY 540	ASHLAND	8.6	
-KENTUCKY WEST VA GAS COMPANY				RECEIVED:		05/21/82 JA: KY			
8233982	502523	1619500000		108		BLAIR FORK COAL CO #1668	KENTUCKY EAST	18.3	
8233983	502524	1619500000		108		BLAIR FORK COAL CO #1690	KENTUCKY EAST	8.1	
8233985	502526	1619500000		108		BLAIR FORK COAL CO #1699	KENTUCKY EAST	6.1	
8233986	502527	1619500000		108		BLAIR FORK COAL CO #1712	KENTUCKY EAST	9.5	
8234004	502545	1611900000		107-DV		DORA DOBSON #1704	KENTUCKY EAST	13.7	KENTUCKY WEST VIR
8233997	502538	1619300000		107-DV		FORDSON COAL CO - #1658	KENTUCKY EAST	19.4	KENTUCKY WEST VIR
8234000	502541	1613300000		107-DV		FORDSON COAL CO - #1670	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8234007	502548	1611900000		107-DV		GABRIEL HUDSON-#7286	KENTUCKY EAST	17.4	KENTUCKY WEST VIR
8233987	502528	1619500000		108		H K MORRIS - #7273	KENTUCKY EAST	4.4	
8233996	502537	1619300000		107-DV		KENTUCKY RIVER COAL CORP - #1132	KENTUCKY EAST	26.7	
8233998	502539	1613100000		107-DV		KYCOGA LAND CO - #1663	KENTUCKY EAST	7.8	KENTUCKY WEST VIR
8234001	502542	1613100000		107-DV		KYCOGA LAND CO #1678	KENTUCKY EAST	39.0	KENTUCKY WEST VIR
8234002	502543	1613100000		107-DV		KYCOGA LAND CO #1679	KENTUCKY EAST	19.4	KENTUCKY WEST VIR
8234003	502544	1613100000		107-DV		KYCOGA LAND CO #1683	KENTUCKY EAST	15.0	KENTUCKY WEST VIR
8233999	502540	1613100000		107-DV		KYCOGA LAND COMPANY - #1667	KENTUCKY EAST	13.7	KENTUCKY WEST VIR
8234006	502547	1619300000		107-DV		NATHANIEL NEACE #7285	KENTUCKY EAST	19.4	KENTUCKY WEST VIR
8234005	502546	1619300000		107-DV		NICHOLAS COMBS #7239	KENTUCKY EAST	10.4	KENTUCKY WEST VIR
8233995	502533	1619500000		107-DV		POMPEY COAL & COKE CO #1610	KENTUCKY EAST	14.0	KENTUCKY WEST VIR

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233984	502525	1619500000		108		ROBERT WILLIAMS #1691	KENTUCKY EAST	9.9	
-KEPCO INC				RECEIVED:	05/21/82	JA: KY			
8234061	502609	1611900000		103		ARIO CORP - #K332-1736	KENTUCKY EAST	17.4	KENTUCKY WEST VIR
8233993	502534	1611900000		107-DV		DORIS B COMBS - #K78-1725	KENTUCKY EAST	17.4	KENTUCKY WEST VIR
8233994	502535	1619503000		107-DV		J M TAYLOR - #K79-1730	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8234063	502611	1611900000		107-DV		JASPER STEWART - #K326-7351	KENTUCKY EAST	26.1	KENTUCKY WEST VIR
8234062	502610	1611900000		107-DV		JOHN CALHOUN - #K325-7349	KENTUCKY EAST	15.0	KENTUCKY WEST VIR
8233992	502533	1611900000		107-DV		PAUL C COMBS - #K316-1734	KENTUCKY EAST	16.4	KENTUCKY WEST VIR
8233989	502530	1613100000		107-DV		WILLIAM CRESS - #K70-7316	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8233990	502531	1613100000		107-DV		WILLIAM CRESS - #K71-7317	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8233991	502532	1613100000		107-DV		WILLIAM CRESS - #K73-7310	KENTUCKY EAST	15.0	KENTUCKY WEST VIR
-THE WISER OIL COMPANY				RECEIVED:	05/21/82	JA: KY			
8234038	502583	1601300000		102-2		GREASY BRUSH COAL #8	KAYJAY	0.0	COLUMBIA GAS TRAN
8234081	502637	1601300000		102-2		GREASY BRUSH COAL CO #2	KAY JAY	0.0	COLUMBIA GAS TRAN
8234039	16013502584	1601300000		102-2		GREASY BRUSH COAL CO #7	KAYJAY	0.0	COLUMBIA GAS TRAN
8234040	502585	1601300000		102-2		ROBERT CENTERS-RICHFIELD COAL CO #1	KAYJAY	0.0	COLUMBIA GAS TRAN

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 July 2, 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 (1,000 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. 82–16445 Filed 6–16–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER82–200–001 and ER82–200–002]

Maine Public Service Co.; Order Granting and Denying Motions for Rehearing

Issued: June 10, 1982.

On December 31, 1981, Maine Public Service Company (MPSC) tendered for filing revised rates for its wholesale customers proposed to become effective February 1, 1982. MPSC also applied for permission to include 58% of its construction work in progress (CWIP) in rate base under the severe financial difficulty provisions of § 2.16(b) of the Commission's regulations. By order issued March 1, 1982, the Commission accepted the rates for filing granted waiver of the notice provisions to permit the rates to become effective within 30 days of filing, and suspended the non-CWIP rates for one day, to become effective on February 1, 1982, subject to refund. The Commission set the section 2.16(b) CWIP application for hearing, but phased the hearing until after completion of the CWIP rulemaking in Docket No. RM81–38.

On March 30, 1982, MPSC filed a motion requesting limited rehearing of the Commission's order of March 1, 1982. MPSC asks the Commission to reconsider its decision to deny its request for waiver of the prospective-only provision of § 2.16(b) of the Commission's regulations and its deferral of the company's application for inclusion of CWIP in rate base until completion of the Commission's current CWIP rulemaking proceeding.

On March 31, 1982, the Wholesale Customers also filed a motion requesting rehearing of the Commission's order of March 1, 1982. The Wholesale Customers ask the Commission to reconsider its decision to waive the notice requirement and to suspend the non-CWIP rates for only one day.

Discussion

Under the Commission's existing standards, a utility seeking to include CWIP in rate base[1] must demonstrate 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.[2] However, as noted in our order of March 1, 1982, we have initiated a rulemaking proceeding on the CWIP issue in order to reassess the current standards. To maintain the *status quo ante* and avoid any prejudice to rate case participants pending further Commission action on the rulemaking, we have, as noted, set for hearing several CWIP applications which would otherwise have been disposed of summarily under existing precedent, but we have phased the CWIP issue to follow the rulemaking proceeding.[3]

The first question, then, is whether MPSC has made a threshhold showing of severe financial hardship sufficient to warrant setting MPSC's CWIP request for an immediate hearing under the current standards of § 2.16 rather than phasing the hearing to follow the rulemaking.[4]

In Order No. 555,[5] which established § 2.16, the Commission addressed certain circumstances which it envisioned as constituting a showing of "severe financial difficulty which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers":

> In particular, we envision a situation in which the rate of return necessary to enable the utility to maintain its credit and attract capital in accordance with the standards of the *Bluefield* decision would be materially in excess of the cost of capital for otherwise similar utilities. Such a circumstance might arise, for example, where the exigencies of the utility's construction program are such as to reduce its interest coverage to such an extent that additional capital cannot be raised at reasonable rates and that an amount of earnings sufficient to attract capital would require a rate of return on equity substantially in excess of the cost of equity capital to otherwise similar electric utilities. Under such circumstances, it would be to the benefit of the consumer if the additional earnings necessary to attract capital were permitted by way of a return on CWIP rather than by way of an inflated return on the traditional rate base since the former treatment would eventually be reflected in a lower rate base by way of reduced AFUDC allowance, while the latter would not. 56 FPC 2946.

In *Montaup Electric Company*, Docket No. ER82–325–000, order issued April —, 1982, we found that Montaup had made such a showing.

We believe that MPSC has stated an analogous claim, *viz.*, that its preclusion from issuing any new long-term debt, because it does not have sufficient earnings to meet the interest coverage ratios required by existing debenture indentures, results in a situation in which capital cannot be raised at reasonable rates or in which other resutling regulatory relief would be less beneficial to the consumer than the allowance of some portion of CWIP in rate base. We find that MPSC's preclusion from issuing any new long term debt, along with other financial indicators

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[1] Other than pollution control and fuel conversion CWIP.

[2] 18 CFR 2.16(b)(3).

[3] *El Paso Electric Company*, 15 FERC ¶ 61,318, p. 61,693 (June 30, 1981). Those cases in which the *El Paso* procedures have been applied include: *Oklahoma Gas & Electric Company*, Docket No. ER82–256–000, issued March , 1982; *Maine Public Service Company of Oklahoma*, 18 FERC ¶ 61,011 (January 8, 1982); *Florida Power & Light Company*, 16 FERC ¶ 61,072 (July 27, 1981).

[4] The Commission recognizes that where good cause exists, it may waive its regulations. We also recognize that in *Louisiana Power and Light*, Opinion No. 110, 14 FERC ¶ 61,075, p. 61,114 (January 23, 1981), this Commission stated that "Order No. 555 is a general statement of policy" which "does not establish a binding norm." We are also mindful that an administrative agency has a right to change a given policy when it finds that such change is in the public interest. *Consolidated Gas Supply Corp.* v. *F.P.C.*, 520 F. 2d 1176 (D.C. Cir. 1975); *Greater Boston Television Corp.* v. *FCC*, 444 F. 2d 841, 852 (D.C. Cir. 1970), *cert. denied*, 403 US 923 (1971). Indeed, "within the limits imposed by the requirement of reasoned decisionmaking, the Commission is free to modify or even reverse its established policy." *Id.*

[5] Docket No. RM75–13, "Order Adopting in Part Construction Work in Progress Rulemaking and Terminating Proceedings," issued November 8, 1976, 56 FPC 2939.

such as MPSC's low internal cash flow (23%), low market to book ratio (49.8%), high percentage of CWIP to net plant in service (115.63%) and of AFUDC to total earnings (over 108%), constitute a preliminary showing of severe financial stress under § 2.16(b).

Because of the combination of all of these factors, we find on rehearing that MPSC has made a threshhold showing sufficient to warrant a hearing under the existing standards of § 2.16. We shall therefore get the CWIP rates for immediate hearing.[6]

The second question before us on rehearing is whether we should waive the prospective-only requirement of § 2.16(b) and allow MPSC to collect its proposed CWIP rates subject to refund, in advance of a final Commission determination on the merits.

In Order No. 555, the Commission stated that, since financial relief CWIP was an extraordinary remedy that would rarely be granted, it could only be collected prospectively from the date of an order on rehearing of a Commission order granting CWIP relief. In RM81–38, the Commission is reevaluating this prospective-only provision. Without predicting the outcome of the rulemaking on this question, we find that the particular facts and circumstances of MPSC's situation do not warrant an exception to the current policy of granting prospective-only CWIP relief.

In *Montaup Electric Company*, Docket No. ER82–325–000, order issued April ——, 1982, we found that waiver of the prospective-only requirement of § 2.16(b) was necessary to prevent an imminent downgrading of the bonds of Montaup's parent company. In the instant case however, the relief sought is remedial rather than preventive. Thus, there is not the same urgency with respect to the timing of the relief sought which necessitated the exception made with respect to Montaup. In addition, we considered the fact that Montaup was 100% jurisdictional and that no construction-related rate relief could be forthcoming at the retail level. In contrast, MPSC is only 16% jurisdictional and has a pending CWIP request before the Maine Public Utilities Commission. These facts lessen the urgency of MPSC's request and distinguish it from Montaup. In addition, we note that Montaup requrested inclusin of only 16% of its average CWIP whereas MPSC has requested immediate inclusion of 58%.

The inclusion of CWIP in rate base under § 2.16(b) can only be granted prospectively from a final order of the Commission on rehearing. In order that the Commission may expeditiously resolve this matter, we will order the proceedings to be phased. Phase I will deal with the evidence required to substantiate MPSC's financial hardship claim for CWIP in rate base and evidence on the issue of the allowable rate of return. Phase II will deal with all remaining issues.

With respect to the motion for rehearing filed by the Wholesale Customers, we find that no new matters of fact or law have been raised. In particular, the Customers have not contradicted the statement by MPSC, upon which the Commission relied, that they have been able to flow through MPSC's rate increase to their retail customers. Upon consideration of the request for rehearing, the Commission finds that no basis exists to warrant reconsideration of its earlier order on this question.

The Commission orders:

(A) MPSC's motion for rehearing is hereby granted to the extent discussed above.

(B) MPSC's motion for rehearing of denial of its request for waiver of the prospective-only provision of section 2.16(b) is hereby denied.

(C) The hearing on the CWIP filing shall be phased as discussed in the body of this order.

(D) The administrative law judge previously designated to preside in this docket shall convene a conference at the earliest convenience of the parties for purposes of establising a procedural schedule which will allow a Commission decision to be reached on the CWIP phase of this case as discussed above.

(E) The Wholesale Customer's motion for rehearing is hereby denied.

(F) The Secretary shall promptly publish this order in the Federal Register.

By Commission. Commissioner Hughes concurred in part and dissented in part with a separate statement attached.

Kenneth F. Plumb,

Secretary.

HUGHES, COMMISSIONER, *concurring in part and dissenting in part:*

The Commission has voted to grant rehearing to allow Maine Public Service Company an immediate hearing on its CWIP application under 18 CFR 2.16 but to deny a waiver of that section to permit immediate collection of CWIP revenues. Confronted with the circumstances of the Company's current financial situation, as set forth in the Commission's decision and in light of our recent action in *Montaup Electric Company* (*1*), I fully agree with the Commission's action in this respect.

I disagree with my colleagues' decision to deny the request of Eastern Maine Electric Cooperative, Inc., the Houlton Water Company, and the Van Buren Light and Water District for rehearing which object to our earlier grant of a waiver of the statutory 60-day notice period. I would grant rehearing on this point because our earlier decision changes our prior practice without an adequate explanation of the reasons for the change and because the change stretches our waiver power well beyond what is prudent and perhaps beyond what is lawful.

To be sure, the statute permits us to allow rates to become effective on less than 60 days notice (*2*) and the courts have affirmed broad exercise of that power in compelling cases. (*3*) We have looked to the reasons given by the utility (*4*), and the consent (*5*) or objection (*6*) of the customers in determining whether good cause exists to support a waiver. And where the waiver allows rates to become effective retroactively (*7*), the customer's consent has been a critical factor. (*8*)

A proper explanation might have been possible here. The customer's original objection recited the reasons for the 60-day period to allow customers to respond to or adjust retail rates as well as for the Commission to review the filing for purposes of its suspension decision. The utility then informed us that the Maine Public Service Commission had made provision for adjustments in the wholesale customers' retail rates to track any wholesale rate increase. Thus it appeared that the reason for the customers' earlier objections had been removed. Our March 3 order was made with that understanding, and might have validly adopted a new norm, distinction, or exception to accommodate such facts.

The customers' rehearing petition makes it clear, however, they did not consent, did not withdraw their objection to the waiver and still oppose it. According to the standards developed in our prior cases, that is their prerogative and we should respect it. Nowhere in the Commission's orders in this docket is there a recognition that this standard is being altered or an explanation of reasons why it should be changed.

[A]n agency changing its course must supply a reasoned analysis indicating that prior policies and standards are being deliferately changed, not casually ignored, and if an agency glosses over or swerves from prior precedents without discussion it

[6] *Cf., Montaup Electric Company*, Docket No. ER82–325–000, order issued April 7, 1982.

may cross the line from tolerably terse to intolerably mute.

Greater Boston Television Corp. v. FCC, 444 F.2d 841, 852 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 923 (1971).

For its deviation from the rule of consent, the Commission has given no reasons, although we have been reminded quite recently that we are required to state reasons for modification of previously announced standards. *Hatch v. FERC*, 654 F.2d 825 (D.C. Cir. 1981). There the court found the Commission's treatment of its prior decisions "almost cavalier", 654 F.2d at 834 n.20. Nor does the Commission's decision indicate the extent of its departure from its prior norms. As stated in *Atchison, Topeka & Santa Fe Railway Co. v. Wichita Board of Trade*, 412 U.S. 800, 808 (1973):

> The agency may flatly repudiate those norms, deciding, for example, that changed circumstances mean that they are no longer required in order to effectuate congressional policy. Or it may narrow the zone in which some rule will be applied, because it appears that a more discriminating invocation of the rule will best serve congressional policy. Or it may find that, although the rule in general serves useful purposes, peculiarities of the case before it suggest that the rule not be applied in that case. Whatever the ground for the departure from prior norms, however, it must be clearly set forth so that the reviewing court may understand the basis of the agency's action and so may judge the consistency of that action with the agency's mandate.

While the case before us may not be a particularly compelling one, it serves to point up the values of the now-rejected consent rule. As a result of the FERC's decision, the ultimate consumers, who are the customers of Eastern Maine Electric Cooperative, the Houlton Water Company and the Van Buren Light and Water District have been obliged to pay, perhaps during April and May, perhaps in some other period, a surcharge to cover the retroactive February increase, since the increase could not lawfully have been billed in February. Of course, the April and May rates also included the full increased rates. Rate fluctuations of this sort lead to customer confusion, annoyance and worse. If the surcharges are based on usage during the later period, Maine Public Service Company will almost certainly not recover the surcharge from customers in exact proportion to their February usage and, in some situations, the disparity might reach a significant level of unfairness. And these fluctuations undoubtedly tend to diminish the effectiveness of the economic signals projected to the ultimate consumers and to intermediate suppliers like these wholesale customers. While the importance of any particular economic signal may not be readily ascertainable, we must not continue to regulate as though electricity usage is not responsive to its price. We know that it is (*9*) and that the price that controls economic decisions is the price that must be currently paid.

When we allow Maine Public Service or its customers to go back to the ultimate consumer for additional payment for February's service, we are permitting the signals to be changed after the decisions have been made. February's consumption levels were based on the price levels then in effect. Subsequent money damages, through any refunds we may order, are an imperfect form of relief, since customers cannot react to these price levels either.

Alongside my view that it would be better policy to avoid these waivers, I am uncertain of the acceptance of nonconsensual retroactive waivers by the courts. The proposition that the Commission may not alter rates retroactively is treated as black letter law.

> Not only do the courts lack authority to impose a different rate than the one approved by the Commission, but the Commission itself has no power to alter a rate retroactively.[8]
> . . .
>
> [8] Although the Commission may not impose a retroactive rate alteration and, in particular, may not order reparations, *see, e.g., FPC v. Sunray DX Oil Co.*, 391 U.S. 9, 24 (1968), it may "for good cause shown", 15 U.S.C. 717c(d), waive the usual requirement of timely filing of an alteration in a rate. Assuming, *arguendo*, that waiver is available for retroactive collection of a higher rate than the one on file, we note that in this case, the Commission has expressly found that respondents have not demonstrated that good cause exists for waiving the filing requirements on their behalf.

Arkansas Louisiana Gas Co. v. Hall, 453 U.S. 571, 578 (1981). Accord, *East Tennessee Natural Gas Company v. FERC*, 631 F.2d 794, 796 (n.4) and 799–800, (D.C. Cir. 1980), and *Maine Public Service Company v. FERC*, 579 F.2d 659, 667 (1st Cir. 1978).

While cases like *City of Piqua, supra*, n.3, leave the application of this maxim in doubt in particular cases, it is probable that a reviewing court would find on the facts of this case that the Commission has retroactively imposed a rate alteration on unwilling customers. As these wholesalers have pointed out, the 60-day statutory period serves the planning needs of wholesalers and consumers as well as the administrative convenience of the Commission. In an order which denies immediate extraordinary relief through CWIP, (*i.e.*, the Company may be strapped, but it is not truly desperate) the Commission finds "good cause" to waive a statutory provision over the customers' objection, after the fact, without special circumstances, and supported by no more than a doubtful assertion that the wholesaler will not be hurt by the rate change. If good cause means so little in this proceeding, I expect to see much less justification of it in future cases.

J. David Hughes,

Commissioner.

Footnotes

(1) 19 FERC ¶ 61,062, Docket Nos. ER81–749–001 and ER 82–325–000, April 20, 1982.

(2) Section 205(d) of the Federal Power Act, 16 U.S.C. 824d(d), provides: Unless the Commission otherwise orders, no change shall be made by any public utility in any such rates, charges, classification, or service, or in any rule, regulation, or contract relating thereto, except after sixty days' notice to the Commission and to the public. . . The Commission, for good cause shown, may allow changes to take effect without requiring the sixty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

(3) E.g., *City of Piqua v. FERC*, 610 F.2d 950 (D.C. Cir. 1979), *City of Cleveland v. FPC*, 525 F.2d 845, 856 (D.C. Cir. 1976).

(4) Selected instances of circumstances where the 60-day notice requirement has been waived:

(a) to allow a utility to begin providing serice. *Alabama Power Company*, 13 FERC ¶ 61,059 (1980); *Arkansas Power and Light Company*, 12 FERC ¶ 61,295 (1980); *CP National*, 12 FERC ¶ 61,103 (1980).

(b) to establish a concurrent effective date with retail rates. *Consolidated Edison Company of New York, Inc.*, 13 FERC ¶ 61,136 (1980).

(c) to establish concurrent effective rates for interconnected systems. *Appalachian Power System*, 13 FERC ¶ 61,046 (1980).

(d) to permit passthrough of a supplier's rate increase. *Union Light, Heat and Power Company*, 10 FERC, ¶ 61,160 (1980).

(e) to give effect to a rate formula contract. *Public Service Company of Oklahoma*, 12 FERC ¶ 61,261 (1980).

(f) where the utility had satisfied the customers' objection. *New England Power Company*, 11 FERC ¶ 61,051 (1980).

(g) to replace rates inconsistent with Commission policy. *Pennsylvania-New Jersey-Maryland Interconnection*, 12 FERC ¶ 61,183 (1980).

(h) to implement a new ratemaking methodology under a new statute. *Puget Sound Power & Light Co.*, 17 FERC ¶ 61,185 (1981).

(i) where interchange service was based on a split-savings approach, rather than a formula. *Alabama Power Company*, 12 FERC ¶ 61,210 (1980).

(j) where the customers had purchased ownership and the prior agreements were inapplicable. *Arkansas Power and Light Company*, 12 FERC ¶ 61,117 (1980).

Interestingly, waiver was denied as to rates filed in substitution for rejected CWIP rates. *Kansas City Power and Light Company*, 12 FERC ¶ 61,118 (1980).

(5) The customers' expressed consent has been specifically mentioned as a basis for grant of waiver. *Mississippi Power Company*, 12 FERC ¶ 61,191 (1981); *Southern Indiana Gas and Electric Corporation*, 12 FERC ¶ 61,313 (1980); *Arkansas Power & Light Company*, 12 FERC ¶ 61,295 (1980); *Georgia Power Company*, 11 FERC ¶ 61,034 (1980); *Public Service Company of New Hampshire*, 10 FERC ¶ 61,117 (1980).

Consent has been implied from contractural relationships. *Public Service Company of Oklahoma*, 12 FERC ¶ 61,261 (1980); and *Central Power & Light Company*, 11 FERC ¶ 61,102 (1980).

(6) Customers' express objection to waiver has been cited as a basis for denial. *Central Power & Light Company*, 15 FERC ¶ 61,191 (1981); *Indiana & Michigan Electric Company*, 14 FERC ¶ 61,018 (1981); and ¶ 61,241 (1980); *Kansas Power and Light Company*, 12 FERC ¶ 61,298 (1980); *Long Island Lighting Company*, 12 FERC ¶ 61,066 (1980); *Central Telephone and Utilities Corporation, 10 FERC ¶61, 213 (1980); Central Illinois Public Service Company*, 10 FERC ¶ 61,110 (1980).

The objection can be implied, *Florida Power & Light Company*, 14 FERC ¶ 61,127 (1981).

(7) Retroactivity is clearly present in this case. The filed rate, that is, the rate on file and in effect, throughout February and up until the date of our first order (March 3, 1982), was the prior rate. The March 3 order retroactively put the new rates into effect for the month of February by making the increased rate applicable to electric service after it had been provided and consumed. It would be otherwise had we acted on the waiver before the requested effective date of February 1.

(8) *Consolidated Edison Company of New York, Inc.*, 13 FERC ¶ 61,136 (1980); *Alabama Power Company*, 16 FERC ¶ 61,023 (1981); ¶ 61,210 (1980); and *CP National*, 12 FERC ¶ 61,103 (1980).

Such consent can be implied. *Central Power & Light Company*, 11 FERC ¶ 61,102 (1980).

(9) Taylor, *The Demand for Electricity: a Survey*, 6 Bell J. Econ. 74 (Spring 1975). Attempts to quantify elasticity of demand for electricity continue. See, e.g., Kershner and Kenney, *How Industry Responds to Higher Electric Rates: Some Survey Results*, Pub. Util. Fort., May 27, 1982, at 24; Fitzgerald, *The Load Research Process Above and Beyond PURPA*, Pub. Util. Fort., March 18, 1982, at 51.

[FR Doc. 82-16439 Filed 6-16-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of May 21 through May 28, 1982

During the week of May 21, 1982 through May 28, 1982, the appeals and applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: June 10, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 21 through May 28, 1982]

Date	Name and location of applicant	Case No.	Type of submission
May 21, 1982	Commonwealth of Pennsylvania Harrisburg, Pa	HEG-0014 and HES-0014.	Petition for Special Redress and Request for Stay. If granted: The Office of Hearings and Appeals would review actions taken by the Economic Regulatory Administration regarding a Proposed consent Order with Quaker State Oil Refining Corporation which might affect the interests of the Commonwealth of Pennsylvania and its citizens.
May 24, 1982	Commonwealth Oil Refining Company, Inc. Washington, D.C.	HEA-0004	Appeal of an ERA Order. If granted: The March 11, 1982 Order issued by the Economic Regulatory Administration, regarding Commonwealth Oil Refining Company, Inc.'s entitlement purchase obligations under the Puerto Rico Naphtha Entitlements Program, would be rescinded.
May 24, 1982	New York State Energy Office, Albany, New York	HEE-0030	Exception to the Energy Conservation Program. If granted: The State of New York would receive an exception to the Energy Conservation Program regarding the State's Cycle IV grant applications.
May 24, 1982	Phillips Puerto Rico Core, Inc. Washington, D.C.	HEA-0003	Appeal of an ERA Order. If granted: The March 11, 1982 Order issued by the Economic Regulatory Administration, regarding Phillips Puerto Rico Core, Inc.'s entitlement purchase obligations under the Puerto Rico Naphtha Entitlement Program, would be rescinded.
May 25, 1982	Commonwealth Oil Refining Co., Inc. Washington, D.C.	HEG-0015	Petition for Special Redress. If granted: The March 11, 1982, Order issued by the Economic Regulatory Administration regarding the firm's entitlements purchase obligations would be rescinded.
May 25, 1982	Union Carbide Caribe, Inc. Washington, D.C.	HEA-0002	Appeal of an ERA Order. If granted: The March 11, 1982 Decision and Order issued by the Economic Regulatory Administration, regarding Union Carbide Caribe, Inc.'s entitlement purchase obligations under the Puerto Rico Naphtha Entitlements Program, would be rescinded.
May 27, 1982	Electronic Space Systems Corp. Washington, D.C.	HEG-0016	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the selection procedures used to determine the successful proposal in connection with the DOF Program Opportunity Notice No. DE-PN04-81AL16333, to determine whether Electronic Space Systems Corp. was prejudiced in that proceeding.

NOTICES OF OBJECTION RECEIVED

[Week of May 21, 1982 to May 28, 1982]

Date	Name and location of applicant	Case No.
May 24, 1982	Standard Oil Company of Indiana, Chicago, Illinois	HEE-0002

[FR Doc. 82-16237 Filed 6-16-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of May 28 Through June 4, 1982

During the week of May 28 through June 4, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: June 10, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 28 through June 4, 1982]

Date	Name and location of applicant	Case No.	Type of submission
June 1, 1982	Sound Hudson Against Atomic Development Alliance (SHAD), New York, New York.	HFA-0059	Appeal of an Information Request Denial. If granted: The May 13, 1982, Information Request Denial issued by the Office of Safeguards and Security Defense Programs would be rescinded and the Sound Hudson Against Atomic Development Alliance would receive access to DOE information regarding the SHAD Alliance.
June 2, 1982	Dorchester Gas Corporation, Dallas, Texas	HRD-0052, HRH-0045	Motion for Discovery, Motion for Evidentiary Hearing. If granted: Discovery would be granted to Dorchester Gas Corporation (Dorchester) and an evidentiary hearing would be convened in connection with the Statement of Objections that Dorchester submitted in response to the Proposed Remedial Order (Case No. HRO-0045) issued to that firm.
June 2, 1982	Economic Regulatory Administration/Olympian Exploration Co., Washington, D.C.	HRR-0028	Motion for Modification/Rescission. If granted: The March 14, 1979, Remedial Order (Case No. DRO-0128) issued to Olympian Exploration Company by the Office of Hearings and Appeals would be modified with respect to its remedial provisions calling for a direct refund by the firm.

REFUND APPLICATIONS RECEIVED

[Week of May 28 to June 4, 1982]

Date	Name of refund proceeding/name of refund applicant	Case No.
June 3, 1982	Pennzoil/Wikel Express	RF10-13.
June 3, 1982	Pennzoil/Miller Oil Company	RF10-14.
June 2, 1982	Pennzoil/Arkansas Best Freight Systems	RF10-15.
June 4, 1982	OKC Corporation/Chemical Express Carriers, Inc	RF13-1.
June 1, 1982	Olin Corporation/Phillips Petroleum Company	RF11-1.
June 1, 1982	Anadarko Production Company/Cities Service Company	RF12-1.

NOTICES OF OBJECTION RECEIVED

[Week of May 28 to June 4, 1982]

Date	Name of location of applicant	Case No.
June 1, 1982	Big Muddy Oil Processors, Inc. Casper, Wyoming	BXE-1438.
June 2, 1982	Jordan Gas Company Centre, Alabama	BEE-1642.

[FR Doc. 82-16238 Filed 6-16-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 2149-5]

Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting

Under Pub. L. 92-463 notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board. The meeting will be held July 6-7, 1982 starting at 1:00 p.m. on July 6 in Rooms 3906-3908 Mall at EPA Headquarters, 401 M Street, SW., Washington, D.C.

A major purpose of the meeting is to allow the Committee and the public to review and provide its advice to EPA on several issues related to the proposed revision of the ambient air quality standards for carbon monoxide. Revisions to the existing standards for carbon monoxide were formally proposed by EPA in the **Federal Register** on August 18, 1980, Vol. 45, No. 161, pp. 55066-55084. At the July 6 meeting of the CASAC EPA will solicit additional comment from CASAC the and public on the following issues relating to final promulgation of the revised standards for carbon monoxide: (1) The 1981 study published by Dr. Wilbert S. Aronow entitled "Aggravation of Angina Pectoris by 2% Carboxyhemoglobin," American Heart Journal, February, 1981; (2) setting a revised eight-hour carbon monoxide standard that includes five allowable exceedances; (3) sensitivity analysis predictions of carboxyhemoglobin levels associated with alternative carbon monoxide standards; and (4) estimated exposure to ambient carbon monoxide concentrations under alternative air quality standards.

Copies of documents pertaining to these issues can be obtained by writing or calling Mr. Michael Jones, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, N.C. 27711, (919) 541-5531.

Additional issues on the CASAC agenda for this meeting include: Discussion of research needs for gases and particles; status report on the Critical Assessment Document for Acidic Deposition; and a briefing and discussion of the relationship between

automobile emission controls and attainment of ambient air quality standards.

The meeting is open to the public. Any member of the public wishing to attend, submit a statement, make a presentation, or obtain further information should contact Terry F. Yosie, Acting Director, Science Advisory Board by close of business July 1, 1982.

Dated: June 9, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

[FR Doc. 82-16351 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

[FRL 2149-7]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Health Committee of the Science Advisory Board will be held on July 7, 1982 in Conference Room S353, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:00 a.m. The estimated time of adjournment will be approximately 4:30 p.m.

A major purpose of the meeting is to allow the Agency to discuss with the Committee plans for the scientific review of draft health assessment documents at future meetings of the Committee. The Agency has prepared documents for nine pollutants to evaluate the available health effects information. Notice of the availability and solicitation for public comment on these documents appeared in the **Federal Register** on April 26, 1982, pp. 17860-17861.

The titles and publication numbers of the draft health assessment documents are:

Title	EPA No.
Carcinogen Assessment of Coke Oven Emissions	600/6-82-003
Health Assessment Document for Carbon Tetrachloride	600/8-82-001
Health Assessment Document for 1,1,2-Trichloro-1,2,2-Trifluoroethane (Chlorofluorcarbon FC-113)	600/8-82-002
Health Assessment Document for 1,1,1-Trichloroethane (Methyl Chloroform)	600/8-82-003
Health Assessment Document for Dichloromethane (Methylene Chloride)	600/8-82-004
Health Assessment Document for Tetrachloroethylene (Perchloroethylene)	600/8-82-005
Health Assessment Document for Trichloroethylene	600/8-82-006
Health Assessment Document for Acrylonitrile	600/8-82-007
Health Assessment Document for Toluene	600/8-82-008

For further information on how to obtain copies of these documents contact Mr. Mark Greenberg, Environmental Criteria Assessment Office, EPA, Research Triangle Park, NC. 27711 (919) 541-4156.

The Agency also plans to brief the Committee on public health impacts associated with the lead in gasoline phasedown program, and to discuss plans for the Committee's future review of draft health advisories for safe drinking water.

The meeting will be open to the public. Any member of the public wishing to attend, submit a statement, or obtain further information should contact the Science Advisory Board by close of business July 1, 1982. Please ask for Mr. Ernst Linde or Mrs. Patricia Howard, Environmental Health Committee (202) 382-2552, or Dr. Terry F. Yosie, Acting Director, Science Advisory Board (202) 755-0696.

Dated: June 10, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

[FR Doc. 82-16350 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

[FR 2149-6]

Science Advisory Board, Executive Committee, Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board. The meeting will be held July 8-9, 1982, starting at 9:15 a.m. on July 8 in Room 1101 West Tower, EPA Headquarters, 401 M Street, SW., Washington, D.C.

A major purpose of the meeting is to allow the Committee to review and provide its advice to EPA on *Research Outlook*, the five year plan for research and development. Copies of this document may be obtained by calling Mr. Richard Laska, Research Outlook Project Officer, Office of Research and Development, at (202) 755-0468.

Additional issues on the Committee's agenda include a briefing on the Office of Research and Development's peer review process and the status of its peer review grants program; a discussion of the Agency's efforts to develop a toxics integration program; organization of future SAB review of the radiofrequency health effects document; SAB review of the radiofrequency health effects document; SAB committee reports; and other issues of member interest.

The meeting will be open to the public. Any member of the public wishing to attend, submit a statement, or obtain further information should contact Dr. Terry F. Yosie, Acting Director, Science Advisory Board at (202) 755-0696 before close of business July 1, 1982.

Dated: June 9, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

[FR Doc. 82-16352 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

[TSH-FRL 2150-6; OPTS-51418]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 82-418 & 82-419—September 2, 1982.

PMN 82-421 & 82-422—September 5, 1982.

PMN 82-423, 82-424 & 82-425—September 6, 1982.

PMN 82-426, 82-427, 82-428, 82-429 & 82-430—September 7, 1982.

PMN 82-431—September 8, 1982.

Written comments by:

PMN 82-418 & 82-419—August 3, 1982.

PMN 82-421 & 82-422—August 6, 1982.

PMN 82-423, 82-424 & 82-425—August 7, 1982.

PMN 82-426, 82-427, 82-428, 82-429 & 82-430—August 8, 1982.

PMN 82-431—August 9, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51418]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532)

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the public reading room E-107.

PMN 82-418

Importer. Ricoh Electronics, Inc.

Chemical. (G) Hydrogen bis[1-[(3,5-disubstituted-2-hydroxyphenyl)azo]-3-(N-monosubstituted)-2-naphthalenolate (2-)]chromate (1-).

Use/Import. (S) Copier toner. Import range: 2,000–8,000 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames Test: Nonmutagenic; BOC_{48}: 16 parts per million (ppm).

Exposure. Processing, use and disposal: 1 hr/da, 240 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 10 hrs/da, 240 da/yr with 10–100 kg/yr to water. Disposal by publicly owned treatment works (POTW).

PMN 82-419

Manufacturer. American Cyanamid Company.

Chemical. (G) Acrylamide-acrylate copolymer.

Use/Production. (G) Textile resin. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.39 g/kg; Acute dermal: >2.0 g/kg; Skin irritation: Mild; Eye irritation: None.

Exposure. Manufacture and use: Dermal, a total of 27 workers, up to 24 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. Minimal release. Disposal by on-site water treatment plant.

PMN 82-421

Manufacturer. The Upjohn Company.

Chemical. (S) 1-(cyclohexen-1-yl) piperidine.

Use/Production. (G) Industrial intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >500 mg/kg; Acute dermal: 1, 273 mg/kg; Skin irritation: Primary irritant; Eye irritation: Corrosive.

Exposure. Manufacture and use: Dermal and inhalation, a total of 6 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water 8 hrs/da, 50 da/yr. Disposal by approved landfill.

PMN 82-422

Manufacturer. Confidential.

Chemical. (G) Tetrasubstituted benzisoxazole.

Use/Production. (G) Site-limited intermediate. Prod. range: 500-1,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, a total of 10 workers, up to 2 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 82-423

Manufacturer. Confidential.

Chemical. (G) Polyhaloalkoxyalkylphenone.

Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >0.5 ml/kg; Acute dermal: >0.5 ml/kg; Skin irritation: Slight; Eye irritation: Slight; Inhalation: >7.3 1/1; Ames Test: Nonmutagenic.

Exposure. Manufacture: dermal and inhalation, a total of 2 workers, up to 24 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Negligible. Disposal by incineration.

PMN 82-424

Manufacturer. Confidential.

Chemical. (S) Polymer of: Hexanediol, dantocol, trimethylol propane, isophthalic acid, adipic acid.

Use/Production. (G) Open use. Prod. range: 10,000–120,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and disposal: Dermal and inhalation, a total of 10 workers, up to 4 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 16 hrs/da, 20 da/yr. Disposal by approved landfill.

PMN 82-425

Manufacturer. Confidential.

Chemical. (G) Polyester of a substituted alkanoic ester, alkanoic diols and a carbomonocyclic diacid.

Use/Production. (G) Open use. Prod. range: 0–11,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, inhalation and eye, a total of 58 workers, up to 6 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–10,000 kg/yr to land. Disposal by incineration.

PMN 82-426

Manufacturer. Confidential.

Chemical. (G) Substituted cyclopentadiene.

Use/Production. (G) Monomer for binder/adhesive products. Prod. range: Confidential.

Toxicity Data. Confidential.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 82-427

Manufacturer. Diamond Shamrock Corporation.

Chemical. (G) Alkoxylated aliphatic glycol.

Use/Production. (S) Site-limited intermediate. Prod. range: 2,000–80,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: Dermal and inhalation, a total of 6 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1–4 hrs/da, 20 da/yr with 10–100 kg/yr to water 1 hr/da, 20 da/yr. Disposal by navigable waterway.

PMN 82-428

Manufacturer. Diamond Shamrock Corporation.

Chemical. (G) Acrylated alkoxylated aliphatic glycol.

Use/Production. (S) Curable coatings and inks. Prod. range: 3,000–100,000 kg/yr.

Toxicity Data. Skin irritation: Minimal irritant; Ames Test: Negative.

Exposure. Manufacture and processing: Dermal and inhalation, a total of 8 workers, up to 4 hrs/da, up to 48 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 4 hrs/da, 48 da/yr with 10–100 kg/yr to water 1 hr/da, 48 da/yr and 1,000–10,000 kg/yr to land. Disposal by POTW and navigable waterway.

PMN 82-429

Importer. Confidential.

Chemical. (G) Ethoxylated molybdenum amine.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. Acute oral: Males-4.1 g/kg, Females-3.0 g/kg; Acute dermal: >3.2 g/kg; Skin irritation: Severe irritant; Eye irritation: Severe irritant.

Exposure. None.

Environmental Release/Disposal. No release.

PMN 82-430

Manufacturer. Confidential.

Chemical. (G) Tetrasubstituted benzisoxazole.

Use/Production. (G) Site-limited intermediate. Prod. range: 700–1, 600 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal and inhalation, a total of 10 workers, up to 1 hr/da, up to 5 da/yr.

Environmental Release/Disposal. Minimal release. Disposal by incineration.

PMN 82-431

Manufacturer. Confidential.

Chemical. (G) Isocyanic acid, polymethylene polyphenylene ester polymer with modified polyalkylene glycol.

Use/Production. (S) Component of molded articles. Prod. range: Confidential.

Toxicity Data. Acute oral: >15,000 mg/kg; Skin irritation: Mild to moderate irritant; Eye irritation: Mild to moderate irritant; Inhalation: No effect; Ames Test: Negative; TLV (C): .02 ppm or 0.2 mg/m^3.

Exposure. Manufacture and processing: Dermal, inhalation and eye, a total of 36 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No release.

Dated: June 11, 1982.

Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 82-16348 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

[TSH-FRL 2150-7; OPTS-59091]

Certain Chemicals Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: July 2, 1982.

ADDRESSES: Written comments, identified by the document control number "[OPTS-59091]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the public reading room E-107.

TME 82-23

Close of Review Period. July 23, 1982.

Manufacturer. Confidential.

Chemical. (G) Substituted alkyl polyalkylene oxy quaternary ammonium chloride compound.

Use/Production. (G) Oilfield chemical. Prod. range: 9,091 kg/9 mos.

Toxicity Data. Acute oral: Not relatively toxic based on range finding work; Acute dermal: < 2 g/kg; Skin irritation: Mild irritant (3.27/8/0); Eye irritation: Irrigated—mild to moderate irritation, no corneal injury; non-irrigated—servere occular damage.

Exposure. Manufacture and processing: Dermal, a total of 35 workers, 8 hrs/da, 9 mo/yr. Use: Dermal, 2 to 4 workers, 2 hrs/da, 10 da/9 mos.

Environmental Release/Disposal. No release.

TME 82-24

Close of Review Period. July 25, 1982.

Manufacturer. Agfa-Gevaert, Inc.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (S) Photographic processing compound. Prod. range: 1982-2 kg; 1983-20 kg.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

TME 82-25

Close of Review Period. July 25, 1982.

Manufacturer. Agfa-Gevaert, Inc.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (S) Photographic processing compound. Prod. range: 1982-2 kg; 1983-20 kg.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: June 11, 1982.

Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 82-16349 Filed 6-16-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Security Pacific Corp.; Proposed Acquisition of Postal Financial Corporation

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through SP Postal Holdings Inc., a newly formed and wholly-owned subsidiary of Applicant, voting shares of Postal Financial Corporation, Sioux City, Iowa.

Applicant states that the proposed subsidiary would engage in the following activities: (i) Making or acquiring, for its own account or for the account of others, and servicing, loans and other extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company; (ii) making, acquiring, and servicing loans and other extensions of credit and selling and issuing investment certificates in the manner authorized for an industrial bank or thrift company in the States of Colorado, Iowa and Nebraska; (iii) acting as agent or broker for the sale of credit life insurance and credit accident and health insurance which is related to the making or acquiring of such loans and extensions of credit; (iv) acting as agent or broker for the sale of credit property insurance which is related to the making or acquiring of such loans and extensions of credit; (v) acting as underwriter and reinsurer, through its subsidiaries, Central Plains Life Insurance Co. Inc., and General Fidelity Life Insurance Company, of credit life insurance and credit accident and health insurance which is directly related to extensions by credit by Postal Financial Corporation and Security Pacific Corporation, and their subsidiary companies; and (vi) making loans and other extensions of credit and acting as

agent or broker for the sale of credit life insurance which is related to the making of such loans and extensions of credit by mail.

The activities described in items (i) and (iii) above will be conducted by the following subsidiary corporations from offices in the following cities, serving, except where otherwise indicated, the states in which they are located: (1) Postal Industrial Bank (Colorado subsidiary), Aurora, Colorado; (2) Postal Thrift Loans, Inc. (Iowa subsidiary), Burlington, Council Bluffs, Davenport, Des Moines, Marion, Marshalltown, Muscatine, Newton, Sioux City, and Waterloo, Iowa; (3) Postal Savings Company (Nebraska subsidiary), Lincoln, Nebraska; (4) Postal Finance Company (Arizona subsidiary), Phoenix and Tucson, Arizona; (5) Postal Executive Financial Services, Inc. (Colorado subsidiary), Denver, Colorado; (6) Postal Finance Company, Inc. (Kansas subsidiary), Overland Park and Wichita, Kansas; (7) Postal Finance Company (Indiana subsidiary), Clarksville, Columbus, Highland, Indianapolis, Kokomo, Lafayette, and Marion, Indiana, serving the States of Indiana and Kentucky; (8) Postal Finance Company (Kentucky subsidiary), Louisville, Kentucky; (9) Postal Thrift Loans, Inc. (Kentucky subsidiary), Louisville, Kentucky; (10) The Mariner Corporation (Massachussetts subsidiary), Seekonk, Massachusetts; (11) Postal Finance Company (Massachusetts subsidiary), Brockton and Burlington, Massachusetts; (12) Postal Finance Company (Minnesota subsidiary), Bloomington, Minnesota; (13) Postal Thrift Loans, Inc. (Minnesota subsidiary), Anoka, Burnsville, Bloomington and St. Paul, Minnesota; (14) Postal Finance Company (Nebraska subsidiary), Columbus, Fremont, Grand Island, Hastings, Kearney, Lincoln, Norfolk, North Platte, and Omaha, Nebraska, serving the States of Iowa and Nebraska; (15) Postal Finance Company, Inc. (Oklahoma subsidiary), Del City, Moore, Oklahoma City, and Tulsa, Oklahoma; (16) Providence Professional Fund, Inc. (Rhode Island subsidiary), West Warwick, Rhode Island; (17) Postal Finance Company (South Dakota subsidiary), Sioux Falls and Yankton, South Dakota; and (18) Postal Finance Company, Inc. (Wisconsin subsidiary), Hudson, Wisconsin, serving the States of Minnesota and Wisconsin.

The activities described in item (ii) above will be conducted by the following subsidiary corporations from offices in the following cities, serving the states in which they are located: (1) Postal Industrial Bank (Colorado subsidiary), Aurora, Colorado; (2) Postal Thrift Loans, Inc. (Iowa subsidiary), Burlington, Council Bluffs, Davenport, Des Moines, Marion, Marshalltown, Muscatine, Newton, Sioux City, and Waterloo, Iowa; and (3) Postal Savings Company (Nebraska), Lincoln, Nebraska.

The activities described in item (iv) above will be conducted by the following subsidiary corporations from offices in the following cities, serving, except where otherwise indicated, the states in which they are located: (1) Postal Thrift Loans, Inc., (Iowa subsidiary), Burlington, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Marshalltown, Muscatine, Newton, Sioux City, and Waterloo, Iowa; (2) Postal Finance Company (Arizona subsidiary), Phoenix and Tucson, Arizona; (3) Postal Finance Company (Indiana subsidiary), Clarksville, Columbus, Highland, Indianapolis, Kokomo, Lafayette, and Marion, Indiana, serving the States of Indiana and Kentucky; (4) Postal Finance Company, Inc. (Kansas subsidiary), Overland Park and Wichita, Kansas; (5) Postal Finance Company (Kentucky subsidiary) Louisville, Kentucky; (6) Postal Thrift Loans, Inc. (Kentucky subsidiary), Louisville, Kentucky; (7) Postal Finance Company (Minnesota subsidiary), Bloomington, Minnesota; (8) Postal Thrift Loans, Inc. (Minnesota subsidiary), Anoka, Burnsville, Bloomington, and St. Paul, Minnesota; (9) Postal Finance Company, Inc. (Oklahoma subsidiary), Del City, Moore, Oklahoma City, and Tulsa, Oklahoma; (10) Providence Professional Fund, Inc. (Rhode Island subsidiary), West Warwick, Rhode Island; (11) Postal Finance Company (South Dakota subsidiary), Sioux Falls and Yankton, South Dakota; and (12) Postal Finance Company, Inc. (Wisconsin subsidiary), Hudson, Wisconsin, serving the States of Minnesota and Wisconsin.

The activities described in item (v) above will be conducted by Central Plains Life Insurance Co., Inc., and General Fidelity Life Insurance Company with executive offices located in San Diego, California, both subsidiary corporations of Security Pacific Corporation, as follows: (1) Central Plains Life Insurance Co., Inc., serving the States of Colorado, Nebraska, and Oklahoma; and (2) General Fidelity Life Insurance Company, serving the States of Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Rhode Island, South Dakota and Wisconsin.

The activities described in item (vi) above will be conducted by the following subsidiary corporations from offices in the following cities, serving the United States: (1) Postal Executive Financial Services, Inc. (Colorado subidiary), Denver, Colorado; (2) The Mariner Corporation (Massachusetts subsidiary), Seekonk, Massachusetts; and (3) Providence Professional Funds, Inc. (Rhode Island subsidiary), West Warwick, Rhode Island.

Such activities have generally been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Certain of these activities, as currently conducted, involve practices that would not be legally permissible upon consummation of the proposal. Applicant has made several commitments with regard to these practices that are designed to ensure the permissibility of the activities involved.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 7, 1982.

Board of Governors of the Federal Reserve System, June 11, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-16312 Filed 6-16-82; 8:45 am]

BILLING CODE 6210-01-M

BankEast Corp.; Proposed Establishment of de Novo Branch Office

BankEast Corporation, Manchester, New Hampshire, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to open a *de novo* branch office of BankEast Guaranty Savings Bank, Salem, New Hampshire, in Pelham, New Hampshire.

Applicant states that the branch office would engage in the activities of a New Hampshire guaranty savings bank including the following: accepting time and savings deposits, including NOW accounts; investing in residential and commercial mortgages; investing in U.S. government securities and other investments permitted by applicable laws; making secured and unsecured loans; providing safe deposit services; and servicing mortgages and other loans. These activities would be performed from the branch office in Pelham, New Hampshire, and the geographic area to be served is Pelham, New Hampshire, and surrounding communities.

Although the operation of a guaranty savings bank has not been specified by the Board in § 225.4(a) of Regulation Y as permissible generally for bank holding companies, the Board has, by orders, approved the acquisition of New Hampshire guaranty savings banks by New Hampshire bank holding companies, determining that the operation of savings banks was closely related to banking in New Hampshire. *Profile Bankshares, Inc.*, 61 Federal Reserve Bulletin 901 (1975); *Heritage Banks, Inc.*, 66 Federal Reserve Bulletin 590 (1980); The Board has approved the acquisition by Applicant of Bank-East Guaranty Savings Bank, *First Financial Group of New Hampshire, Inc.*, 66 Federal Reserve Bulletin 594 (1980). *Heritage Banks, Inc.*, 66 Federal Reserve Bulletin 917 (1980); *BankEast Corporation* (Rochester Savings Bank and Trust Company), 68 Federal Reserve Bulletin 116; (1982); and *BankEast Corporations* (Portsmouth Trust Company), 68 Federal Reserve Bulletin, issue of June 1982.

Interested persons may express their views on the question whether the proposed activity is so closely related to banking or managing or controlling banks as to be a proper incident thereto. Interested persons may also express their view on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on either of these questions must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 11, 1982.

Board of Governors of the Federal Reserve System, June 11, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-16308 Filed 6-16-82; 8:45 am]

BILLING CODE 6210-01-M

Citibank International; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Citibank International, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in San Diego, California. Citibank International operates as a subsidiary of Citibank, N.A., New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-16309 Filed 6-16-82; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of Drum Savings and Investment Co.

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Drum Savings and Investment Company of Douglas County Inc., Omaha, Nebraska.

Applicant states that the proposed subsidiary would engage in the activity of operating as an industrial loan company. Drum Savings will not make commercial loans or offer NOW accounts. These activities would be performed from offices of Applicant's subsidiary in Omaha, Nebraska, and the geographic areas to be served are the area surrounding Omaha, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 11, 1982.

Board of Governors of the Federal Reserve System, June 11, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-16310 Filed 6-16-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *OMB Financial, Inc.*, Clarksburg, West Virginia; to become a bank holding company by acquiring 80 percent of the voting shares of The Oak Mound Bank, Clarksburg, West Virginia. Comments on this application must be received not later than July 11, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *DeKalb Bancorp, Inc.*, DeKalb, Illinois; to become a bank holding company by acquiring 100 percent (less director's qualifying shares) of the voting shares of the successor by merger to The DeKalb Bank, DeKalb, Illinois. Comments on this application must be received not later than July 7, 1982.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Dumas Bancshares, Inc.*, Dumas, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Dumas State Bank, Dumas, Arkansas. Comments on this application must be received not later than July 11, 1982.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lakeshore Bancshares*, Inc., Oklahoma City, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of Lakeshore Bank, N.A. Oklahoma City, Oklahoma. Comments on this application must be received not later than July 11, 1982.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Bancorp*, Malad City, Idaho; to become a bank holding company by acquiring 100 percent (less director's qualifying shares) of the voting shares of First Bank and Trust of Idaho, Malad City, Idaho. Comments on this application must be received not later than July 11, 1982.

Board of Governors of the Federal Reserve System, June 11, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-16311 Filed 6-16-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Frederick Cancer Research Facility Advisory Committee; Meeting

Pursuant to Pub. L. 92-436, notice is hereby given of the meeting of the Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, June 28-July 1, 1982. The open portions of the meeting will be held at the Frederick Cancer Research Facility, Building 42, Frederick, Maryland 21701. The closed portions of the meeting will be held at the Sheraton Inn, Interstate 270 and Route 85, Frederick, Maryland 21701. This meeting will be open to the public from 8:30 a.m. on June 29 to approximately 10:30 a.m. on July 1 for presentations by scientists for Contract Research Projects and for review of administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 28, from 8:00 p.m. to adjournment, and on July 1, from approximately 11:00 to approximately 2:00 p.m. for the discussions of individual research projects for scientific merit. These discussions could reveal personal information concerning individuals associated with the projects, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Berge Hampar, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301/695-1108) will furnish substantive program information.

Dated: June 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-16286 Filed 6-16-82; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, April/May—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, this notice reports that a qualified HMO surrendered its qualification status as another entity achieved that status and took over its operations. Also, service area expansions and a model redesignation of previously qualified HMOs are reported at the end of the list.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations (42 CFR 110.605(b)) issued under Title XIII of the Public Health Service Act require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. INA Healthplan of Washington, Inc. (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), P.O. Box 204, Spokane, Washington 99210. Service area: Spokane County, Washington. Date of qualification: April 9, 1982. (NOTE: INA Healthplan of Washington, Inc., took over the operations of Cooperative Health Plan of Greater Spokane, a qualified HMO. When INA Healthplan of Washington, Inc., became a qualified HMO, Cooperative Health Plan of Greater Spokane surrendered its qualification status.)

2. HMO Colorado, Inc., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 700 Broadway, Denver, Colorado 80273. Service area: Zip codes as follows:

80002–5,	80214–37
80010–17,	80239–41
80020	80271
80022	80295
80024	80301–3
80026–7	80306
80030	80401
80033	80425
80104	80433
80110–16	80439
80120–5	80441
80127	80453–4
80131	80457
80134–5	80465
80201–7	80501
80209–12	80544

Date of qualification: April 30, 1982.

3. Multi-Group Health Plan, (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), 20 Walnut Street, Wellesley, Massachusetts 02181. Service area: Zip codes in the following cities and towns in Massachusetts:

Abington	02351
Acton	01720
Arlington	02174
Ashland	01721
Ayer	01432–3
Bedford	01730
Belmont	02178
Berlin	01503
Bolton	01740
Boston	02108–11
	02210
Boxboro	01719
Braintree	02184
Bridgewater	02324
Brookline	02147
Cambridge	02138–41
Canton	02021
Carlisle	01741
Carver	02330
Chelmsford	01824
Cohasset	02025
Concord	01742
Dedham	02026
Dover	02030
Duxbury	02332
East Bridgewater	02333
Farmingham	01701
Groton	01450
Halifax	02338
Hanover	02339
Hanson	02341
Harvard	01451
Hingham	02043
Holbrook	02343
Holliston	01746
Hopkinton	01748
Hudson	01749
Hull	02045
Kingston	02364
Lexington	02173
Lincoln	02173
Littleton	01460
Marlboro	01752
Marshfield	02050
Maynard	01754
Medfield	02053
Medford	02155
Milford	01757
Millis	02054
Milton	02186
Natick	01760
Needham	02192
Newton	02158–62
	02164–8
	02195
Northboro	01532
Norwell	02061
Norwood	02062
Pembroke	02359
Plymouth	02360
Plympton	02367
Quincy	02169–70
Randolph	02368
Rockland	02370
Scituate	02066
Sharon	02067
Sherborn	01770
Somerville	02143
Southboro	01772
Stow	01775
Sudbury	01776
Walpole	02081
Waltham	02154
Watertown	02172
Wayland	01778
Wellesley	02181
West Bridgewater	02379
Westboro	01581
Westford	01886
Weston	02193
Westwood	02090
Weymouth	02188–91
Whitman	02382
Winchester	01890

Date of qualification: April 30, 1982.

Service Area Expansions

1. Fallon Community Health Plan, Inc., 630 Plantation Street, Worcester, Massachusetts 01605. Service area: Add to the service area published on 7/1/81, in the **Federal Register**, 46 FR 34516, the following municipalities in Worcester County, Massachusetts:

Blackstone,	East Brookfield,	Southbridge,
Brookfield,	Hopedale,	Sturbridge,
Charlton,	Mendon,	Uxbridge,
Douglas,	Millville,	West Brookfield
Dudley,	North Brookfield,	

Effective date: April 1, 1982.

2. TakeCare Corporation, 1950 Franklin Street, Oakland, California 94659. Service area: Zip codes as follows:

Stanislaus Regional Component (Calif.)

95230	95334
95303	95336
95307	95350–6
95312–3	95360–1
95315–6	95363
95319–20	95366–8
95323–4	95376
95326	95380
95328	95384–7

Effective Date: March 31, 1982.

Sacramento Regional Component (Calif.)

95813–42	95632
95615–6	95660
95628	95677–8
95652	95695
95670	95610
95691	95624
95605	95645
95630	95662
95655	95612
95673	95626
95693	95650
95608	95668
95620	95683

Effective Date: March 31, 1982.

Model Redesignation

1. Rutgers Community Health Plan, 57 U.S. Highway 1, New Brunswick, New Jersey 08901. Change from *Staff* Model HMO to a *Medical Group* Model HMO (see Section 1310(b)(1) of the Public Health Service Act).

Effective Date: April 30, 1982.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: June 9, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82-16303 Filed 6-16-82; 8:45 am]

BILLING CODE 4160-17-M

Privacy Act of 1974; Notification of New System of Records

AGENCY: Public Health Service; HHS.

ACTION: Notification of New System of Records: 09–30–0041, "Subject-Participants in a Drug Abuse Research Study on Naltrexone," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records entitled "Subject-Participants in a Drug Abuse Research Study on Naltrexone," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), National Institute on Drug Abuse (NIDA). We are also proposing routine

uses for this system of records. PHS invites interested parties to submit comments on the proposed routine uses on or before July 19, 1982.

DATES: PHS has sent a Report of New System to the Congress and the Office of Management and Budget (OMB) on June 1, 1982. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress. If this waiver is granted, PHS will publish a notice to that effect in the Federal Register.

ADDRESS: Please address comments to: Privacy Act Officer, Office of Extramural Policy and Project Review, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 10-42, Rockville, Maryland 20857. Comments received will be available for inspection at the same address, from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harold M. Ginzburg, M.D., M.P.H., Project Officer, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9-21, Rockville, Maryland 20857. Telephone: 301-443-6420.

SUPPLEMENTARY INFORMATION: Although the essential elements of this system of records have been in place since 1977, NIDA has recently discovered that these records constitute a "found" system under the Privacy Act. The Department of Health and Human Services (DHHS) is reexamining the applicability of the Privacy Act to records maintained by organizations under contract with the DHHS and may subsequently find that the application of the provisions of the Privacy Act to these records provides broader coverage than is required by the Act.

The purpose of the system is to compile information (data base) required by the Food and Drug Administration (FDA) in the development and approval of a new drug application for naltrexone, an antagonist. An antagonist is a drug which negates the effect of an opiate. A new drug application is a notice to FDA that a pharmaceutical company believes it has enough data to demonstrate the safety and efficacy of a substance to satisfy the requirements of FDA for marketing the substance. Also, NIDA will analyze aggregate data to determine the effectiveness of naltrexone in various treatment environments and modalities in order to assess the effectiveness of this drug on drug abusers' behavior and characteristics. The proposed system of records will record examination of the pattern of life events of drug abusers during the period of time (up to one year) they are enrolled in the participating drug abuse treatment program.

Because some of the data collected in the Naltrexone Study, such as data on drug use, are sensitive and confidential, special safeguards have been established. A Certificate of Confidentiality has been issued under 42 CFR Part 2a. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research, including any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings. In addition, these records are subject to 42 CFR Part 2 the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations. The system notice discusses the protections afforded by these regulations in more detail.

The contractor will maintain records in this system in a secure manner described in the system notice, until termination of the contract, at which time the System Manager will authorize destruction of individual identification and data match-up information by shredding or burning. For the duration of the contract, the contractor will use individually identified information only to identify and match data to the correct subject-participant in all of the scheduled interviews. The contractor will not provide individually identified information to the Federal Government.

The stringent requirements for collection and maintenance of the data were designed to protect the privacy of research subjects and the confidentiality of the data. We believe that, with these safeguards, the potential benefits to the public in terms of improved drug abuse treatment programs and better understanding of the interrelationships among clients, clinic, and community, outweight the minimal, if any, possibility of adverse effects to the privacy or other personal or property rights of any individual caused by potential record disclosure.

NIDA proposes routine uses for the system. One routine use provides for disclosure in aggregate form only for specific research that is compatible with the purpose of the system. The other routine use provides for possible disclosure to a subsequent ADAMHA contractor in order to conduct followup or continuation studies in order to accomplish the research purpose for which the records are collected. Use and/or disclosure under a routine use will be limited by, and permitted only in accordance with, the protections provided by the statutory and regulatory restrictions for the confidentiality of records of drug and alcohol patients and research subjects.

Dated: June 3, 1982.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

Notice of New System of Records

09-30-0041

SYSTEM NAME:

Subject-Participants in a Drug Abuse Research Study on Naltrexone, HHS/ADAMAHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally-funded and other drug abuse treatment programs who have requested to receive naltrexone as part of their treatment. Data collection began in 1977 and will continue through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, section 503 (21 U.S.C. 1193); Public Health Service Act, section 301(a) (42 U.S.C. 241(a)).

PURPOSES:

1. To provide data required by the Food and Drug Administration (FDA) for a new drug application for naltrexone. FDA may also use the records in a form which does not identify individuals in routine inspections FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

2. To record the changes in the behavior and characteristics of drug abusers who receive naltrexone as part

of their treatment regimen, in order to compile information on the effectiveness of naltrexone in various treatment environments and modalities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Within the restrictions set forth in HHS regulations concerning the confidentiality of alcohol and drug abuse patient records (42 CFR Part 2.56), the contractor may disclose records only in aggregate form to other Federal agencies for a research purpose.

2. Endo Laboratories, an ADAMHA contractor, uses the records in the system in order to accomplish the research purposes for which the records were collected. In the event of a followup study or continuation study because the contract has been terminated for convenience by the Government, the contractor may disclose records in this system to a subsequent ADAMHA contractor. The new contractor would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interview forms, magnetic tapes and disks in closed cabinets in a locked room with limited accessibility.

RETRIEVABILITY:

The records are indexed and retrieved by subject-participant's name and unique numerical identifier. In order to relate the data collected to specific individuals, however, the contractor uses the link file discussed under Safeguards.

SAFEGUARDS:

The safeguards which follow are in accordance with the HHS ADP Systems Manual, Part 6, "Systems Security"; and the HHS General Administration Manual, Chapters 45–13 and PHS.hf: 45–13.

Physical Security: The contractor stores individually identified forms in a locked room with controlled entry; i.e., only on the written authority of the professional staff member in charge of data handling and processing operations. The contractor staff enter the collected information onto computer tape or disks as soon after contact with the subject-participant as possible, and store the computerized records in a secured area with access limited as above.

Another safeguard is that the forms containing subject identification information do not include any reference to the purpose of the study. The contractor keeps identification information separate from any information that would suggest that the respondent is or has been in a drug abuse treatment program. In addition, the computer center being utilized has developed an extensive security system to protect computer account codes and data.

Technical Security: Access to the computerized records is protected by a computerized password routine which is changed periodically. In addition, the project staff complies with the contractor's (Endo Laboratories, Inc.) standard procedures for safeguarding data.

The link file system that identifies individuals with personal data has three components: (1) Identification information, (2) data base information, and (3) the link file, which contains identifying number pairs which match data with individuals. The advantage of this system is that one may use the baseline data directly for report generation, etc., without using the subroutines or accessing the personal information or link files.

Administrative Security: The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Only authorized contract staff have access to the records (computerized and hard copy files) in the system. The contractor provides only aggregate data in reports to NIDA, FDA, or the public.

A Certificate of Confidentiality has been issued under 42 CFR part 2a, Protection of Identity—Research Subjects. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. These regulations do not prohibit voluntary disclosure by the researcher. However, the records also are subject to 42 CFR Part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state:

"Where the content of patient records has been disclosed pursuant to [these regulations] for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State."

The contractor's Institutional Review Board has reviewed and approved the safeguards described above in accordance with 45 CFR Part 46 on the protection of human subjects.

RETENTION AND DISPOSAL:

The contractor staff destroys interview forms by shredding or burning immediately after they complete direct entry on magnetic tape or disk storage and verify the information. The contractor will destroy individual identification and link files by shredding or burning at the termination of the study in 1983 under the explicit written authorization of the System Manager. NIDA will retain the aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, the aggregate tapes will be retained for five years after the completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Naltrexone Study, Clinical-Behavioral Branch, Division of Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9–21, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. The following information should be included, if known: subject-participant's full name and a letter of request with notarized signature of the subject-participant of the record, any alias used, subject-participant's identification number, name of the researcher, and approximate date of study participation.

An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES: Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Research subject-participant, staff in the participating drug abuse treatment programs, written clinical evaluations, private psysicians, counselors, psychiatrists, phychotherapists, family members, research assistants, and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-16416 Filed 6-16-82; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sauk-Suiattle, Washington; Establishment of Reservation

May 27, 1982.

This notice is published in the exrecise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1

Notice is hereby given that under the authority of section 7 of the Act of June 18, 1934 (25 U.S.C.A. 467; 48 Stat. 984), the hereinafter described tracts of land, located in Snohomish County, Washington, were proclaimed to be an Indian reservation, effective May 27, 1982, for the use and benefit of the Sauk-Suiattle Indian Tribe.

Willamette Meridian

TSE 121–C

T. 32 N., R. 10 E.,

Sec. 5, S½NW¼NW¼SE¼, SW¼NE¼NW¼SE¼ and the SE¼NE¼NW¼SE¼, except the East 240 feet of the SE¼NE¼NW¼SE¼ containing 8.00 acres more or less.

TSE 121–E

T. 32 N., R. 10 E.,

Sec. 5, Commencing at the NE corner of the south 30.00 feet of the north 750.00 feet of the west 250.00 feet of the east 270 feet of the S½NE¼NW¼SE¼ and of the SE¼NW¼SE¼, as surveyed and recorded under Auditor's File No. 8004015011, records of Snohomish County, Washington; thence south 87°01'10" west along the north line of said parcel for 20.00 feet to True Point of Beginning; thence continuing south 87°01'10" west along said line for a distance of 128.98 feet; thence south 42°39'34" east for a distance of 204.81 feet to a point on the east line of the west 30.00 feet of the east 50.00 feet of the south 270.00 feet of the SE¼NW¼SE¼ of said section 5; thence north 3°37'53" west along said east line for a distance of 157.64 feet to the Point of Beginning containing .23 acre more or less.

Subject to all valid rights, reservations, rights-of-way, and easements of record.

Roy H. Sampsel,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 82-16297 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[A 997]

Arizona; Partial Cancellation of Withdrawal Application and Opening of Land

The Bureau of Reclamation, Department of the Interior, filed withdrawal application A 997 on May 12, 1967, which was published July 18, 1967 as FR Doc. 67–8213 on Pages 10518 and 10519. This application is hereby cancelled insofar as it affects the following described lands:

Gila and Salt River Meridian, Arizona

T. 9 N., R. 18 W.,

Sec. 17, W½.

The area described contains 320 acres in Yuma County, Arizona.

The N½N½NW¼, S½NE¼NW¼, N½SE¼NW¼ sec. 17, T. 9 N., R. 18 W., is currently under State Selection Application (A 17000–J), filed by the State of Arizona. The land will continue to be segregated from settlement, sale, locations, or entries under the public land laws, including the mining laws (30 U.S.C. Ch. 2).

In accordance with the regulations contained in 43 CFR 2310.2–1(c) at 10:00 a.m. on July 20, 1982, the remainder of the land described as the S½NW¼NW¼, SW¼NW¼, S½SE¼NW¼ and SW¼ sec. 17, T. 9 N., R. 18 W., shall be relieved of the segregative effect and open to operation of the public lands laws, including the United States mining laws, subject to valid existing rights.

All valid applications received at or prior to 10:00 a.m. on July 20, 1982, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Any questions concerning these lands should be directed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mildred C. Kozlow,

Acting Chief, Branch of Lands and Minerals Operations.

June 11, 1982.

[FR Doc. 82-16295 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Proposed Withdrawal and Opportunity for Public Hearing

On June 8, 1982, a petition was approved allowing the Bureau of Reclamation to file an application to withdraw the following described national forest lands from location and entry under the mining laws, subject to valid existing rights:

Uncompahgre National Forest

New Mexico Principal Meridian

T. 46 N., R. 6 W.,

Sec. 16, S½SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, W½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, SW¼SE¼SW¼;

Sec. 21, NW¼NE¼NW¼, W½SE¼NE¼NW¼, E½SE¼NW¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, W½NW¼SE¼SE¼,

The lands aggregate 190 acres in Gunnison County.

The purpose of the withdrawal is to permit the construction of recreation facilities in connection with the Silver Jack Reservoir, Bostwick Park Project.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

In accordance with section 204(h) of the Federal Land Policy and Management Act of 1976, notice is given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned at the address shown below. Upon determination by the authorized officer that a public hearing will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register,** the lands will be

segregated from location and entry under the mining laws as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date. The temporary use which will be permitted during this segregative period is grazing.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Bureau of Reclamation.

All communications in connection with this proposed withdrawal should be addressed to the Chief, Branch of Adjudication, Bureau of Land Management, Department of the Interior, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

June 8, 1982.

[FR Doc. 82-16293 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

[M 55033]

Montana; Realty Action, Modified Competitive Sale of Public Land in Power River County, Mont.

June 9, 1982.

The following described lands have been examined and identified as suitable for disposal by sale pursuant to Sec. 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian

T. 6 S., R. 48 E.,
Sec. 5, lot 1;
Sec. 8, SW¼NW¼SW¼NW¼.

The area described contains 42 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures. Mr. Marcus Stevens, the owner of the surrounding private land and the grazing lessee of the federal parcel, is the proposed designated bidder and will be offered the right to meet the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The subject land is located 24 miles west of State highway 312 and Broadus, Montana, the county seat of Powder River County. The land is isolated, with no legal access, is unusable by the general public, and is difficult and uneconomic to manage as part of the public lands system.

The proposed sale is consistent with the Bureau's planning system and has been discussed with the Powder River County government officials. Since the land has very little resource value, the transfer of the tract into private ownership will benefit the public interest and provide for better land management.

The terms and conditions applicable to the sale are as follows:

1. All minerals will be reserved to the United States. Such minerals shall be subject to the right to explore, prospect for, mine, and remove them under applicable law and regulations;

2. A right-of-way for ditches and canals will be reserved to the United States; and

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

The bid opening for the modified competitive sale of the above-described public land in Powder River County, Montana, will be held at the Montana State Office, 222 North 32nd Street, Billing, Montana, on Wednesday, August 25, 1982, at 10 a.m.

Bidding Information and Instructions

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any state of the U.S. A State, State instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of conveying and holding lands or interests therein under the laws of the State of Montana.

Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $4,200, and bids must include all of the land identified in this sale notice.

Method of Bidding: The land will be sold by sealed bid only. Bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, prior to 10 a.m. on August 25. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public Land Sale M 55033
August 25, 1982

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Mr. Marcus Stevens, the owner of the private land surrounding the sale parcels, will be offered the right to meet the highest bid. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited.

All bids will be either returned, accepted, or rejected within 60 days of the sale date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Kannon Richards,

Acting State Director.

[FR Doc. 82-16294 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 82-33]

Proposed Livestock Grazing Management Program for Clark County, Las Vegas District, Nevada; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM Las Vegas District

has prepared a DEIS on a proposed livestock grazing management program for BLM-administered lands in Clark County.

SUPPLEMENTARY INFORMATION: The Clark County Grazing EIS analyzes the effects of implementing a livestock grazing management program on 3.6 million acres of BLM-administered lands in Clark County in the Las Vegas District in southern Nevada. This program involves evaluation of proposed levels of rangeland management intensity on livestock grazing allotments, potential reclassification of selected allotments for ephemeral-perennial grazing, alternative methods of protecting of crucial resource areas, and range improvements. Four alternatives are considered along with the Proposed Action. They are: No Action, No Livestock Grazing, Livestock Production, and Natural Resource Protection. A discussion of the affected environment is briefly summarized and the environmental consequences occurring from the Proposed Action and each alternative are documented in the EIS.

FOR FURTHER INFORMATION CONTACT: Kemp Conn, District Manager, Attn: EIS Team Leader, Bureau of Land Management, P.O. Box 26569, Las Vegas, NV 89126, (702) 385–6403 or 385–6463.

Copies of the DEIS are available for review at the following BLM offices:

Office of Public Affairs, 18th and C Streets, NW, Washington, D.C. 20240
Nevada State Office, 300 Booth Street, Reno, NV 89520
Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 8920
Carson City District Office, 1050 E. William Street, Carson City, NV 89701
Elko District Office, 2002 Idaho Street, Elko, NV 89801
Ely District Office, Star Route 5, Box 1, Ely, NV 89301
Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89126
Arizona Strip District Office, 8916 East Tabernacle, St. George, UT 84770
Cedar City District Office, 1579 North Main, Cedar City, UT 84720
Riverside District Office, 1695 Spruce Street, Riverside, CA 92507

Also, Copies are available for review at the following public libraries:

Boulder City Library, 539 California Ave., Boulder City, NV 89005
Bunkerville Library, Bunkerville, NV 89007
Charleston Heights Library 800 Brush St., Las Vegas, NV 89107
Clark County Community College, Learning Resource Center, 3200 E. Cheyenne Ave., North Las Vegas, NV 89030
Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89109
Las Vegas Public Library, 1762 E. Charleston Blvd., Las Vegas, NV 89104
Moapa Valley Library, Overton, NV 89040
North Las Vegas Library, 2300 Civic Center Dr., North Las Vegas, NV 89030
Searchlight Library, Searchlight, NV 89046
James Dickinson Library, Documents Division, University of Nevada, 4505 Maryland Parkway, Las Vega, NV 89154
Getchell Library, Government Publications Department, University of Nevada, Reno, NV 89507
Virgin Valley Library, Mesquite, NV 89024
Nevada State Library, Library Building, Carson City, NV 89710

A copy of the Draft EIS will be sent to all individuals, agencies, and groups who have expressed an interest in the Clark County planning process, and a limited number of copies are available upon request to the District Manager.

DATES: Written comments concerning issues pertinent to the Clark County Grazing EIS will be accepted for 60 days following the publication of this notice of availability (July 19, 1982). A public hearing on the DEIS had been scheduled for Thursday, July 15, 1982, at 7:00 p.m. in the Natchez Room of the Showboat Hotel, 2800 E. Fremont, in Las Vegas, Nevada. Interested individuals, representatives of organizations, and public officials wishing to testify are requested to contact the District Manager for advance registration at the above address or phone number, by 4:15 p.m., July 14, 1982. Oral testimony will be limited to 10 minutes.

Dated: June 9, 1982.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82–16292 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

Battle Mountain District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 94–579 that a meeting of the Battle Mountain District Grazing Advisory Board will be held.

DATE: July 23, 1982, begin at 9:00 a.m. in the Battle Mountain District Office conference room at North 2nd and Scott Streets, Battle Mountain, Nevada.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 194, Battle Mountain, Nevada 89820 or phone 702–635–5181.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include: (1) The expenditure of range betterment funds for 1982–84 range improvement projects, (2) discussion of the Tonopah Experimental Stewardship Program and Allotment Management Plans, (3) changes in BLM grazing regulations and policies, (4) recommendations from the grazing board concerning BLM's rangeland management program.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on July 23, 1982 or file written statements for the Board's consideration. If you wish to make oral comments please contact H. James Fox by July 16, 1982. Minutes of the board meeting will be maintained in the district office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: June 9, 1982.

H. James Fox,

District Manager, Battle Mountain, Nevada.

[FR Doc. 82–16386 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–84–M

Moab District Grazing Advisory Board; Meeting

June 10, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Moab District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Moab District Grazing Advisory Board will be held July 29, and 30, 1982. The meeting will be consist of a Field trip to the Buckhorn Allotment in the San Rafael Resource Area and a meeting in Price River—San Rafael Resource Area Office which is located at 900 N. 700 E., Price, Utah.

The Field trip will leave the Resource Area office at 10:00 A.M., July 29, 1982. Participants should bring their own lunch. The purpose of the tours is to observe grazing allotment conditions, review the grazing system and evaluate Management and Range Improvement Recommendations. The tour will end at 5:00 P.M.

The Formal Advisory Board Meeting will be held at 9:30 A.M., July 30, 1982 in the Price River—San Rafael Resource Area (BLM) Office in Price, Utah.

The agenda is as follows:

—Review the Price River Draft Grazing Environmental Impact Statement
—Review District Monitoring Progress
—Review Progress District's Range Improvement Maintenance Policy
—Review proposed Range Improvements needing maintenance during FY 1983
—Review proposed Range Improvements to be constructed during FY 1983
—Presentation on the principals of the Savory Grazing System
—Report on the Utah Cattlemans Convention
—Make arrangements for the next meeting

The meeting is open to the public. Interested persons may make oral statements to the board between 2:00 P.M. and 3:00 P.M. on July 30, 1982 or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Box 970, Moab, Utah 84532 by July 26, 1982. Persons desiring to make the field trip must provide their own transportation.

Summary minutes of the board meeting will be maintained in the District Office and will be available within 30 days following the meeting.

Kenneth V. Rhea,

Associate District Manager.

[FR Doc. 82-16384 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

[N-7653]

Nevada; Termination of Proposed Withdrawal

June 10, 1982.

Notice of an application (N-7653) filed by the Department of Agriculture, U.S. Forest Service, for withdrawal and reservation of public lands was published as **Federal Register** Document 73-14783 on pages 19256 and 19257 of the July 19, 1973 issue. The U.S. Forest Service has cancelled its application. The following described 80 acres in Clark County, Nevada is affected:

Mount Diablo Meridian, Nevada

T. 19 S., R. 57 E.,
Sec. 27, NE¼SW¼, NW¼SE¼.

The land will be relieved of the segregative effect of the above-mentioned application at 7:30 a.m. on July 15, 1982.

Wm. J. Malencik,

Acting Chief, Division of Operations.

[FR Doc. 82-16385 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

[W-80234]

Wyoming; Invitation for Coal Exploration License, Northwestern Resources Co.

June 4, 1982.

Northwestern Resources Co. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following described land in Hot Springs County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 44 N., R. 95 W.,
Sec. 7, NE¼NE¼, SE¼NE¼;
Sec. 8, SW¼NW¼.
T. 45 N., R. 98 W.,
Sec. 6, lot 7, NE¼SE¼, SW¼SE¼.
T. 45 N., R. 98 W.,
Sec. 1, lot 1, SW¼SW¼, NE¼SW¼, E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, NE¼NE¼, NE¼NW¼.
Containing 559.19 acres.

All of the coal in the above lands consists of unleased Federal coal. The purpose of the exploration program is to determine the quality and quantity of the coal within the boundaries of the above described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-80234): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of June 21, 1982, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Northwestern Resources Co. no later than thirty days after publication of this invitation in the **Federal Register**. The written notices should be sent to the following addresses: Northwestern Resources Co., c/o Thomas L. Loberg, P.O. Box 1899, Billings, Montana 59103, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-16387 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application; New York Zoological Society

Applicant: New York Zoological Society, Bronx, NY

The applicant requests a permit to import 3 captive-bred Przewalskiis horses (*Equus przewalskii*) from the Askaniya Nova Zoo, USSR.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with its application are available to the public during normal business hours in room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-9248. Interested persons may comment on this application on or before July 19, 1982, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: June 14, 1982.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-18405 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications; Ray Aldrich, et al.

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Ray Aldrich, Rapid City, SD, PRT 2-9262

The applicant requests a permit to take (cull) one male bontebok (*Damaliscus dorcas dorcas*) from the Black Eagle Lodge, South Africa for the purpose of enhancement of survival of the species.

Applicant: USFWS/Athens Field Station, Athens, GA, PRT 2-9263

The applicant requests a permit take (harass) the following endangered bats for scientific research: Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), Ozark big-eared bat (*Plecotus townsendii ingens*) and the Virginia big-eared bat (*P.t. virginianus*).

Applicant: San Diego, Zoo, San Diego, CA, PRT 2-6737

The applicant requests an amendment to PRT-6737 to import an additional two male captive-bred pampas deer

(*Ozotoceras bezvarticus*) from the West Berlin Zoo, West Germany.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: June 11, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-16407 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammals; Receipt of Application for Permit; Izu-Mito Sea Paradise.

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:

a. Name: Izu-Mito Sea Paradise.

b. Address: 3–1 Uchiura-Nagahama, Numazu, Shizuoka-Pref., M. Japan.

2. Type of permit: Public display.

3. Name and number of animals: Northern Sea Otter (*Enhydra lutris*)—6.

4. Type of Activity: Capture.

5. Location of Activity: Prince Edward Sound, Green Island or other area as may be designated by Alaska Department of Fish and Game.

6. Period of Activity: August 1, 1982 to December 31, 1983.

The purpsoe of this application is to capture six sea otters and transport them to Izo-Mito Sea Paradise for the purpose of public display.

Concurrent with the publication of this notice in the Federal Register the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2–8941. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, on or before July 19, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: June 14, 1982.

Larry LaRoehelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-16406 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

New Mexico; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual 220.2.1. G, and subsequent redelegations under Secretarial Order 3071 to the Director, Minerals Management Service, the following described lands are hereby revoked as the San Ysidro known geothermal resources area, effective May 3, 1982:

(31) New Mexico

San Ysidro Known Geothermal Resources Area, New Mexico Principal Meridian, New Mexico

T. 15 N., R. 1 E.,
Sec. 8, lots 1, 2, and 3, NE¼NE¼, S½NE¼, S½, and that portion of the Ojo Del Espiritu Santo Grant in the N½ of the section;
Sec. 10, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 14.

The described area aggregates 1,915.16 acres, more or less, and constitutes all of the San Ysidro Known Geothermal Resources Area.

Dated: June 8, 1982.

James W. Sutherland,

Minerals Manager, South Central Region.

[FR Doc. 82-16307 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 40 Federal Unit Agreement No. 14–08–001–3847, submitted on June 4, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Main Pass Block 40 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 Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, 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 Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective 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: June 8, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-16304 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a

Development and Production Plan describing the activities it proposes to conduct on Lease OSC–G 4261, Block 330, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, 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 Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 10, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-16305 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur, Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 016 and 0367, Blocks 31 and 32, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 9, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-16388 Filed 6-16-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: June 8, 1982.

National Freight, Inc. (No. MC–2860 and No. MC–148941) and TLX Inc. (No. MC–149473) (under common control) petition for waiver of Subpart B, §§ 1057.11 (except for paragraph (b)) and 1057.12, and paragraph (d) of § 1057.22 of Subpart C of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) with respect to equipment augmented between them.

Findings

1. Petitioners are under common control and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

It is ordered

1. That petition of National Freight, Inc., and TLX, Inc., for waiver of Subpart B or § 1057.11 (except paragraph (b)) and § 1057.12, and paragraph (d) of § 1057.22 of Subpart C is granted with respect to equipment leased between them, provided petitioners comply with paragraph (c) of § 1057.11 and petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires the equipment, and a receipt as required by paragraph (b) of § 1057.11 is furnished to the lessor until possession is returned to lessor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in the lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard and John H. O'Brien. Board Member J. Warren McFarland not participating.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16318 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; 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 application 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 niether a major Federal action significantly affecting the quality of the

human environmental 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 Ombudsmans's Office, (202) 275–7326.

Volume No. OP2–118

Decided: June 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 106663 (Sub-4), filed May 17, 1982. Applicant: NEEL TRANSPORTATION CO., INC., R.D. #6, P.O. Box 516, Washington, PA 15301. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) *metal products,* between points in Washington County, PA, on the one hand, and, on the other, points in OH, KY, WV, VA, and MD.

MC 142723 (Sub-12), filed May 27, 1982. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, 412–471–1800. 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 Calig Steel Drum Co., of McKees Rocks, PA.

MC 145482 (Sub-3), filed May 25, 1982. Applicant: INNER CIRCLE QONEXIONS, INC., 57 County Ave., Secaucus, NJ 07094. Representative: Peter Palluzi (same address as applicant) 201–866–4919. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S., on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of 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 148153 (Sub-4), filed May 10, 1982. Applicant: WALBON & COMPANY, INC., 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Edina, MN 55424 612–927–8855. Transporting *meats and meat products,* between points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 151173 (Sub-14), filed May 25, 1982. Applicant: HAR-BET, INC., 7209 Tara Blvd., P.O. Box 855, Jonesboro, GA 30236. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., Suite 520, Atlanta, GA 30326, 404–262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161442, filed May 17, 1982. Applicant: GUTIERREZ BROS., INC., 51 N. Trenton, Tulsa, OK 74120. Representative: C. L. Philips, Rm. 248, Clossen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, 405–528–3884. Transporting *bananas,* between Mobile, AL, Gulfport, MS, and Galveston, TX, on the one hand, and, on the other, Van Buren, AR, Joplin, MO, and points in OK.

Volume No. OP2–120

Decided: June 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 2202 (Sub-681), filed May 26, 1982. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 4716, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, 301–986–1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with California Cartage Company, Inc., of Compton, CA.

MC 107012 (Sub-770), filed May 28, 1982. 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, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Carson, Pirie Scott and Co., Wholesale Floor Covering Division, of Chicago, IL.

MC 107403 (Sub-1350), filed May 24, 1982. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant), 215–259–9800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contact(s) with Shell Oil Company, of Houston, TX.

MC 153622 (Sub-1), filed May 25, 1982. Applicant: McDANIEL HAULING, INC., P.O. Box 908, Centreville, MS 39631. Representative: John A. Crawford, 17th Fl., Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, GA, LA, MS, TN, and TX.

MC 160753, filed May 24, 1982. Applicant: ROLAND ACOSTA, d.b.a. ACOSTA FRUIT & VEGETABLE CO., 1903 S. Closner St., Edinburg, TX 78539. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, 512–476–8066. Transporting *food and related products,* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161972, filed May 12, 1982. Applicant: BLUE RIBBON BUS SERVICE, INC., 1618 Olive St., N.E., Washington, DC 20019. Representative: Sidney Gray, (same address as applicant), 202–396–2388. Transporting *passengers and their baggage,* in the same vehicle with passengers in charter and special operations, between Washington, D.C., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162153, filed May 24, 1982. Applicant: MJM YOUR TRAVEL AGENT, 1000 West Apache Trail, Apache Junction, AZ 85220.

Representative: Jerry Michaels (same address as applicant), 602–982–8310. As a *broker*, at points in Maricopa and Pinal Counties, AZ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in AZ, on the one hand, and, on the other, points in the U.S.

MC 162172, filed May 25, 1982. Applicant: NOBLE BROTHERS, INC., P.O. Box 529, Gibson City, IL 60936. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217–753–3925. Transporting *soya flour, lecithin, feed and feed ingredients*, and machinery, between points in the U.S. (except AK and HI).

MC 162192, filed May 25, 1982. Applicant: G & R SPADY TRUCKING, LTD., Box 697, Carstairs, Alberta, CD TOM 1NO. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of fiberboard manufacturing equipment, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and on the other points in the U.S., under continuing contract(s) with Tetratech Fiber Processing Systems Ltd., of Calgary, Alberta, Canada; and (2) *lumber and wood products*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Water Valley Forest Products Ltd., of Calgary, Alberta, Canada.

Volume NO. OP2–121

Decided: May 27, 1982.

By the Commission, Division 1, Acting as an Appellate Division, Commissioners Sterrett, Gilliam, and Andre.

MC 71902 [Sub-101], filed February 9, 1982. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, Oklahoma City, OK 73154. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425–13th St., NW, Washington, DC 20004, 202–737–1030. Transporting *motor vehicles*, between points in the U.S., under continuing contract(s) with persons as defined in Section 10923 of the Motor Carrier Act of 1980 who are engaged in business as manufacturers, distributors, or dealers of motor vehicles.

Volume No. OP4–204

Decided: June 8, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59247 (Sub-21), filed May 27, 1982. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 119837 (Sub-28), filed May 27, 1982. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois, Memphis, TN 38106. Representative: Ralph D. Golden, Suite 2348, 100 N. Main, Memphis, TN 38103, (1–901) 526–1122. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with U.S. Freight Forwarder Co., Inc., of Memphis, TN.

MC 143427 (Sub-4), filed May 3, 1982. Applicant: WINSTON LIMOUSINE SERVICE, INC., 1650 Sycamore St., Bohemia, NY 11716. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers and their baggage*, between points in Fairfield County, CT, and Putman and Westchester Counties, NY, and the Newark International Airport, at Newark, NJ. Condition: The person or persons who appear to be engaged in common control of applicant and 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 Four, Room 2410.

MC 147727 (Sub-6), filed May 27, 1982. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *liquid foods and liquid food products*, between points in OR, WA, CA, ID, UT, CO, and AZ.

MC 152517 (Sub-3), filed June 2, 1982. Applicant: RO-MAR TERMINAL & WAREHOUSE CO., INC., 3356 S. Ashland Ave., Chicago, IL 60608. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Gooch Foods, Inc., and Gooch Feed Mill Corp., both of Lincoln, NE, and ADM Milling Company, of Shawnee Mission, KS.

MC 155377 (Sub-2), filed May 27, 1982. Applicant: PGT TRUCKING, INC., P.O. Box 197, Rt. 68, Industry, PA 15052. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004, (202) 628–4600. Transporting *fabricated metal products*, between points in PA and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159747 (Sub-1), filed May 27, 1982. Applicant: MAGIC VALLEY DELIVERY SERVICE, INC., P.O. Box 841, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between those points in ID south of Idaho County, ID and points in NV and UT.

MC 162297, filed June 1, 1982. Applicant: STEPHEN J. TRIMM, Rt. #1, Winthrop, NY 13697. Representative: Eugene L. Nicandri, 57 E. Orvis St., Massena, NY 13662, (315) 764–0569. Transporting *fertilizer*, between points on the International Boundary line between the U.S. and Canada in New York and points in Clinton, Essex, Franklin, St. Lawrence, Jefferson, Oneida, Oswego, Lewis, Madison, Chenango, Onondaga, Cortland and Broome Counties, NY, under continuing contract(s) with Nutrite, Inc., of Cornwall, Ontario, Canada.

Volume No. OP4–205

Decided: June 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 27817 (Sub-178), filed June 3, 1982. Applicant: H. C. GABLER, INC., 1580 Gabler Rd., P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Frant St., Harrisburg, PA 17101. Transporting *Foodstuffs*, (1) between points in Cumberland County, ME, on the one hand, and, on the other, points in AL, GA, MO, WI, and MN, and (2) between points in Marion County, MO, on the one hand, and, on the other, points in AL, CT, DE, GA, IL, IN, KY, ME, MD, MA, MN, MO, NJ, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 34647 (Sub-3), filed May 20, 1982. Applicant: TAYLOR-EDWARDS WAREHOUSE & TRANSFER COMPANY OF SPOKANE, INC., 800 North Hamilton, Spokane, WA 99202. Representative: Henry C. Winters, 12600 S.E. 38th, Suite 200, Bellevue, WA 98006, (206) 644–2100. Transporting *general*

commodities (except classes A and B explosives, household goods, and commoditie in bulk), between points in Spokane County, WA, on the one hand, and, on the other, points in ID, in and north of Idaho County, and points in MT.

MC 79737 (Sub-22), filed June 1, 1982. Applicant: BERTA BROS. TRANSPORTATION, INC., P.O. Box 429, Canon City, CO 81212. Representative: Jack B. Wolfe, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861–8046. Transporting *ores and minerals,* between points in the U.S., under continuing contract(s) with Dorchester Coal Company of Florence, CO.

MC 116227 (Sub-30), filed June 1, 1982. Applicant: POLMAN TRANSFER, INC., Rt. 3, Box 470, Wadena, MN 55121. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *such commodities* as are dealt in or used by agricultural cooperatives, between points in IA, ND, SD, MN, IL, NE, WI and MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128837 (Sub-52), filed June 1, 1982. 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 *alcoholic liquors,* between points in the U.S. (except AK and HI).

MC 148187 (Sub-7), filed June 2, 1982. Applicant: VIERON, INC., 1700 Cherry Hill Rd., Baltimore, MD 21230. Representative: Walter T. Evans, 4304 EW Highway, Bethesda, MD 20814, (301) 657–2636. Transporting *petroleum products,* between points in the U.S. (except AK and HI), under continuing contract (s) with Amerada Hess Corporation of Woodbridge, NJ, and H. M. Stauffers & Sons, Inc. of Lancaster, PA.

MC 151787 (Sub-2), filed June 1, 1982. Applicant: IROQUOIS REFRIGERATED TRANSPORT, INC., Route 1, Box No. 28, Clifton, IL 60927. Representative Edward D. McNamara, Jr., 907 S Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *such commodities* as are dealt in or used by retail grocery chain and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

James H. Bayne,

Acting Secretary.

[FR Doc. 82–16326 Filed 6–16–82; 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 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 qualify 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 (of, 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 fully effect only as long as the applicant maintains appropriate compliance. The unoppose applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the ombudsman's Office, (202) 275–7326.

Volume No. OP1–99

Decided: June 8, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 162271, filed June 1, 1982. Applicant: CATTELL ENTERPRISES, INC., 303 East Third Street, Mount Vernon, NY 10553. Representative: Joseph M. Shanks (same address as applicant), (914) 688–8177. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 162281, filed June 1, 1982. Applicant: CHARLES C. DERDZINSKE, d.b.a. COBY TRANSPORTATION, P.O. Box 3777, San Clemente, CA 92672. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303)–839–5856. Transporting *food and other edible and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and other soil conditioners, and agricultural fertilizers,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162301, filed June 1, 1982. Applicant: HENRY THEODORE EURICK, JR., 24141 So. Upper Highland Road, Colton, OR 97017. Representative: Henry Theodore Eurick, Jr. (same address as applicant), (503) 630–6094. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2-117

Decided: June 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 161992, filed May 13, 1982. Applicant: TERRANCE J. SMITH, 503 South "B" St., P.O. Box 1045 (Mailing), Phoenix, OR 97535. Representative: Terrance J. Smith (same address as applicant), 503-535-6063. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162043, filed May 17, 1982. Applicant: CONSOLIDATED RAIL AND TRUCK BROKERS, INC., 3000 East Grauwyler Rd., Irving, TX 75061. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, 214-741-6263. As a *broker of general commodities* (except household goods), between points in the U.S. (including AK, but excluding HI).

Volume No. OP2-119

Decided: June 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 143553 (Sub-13), filed May 17, 1982. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main St., Versailles, CT 06383. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, 212-239-4610. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4-206

Decided: June 8, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 34647 (Sub-4), filed June 2, 1982. Applicant: TAYLOR-EDWARDS WAREHOUSE AND TRANSFER COMPANY OF SPOKANE, INC., 800 N Hamilton, Spokane, WA 99202. Representative: Henry C. Winters, 12600 SE 38th, Suite 200, Bellevue, WA 98006, (206) 644-2100. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 159027 (Sub-2), filed June 1, 1982. Applicant: EXPRESSWAY, INC., P.O. Box 697, Greer, SC 29652. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288-6000. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 162087, filed May 20, 1982. Applicant: ROBERT G. CHAPMAN, d.b.a. POWER PAK'S TRUCKING, 9755 130th Ave., NE, Kirkland, WA 98033. Representative: Robert G. Chapman, (same address as applicant), (206) 827-1871. 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 162267, filed June 1, 1982. Applicant: NEILSEN ENTERPRISES, Brandon, IA 52210. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (402) 397-9900. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16325 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-207]

Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification; Permanent Authority Decision-Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 145906 (Sub-7) (republication), filed November 2, 1981; published in the **Federal Register** issue of November 16, 1981; and republished this issue. Applicant: GENERAL TRUCKING COMPANY, INC., P.O. Box 269, 1107 Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank II, P.O. Box 1004, 805 South Garden Street, Columbia, TN 38401. In a decision by the Commission, Division 1, Acting as an Appellate Division, decided May 3, 1982, and finds that performance by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *lumber and wood products, and building materials*, (1) between points in Alabama, Mississippi, Tennessee, Kentucky, Georgia, and Louisiana; and (2) between points in Tennessee, on the one hand, and, on the other, points in Missouri, North Carolina, South Carolina, Virginia, West Virginia, Arkansas, Illinois, Indiana, Ohio, and Pennsylvania; will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include part (1) above in the scope of authority actually granted.

MC 159047 (republication), filed March 11, 1982; published in the **Federal Register** issue of March 20, 1982; and republished this issue. Applicant: D & D CYCLE WORKS, INC., Hwys 16 and 65 East, Albert Lea, MN 56007. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, Phone: (612) 333-1341. In a decision by the Commission, Review Board Number 3, decided May 20, 1982, and finds that performance by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *motorcycles, mopeds, snowmobiles, and machinery*, between Chicago, IL, and Lincoln, NE, on the one hand, and, on the other, points in Dane County, WI, and Steele, Freeborn, and Mower Counties, MN; and (2) *motorcycles*, between points in Milwaukee County, WI, on the one hand, and, on the other, points in Steele County, MN; will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include part (2) above in the scope of authority granted.

By the Commission.

James H. Bayne,

Acting Secretary

[FR Doc. 82-16324 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 88)]

Railroads; Illinois Central Gulf Railroad Co.; Abandonment in Jefferson County, AL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon operations over a portion of its Bessemer District, extending from railroad milepost 729.28 at Pratt City, AL to milepost 740.16 at Bessemer, AL, a distance of 10.88 miles, all in Jefferson County, AL, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16323 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29934]

Conagra, Inc.; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts ConAgra, Inc., from 49 U.S.C. Subtitle IV.

DATES: Exemption effective on June 17, 1982. Petitions to reopen this proceeding must be filed on or before July 7, 1982.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423; (2) Petitioner's Representative, Peter A. Greene, Esq., 1920 N Street, NW., Suite 700, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423 (202) 289-4357—D.C. Metropolitan Area (800) 424-5403—Toll free for outside D.C. area

Dated: June 9, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16319 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 152)]

Railroads; Chicago and North Western Transportation Co.; Exemption for Contract Tariff ICC-CNW-C-0165

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 contract 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: Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Chicago and North Western Transportation Company (CNW) filed a petition on June 2, 1982, 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 ICC-CNW-C-00165 filed on May 28, 1982, to become effective on one day's notice. The contract involves the movement of blister copper and copper bullion.

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. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The shipper is in a weak financial posture created by a downturn in the copper market and an exemption is necessary to avert a possible production shutdown. Moreover, any curtailment of shipments from the shipper would adversely affect the petitioner. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-CNW-C-0165 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 this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) 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(d) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: June 11, 1982.

By the Commission, Division 2, Commissioners Gresham, Taylor, and Simmons. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this

matter, Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16321 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 151)]

Railroads; Seaboard Coast Line Railroad Co.; Exemption for Contract Tariff ICC-SCL-C-0030

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 contract 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: Douglas Galloway (202) 275-7278

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) filed a petition on June 1, 1982, 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 ICC-SCL-C-0030 filed on May 26, 1982, to become effective on one day's notice. The contract involves the storage of pulpboard in railroad cars.

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. However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. Because sales of pulpboard are down, the shipper requires additional storage capacity on an immediate basis. The cars used as storage will not later be used to generate line-haul revenue when the pulpboard is shipped. Granting this petition will resolve shipper's storage problems and provide additional revenue to the carriers. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-SCL-C-0030 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. 01713(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 this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) 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(d) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: June 11, 1982.

By the Commission, Division 1, Commissioners Sterrett, Gilliam, and Andre.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16322 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 149)]

Railroads; Southern Pacific Transportation Co.; Exemption for Contract Tarriff ICC-SP-C-0088

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 contract 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: Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Southern Pacific Transportation Company (SP) filed a petition on May 24, 1982, 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 ICC-SP-C-0088 filed on May 24, 1982, to become effective on one day's notice. The contract involves the movement of sanitary paper products, holders, and advertising matter. The shipper submitted a letter in support of the petition.

As a preliminary matter, we grant petitioner's request under 49 CFR 1100.99 for an order protecting the information contained in the shipper's separately submitted supporting letter. This letter contains proprietary information which supplements the petition, and it need not, and will not, become part of the record.

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. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The contract is with an American lumber and paper manufacturer which, due to recent difficulty in marketing its product, has accumulated inventories that exceed its warehouse capacity. Consequently, the shipper may be forced to shut down its mill. Such a shutdown would have a heavy financial impact on the shipper, its employees and the community in which the mill is located. Short notice effectiveness of the contract will enable the shipper to expand its market and thus reduce its inventories. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-SP-C-0088 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 this instance is not necessary to carry out the transportation policy of 49 U.S.C. 1010(a) and is not needed to protect revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: June 10, 1982.

By the Commission, Division 1, Commissioners Sterrett, Gilliam, and Andre.

James H. Bayne,

Acting Secretary.

[FR Doc. 82-16320 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Africa Delegation of Authority No. 140, Rev.]

Africa Bureau Field Posts: Delegation of Authority

Section 1. Purpose

The purpose of this redelegation of authority is to delegate a series of operating authorities to Africa Bureau Mission Directors and other principal officers of Africa Bureau field posts. The authorities delegated hereby are principal authorities vested in the Assistant Administrator for Africa for the administration of the United States foreign assistance programs for Africa. This particular delegation of authority reflects revisions of prior field post authorities based on past experience, changes in A.I.D. policy concerning authorities redelegated to field posts and the staffs available to the various field posts for the effective exercise of authorities.

Section 2. Issuance Authority

This delegation is issued pursuant to A.I.D. Delegation of Authority Numbers 5, 38, 96, 99, 100 and 133 and A.I.D. Handbooks, Manual Orders, airgrams and other directives and memoranda.

Section 3. Definitions

A. "Project", for purposes of this delegation, includes project and non-project assistance.

B. "Project Assistance Completion Date" (PACD) is the estimated date by which all AID-financed goods are to have been delivered or all services performed under the Project Agreement. In nonproject assistance, the equivalent date is the terminal date for requests for disbursement authorizations.

C. "Life of Project" is the planning length of the project as determined in project preparation. The life of project runs from the estimated date of signature of the Project Agreement or other obligating document to the PACD.

D. "Act" means the Foreign Assistance Act of 1961, as amended.

Section 4. Project Authorization Authority

A. The following authorities are hereby delegated to the Directors of the field posts set forth in Schedule A for their respective countries of areas of responsibility:

(1) The authority to authorize a project, if the project.

a. Does not exceed $20 million over the approved life project (except as provided in subparagraph (2) below):

b. Does not present significant policy issues;

c. Does not require issuance of waivers that may only be approved by the Assistant Administrator for Africa or the Administrator, or if such waivers are approved prior to authorization; and

d. Does not have a life of project in excess of ten years.

(2) The authority to amend project authorizations executed by any A.I.D. official, except that:

a. An amendments may not exceed a cumulative amount equal to 10 percent of the original life of project funding of $2 million, whichever is less;

b. Amendments increasing life of project funding up to a cumulative amount equal to 50 percent (not to exceed $10 million) may be authorized subject to the prior concurrence of the Assistant Administrator;

c. If an amendment presents significant policy issues or deviates from the original project purpose, such amendment will be referred to the Assistant Administrator for approval; and

d. An amendment may not include waivers that may be approved only by the Assistant Administrator or the Administrator, unless such waivers are approved prior to authorization of the amendment.

(3) The authority to approve extensions of the life of a project, provided that the extension does not result in a total life of project (from point of initial obligation to revised PACD) of more than ten years.

B. The following authorities are hereby delegated to the principal officers of the field posts set forth in Schedules B and C for their respective countries or areas of responsibility. The exercise of these authorities is subject to the concurrence of the appropriate REDSO Director:

(1) The authority to authorize a project, if the project:

a. Does not exceed $10 million over the approved life of project (except as provided in subparagraph (2) below);

b. Does not present significant policy issues;

c. Does not require issuance of waivers that may only be approved by the Assistant Administrator or Administrator, or if such waivers are required, such waivers are approved prior to authorization; and

d. Does not have a life of project in excess of ten years.

(2) The authority to amend project authorizations executed by any A.I.D. official, except that:

a. An amendment or amentments may not exceed a cumulative amount equal to 10 percent of the original life of project funding or $1 million, whichever is less;

b. Amendments increasing life of project funding up to a cumulative amount equal to 50 percent (not to exceed $5 million) may be authorized subject to the prior concurrence of the Assistant Administrator;

c. If an amendment presents significant policy issues of deviates from the original project purpose, such amendment will be referred to the Assistant Administrator for approval; and

d. An amendment may not include waivers that may be approved only by the Assistant Administrator or Administrator unless such waivers are approved prior to authorization of the amendment.

(3) The authority to approve extensions of the life of a project: *Provided,* That the extension does not result in a total life of project (from point of initial obligation to revised PACD) of more than ten years.

Section 5. Project Implementation Authorities

The following authorities are hereby delegated to the principal officers of all Africa Bureau field posts for their respective countries or areas of responsibility, except that the concurrence of the appropriate REDSO Director is required with respect to the exercise of the authorities by the principal officers of the posts listed in Schedule B:

A. *Negotiation and Execution.* Authority to negotiate and execute loan and grant agreements, and amendments or modifications thereto, with respect to loans and grants authorized under the Act in accordance with the terms of the authorization of such loan or grant. Grant agreements purposes of this section shall mean agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments.

B. *Implementation.* Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the Corporate Development Loan Fund, including the following:

(1) Authority to prepare, negotiate, sign and deliver letters of implementation;

(2) Authority to review and approve documents and other evidence

submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(3) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan or grant agreements;

(4) Authority to sign or approve Project Implementation Orders; and

(5) Authority to approve contractors, review and approve the terms of country contracts, amendments and modifications thereto, and requests for proposals and invitations for bids with respect to such contracts financed by funds made available under such loan and grant agreements.

C. *Extension of Terminal Dates.* Authority to extend the following terminal dates, in accordance with AIDTO Circular A–24 dated December 16, 1977, amendments thereto or successor regulations, provided that this authority shall be exercised in writing, including a justification therefor and an analysis of the steps that might be taken to accelerate implementation, and a copy shall be forwarded to the Director, AFR/DR:

(1) The terminal date for signing a Project Agreement for a cumulative period not to exceed six months;

(2) The terminal date for meeting initial conditions precedent for a cumulative period not to exceed six months.

D. *Procurement Waivers.* Authority to waive and grant special exceptions, in accordance with Supplement B of Handbook 1, of source, origin or nationality requirements to permit the procurement of goods and services (exclusive of transportation services) in countries included in A.I.D. Geographic Codes 941, 899 or 935 subject to the following:

(1) All such waivers shall be in writing, including the justification therefor and the certification required herein, signed by the Director and a copy of each waiver shall be forwarded to the Director, AFR/DR and to M/SER;

(2) Each waiver to Code 935 or 899 for goods shall contain a certification signed by the Director that "exclusion of procurement from free world countries other than the cooperating country and countries included in Code 941 would seriously impede attainment of U.S. foreign policy objectives and objectives of the foreign assistance program" and additionally with respect to motor vehicles, a finding that "special circumstances exist to waive the requirements of Section 636(i) of the Act";

(3) Each waiver of the nationality requirement for suppliers of services to Code 899 or 935 shall contain a certification signed by the Director that "the interests of the U.S. are best served by permitting the procurement of services from free world countries other than the cooperating country and countries included in Code 941";

(4) Each waiver shall be made after consultation with a Regional Legal Advisor of GC/AFR, as appropriate, and waivers for goods shall be made after consultation with a Commodity Management Adviser or M/SER/COM, as appropriate, and for services, the Regional Contracting Officer or M/SER/CM, as appropriate;

(5) The amount of such waivers for goods and services shall not exceed $1 million per transaction except for motor vehicles which shall not exceed $50,000 per transaction;

(6) Waivers or exceptions made under this redelegation shall be based upon the appropriate criteria set forth in Handbook 1 (Supplement B), as may be amended from time to time, except that this redelegation shall not apply to any waiver based upon the criteria "impelling political considerations" or "such other circumstances as are determined to be critical to the success of project objectives". Waivers based upon these specific criteria shall be referred to the Assistant Administrator for Africa for approval upon the recommendation of the Director.

E. *Host Country Assurances.* The authority to receive and determine the adequacy of assurances with respect to projects as required under Section 110(a) of the Act.

F. *Competitive Procurement Waiver.* The authority to waive, in accordance with the terms and provisions of Handbook 1, Supplement B, Chapter 12C4a, competition in the procurement of goods and services and to authorize a single-source negotiated contract except that the estimated procurement authorized pursuant to this authority may not exceed $100,000 for services or $25,000 (exclusive of transportation costs) for commodities.

G. *CBD Publication Waiver.* The authority to waive the requirement of publication of procurement notices in the *Commerce Business Daily* or an A.I.D. publication, pursuant to the terms and provisions of Handbook 1, Supplement B, Chapter 12C4b, except that such waiver authority is limited to contracts which are less than $500,000 in estimated value.

H. *Other.* The authority delegated to Mission Directors or principal heads of field posts in A.I.D. Handbooks, Manual Orders, regulations (published or otherwise), policy directives, policy determinations, memoranda, and other instructions as they may be amended, supplemented or superseded from time to time.

Section 6. Miscellaneous

A. *Limitations and Guidance.* The authorities redelegated herein shall be exercised in accordance with A.I.D. Handbooks, policies, regulations (published or otherwise) and procedures as they may be amended, supplemented or superseded from time to time.

B. *Technical Review.* Prior to the exercise of the authorities delegated herein, appropriate technical review, including legal, shall be undertaken.

C. *Concurrence Responsibility Procedures.* REDSO concurrence responsibilities will be exercised in accordance with written procedures, jointly established by the appropriate REDSO and each field post.

D. *Subsequent Redelegation.* The authorities delegated to the Directors of field posts listed in Schedules A and C may be exercised by persons performing the functions of the Director on an "Acting" basis and may be redelegated by the Director to the Principal Deputy of the Director. The authorities delegated to principal officers of field posts listed in Schedule B may be exercised by persons performing the functions of the Principal A.I.D. Officer on an "acting" basis but may not be redelegated.

E. *Concurrent Authority and Instructions.* I retain for myself concurrent authority to exercise any of the functions herein delegated, and such authorities shall be exercised subject to instructions otherwise by me or my designee.

F. *Redelegations of Authority Affected.* The Africa Bureau Delegations of Authority, Numbers 140 and 141, dated October 18, 1978 and February 2, 1979 respectively and both as subsequently amended, are hereby rescinded.

G. *Effective date and Ratification.* This Redelegation of Authority is effective immediately and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Redelegation of Authority.

Dated: June 9, 1982.

F. S. Ruddy,

Assistant Administrator for Africa.

Africa Bureau Delegation of Authority No. 140

Schedule A

Botswana	Kenya
Cameroon (Including Equatorial Guinea and Central African Republic)	Liberia
	Mali
	Mauritania
	Niger

Senegal	REDSO/EA (Including Comoros, Madagascar, Mauritius and Seychelles)
Somalia	
Sudan	
Tanzania	
Upper Volta	REDSO/WA (Including Sao Tome E Principe)
Zaire (Including Congo (B))	

Africa Bureau Delegation of Authority No. 140

Schedule B

Burundi	Malawi
Djibouti	Rwanda
Gambi	Sierra Leone
Guinea	Togo
Guinea-Bissau/Cape Verde	Uganda
	Zambia

Africa Bureau Delegation of Authority No. 140

Schedule C

Ghana	Swaziland
Lesotho	Zimbabwe

[FR Doc. 82-16306 Filed 6-16-82; 8:45 am]

BILLING CODE 6116-01-M

Privacy Act of 1974; System of Records Amendment

AGENCY: Agency for International Development, IDCA.

ACTION: System of Records Amendment.

SUMMARY: The Agency for International Development is amending its System of Records AID–22, "Congressional Relations, Inquiries, and Travel Records", to make the system hybrid and update all other categories associated with this change.

DATE: This amendment becomes effective June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Rhea Johnson, Area Code (202) 632–9614.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 552a(e)(11), Pub. L. 93–579 the Agency is amending its System of Records AID–22, "Congressional Relations, Inquiries, and Travel Records" to change it from manual to hybrid. The full text of the System appeared at 42 FR 47384 and FR 47385 of September 20, 1977. Changes associated with the amendment are, Storage, Retrievability, Safeguards, Retention and disposal and Notification procedure.

Because no substantive changes have been made that would significantly affect the public at large, we are asking that the sixty day notification period be waived. However, comments are invited and may be sent to James Harper, Public Information Specialist, Agency for International Development, Washington, D.C. 20523.

For easy reference, we are publishing the full text of the revised system below.

Rhea Johnson,

Acting Chief, Public Inquiries Staff, Office of Public Affairs.

A.I.D.–22

SYSTEM NAME:

Congressional Relations, Inquiries, and Travel Records.

SYSTEM LOCATION:

a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, NW., Washington, D.C. 20523

b. Records of Congressional inquiries concerning employees of and applicants for employment with the Office of the General Counsel are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

c. Related files are maintained in certain areas of the field offices listed at Appendix A.

d. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, members of their personal staffs and of Congressional Committee staffs; employees of A.I.D. or applicants for employment who are or have been the subject of Congressional inquiries and recommendations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Congressional correspondence and memoranda of Congressional telephone calls covering (1) requests for information and assistance on matters related to foreign assistance; (2) requests for assistance from the Agency in arranging official travel overseas by Members of Congress, their staffs or committee staffs to inspect and observe foreign assistance programs abroad, and (3) inquiries about A.I.D. employees and recommendations concerning employees or applicants for employment. Also includes information about individual members of Congress derived from public media sources, including biographic records, and extracts from the Congressional Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Assistance Act of 1961 as amended, especially section 634(b); 5 U.S.C. 301; 44 U.S.C., Chapters 31 and 33.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders. Automated records on magnetic discs and permanently on line at the computer center.

RETRIEVABILITY:

By name of Congressman. Access will be limited to individuals with a need to know and have the proper password.

SAFEGUARDS:

Except for material completely in the public domain, located in a secure space or secured premises with access limited to those whose official duties require the information. The Resources Allocation Control Facility, in use on our computer system, lessens the potential for unauthorized use.

RETENTION AND DISPOSAL:

Except for correspondence involving matters of policy, records are destroyed by burning after no more than 15 years; files related to individual Congressmen are retired at the end of each session of Congress. Records involving policy matters are retained permanently in archival files. The computerized records are deleted from the system when no longer needed for daily operations.

SYSTEM MANAGER(S) AND ADDRESS:

a. For records maintained at Location (a): Director for Legislative Affairs, A.I.D., 320 21st Street, NW., Washington, D.C. 20523.

b. For records maintained at Location (b): Office of the General Counsel, A.I.D., 320 21st Street, NW., Washington, D.C. 20523.

c. For records maintained at Location (c): Executive Office of the appropriate A.I.D. office listed at Appendix A.

NOTIFICATION PROCEDURE:

Requests by individuals concerning the existence of a record may be addressed to: Director, Office of Public Affairs, Attn.: Privacy Liaison Officer, Agency for International Development,

320 21st Street NW., Washington, D.C. 20523, or presented in person at 320 21st Street, NW., Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name. For records of Congressional correspondence, include name of Congressman and appropriate session of Congress. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4 (c) or (d) of the Agency's Regulations as published in this issue of the **Federal Register.**

CONTESTING RECORD PROCEDURES:

Written requests from individuals to amend their record should be mailed or presented in persons the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to: Administrator, Agency for International Development, 320 21st Street, NW., Washington, D.C. 20523.

Attention: Executive Secretary—Privacy Review Request. Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

RECORD SOURCE CATEGORIES:

Members of Congress and their staffs; Congressional Committee Members; A.I.D. employees; Congressional Directory, Congressional Quarterly, and Congressional Record; newspapers, magazines, and other public media.

[FR Doc. 82-16414 Filed 6-16-82; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-118]

Certain Sneakers With Fabric Upper and Rubber Soles; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on July 19, 1982, in the Waterfront Center, Room 201, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the Federal Register.

Issued: June 10, 1982.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 82-16286 Filed 6-16-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Justice—Treasury Advisory Committee on State and Local Law Enforcement Training

The Justice—Treasury Advisory Committee on State and Local Law Enforcement Training will meet from 9:00 a.m. until 4:30 p.m. on Friday, July 9, 1982 in the Tom Steed Building, Room S-9, at the Federal Law Enforcement Training Center, Glynco, Georgia.

The meeting will concern the review of law enforcement training to be provided by the Federal Law Enforcement Training Center and participating federal agencies to state and local enforcement personnel. Also, the Committee will discuss and recommend methods for marketing the selected training courses to state and local law enforcement officials, trainers and personnel. In addition, the Committee will be given a formal presentation of a draft certification process being considered to standardize and certify the training.

The meeting will be open to the public. Approximately 150 seats will be available for the public and the media representation on a first-come first-served basis.

Inquiries or comments may be addressed to the Committee Management Liaison Officer, Justice—Treasury State and Local Law Enforcement Training Program, Office of the Associate Attorney General, U.S. Department of Justice, Room 4119, Washington, DC 20530. (Committee Management Liaison Officer's telephone number is 202/376-0805 or the FLETC Coordinators' telephone Number is 912/267-2226.)

George H. Bohlinger III,

Executive Director, Justice—Treasury Advisory Committee.

[FR Doc. 82-16301 Filed 6-16-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-35)]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Avisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

DATE AND TIME: July 9, 1982, 8 a.m. to 4:30 p.m.; July 10, 1982, 8 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, Room 5026, 400 Maryland Ave. SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. DeVincenzi, Code EBT-3, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3732).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs.

This meeting will be closed to the public from 8 a.m. to 10 a.m. on July 10 for a discussion of candidates being considered for Committee membership. During this session, the qualifications of proposed new members will be candidly discussed and appraised. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including committee members and other participants).

Type of meeting: Open—except for a closed session as noted in the agenda below.

Agenda

July 9, 1982

8 a.m.—Introductory Remarks (Open session).
8:30 a.m.—Biomedical Research Program (Open session).
1 p.m.—Space Biology Research Program (Open session).
1 p.m.—Space Biology Research Program (Open session).
4 p.m.—Supporting Research and Technology Program Review (Open session).

July 10, 1982

8 a.m.—Proposed New LSAC Members (Closed session).
10 a.m.—LSAC Recommendations (Open session).
10:30 a.m.—Plan for Accelerated Vestibular Research (Open session).
1 p.m.—(Second Dedicated Spacelab Planning (Open session).
2:30 p.m.—Life Sciences' Platform Study Status (Open session).

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

June 11, 1982.

[FR Doc. 82-16285 Filed 6-16-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Reports Issued

Highway Accident Report—Collision of North America Van Lines Tractor-Semitrailer and Ford Van, in Construction Zone, Ohio Turnpike, near Cleveland, Ohio, July 22, 1981 (NTSB-HAR-82-1).

Recommendations to

Federal Aviation Administration, Jun. 7, A-82-46 and -47: Issue an Airworthiness Directive about preventing flexing and breakage of landing gear downlock switch electrical wires on Shorts SD3-30 aircraft; require Short Brothers Ltd. to modify the design of the Shorts SD3-30 landing gear downlock switches to prevent flexing and breakage of the electrical wires to the switch and require the retrofit of all SD3-30 aircraft registered in the United States. *Jun. 9, A-82-48 through -50:* Revise Airworthiness Directive 68-04-04 pertaining to the Brantly B2 model helicopter (1) to emphasize that the tail rotor bearing set must be removed from the rotor blade spar's inner diameter and that both exterior and interior surfaces of the blades must be cleaned thoroughly before the dye penetrant inspection is performed; and (2) to require that the inspection area of the blade's exterior surface be left unpainted to facilitate daily visual inspections; require a one-time visual inspection of the tail rotor blades installed on the Brantly B2 model helicopters to verify whether the PN 111-11 or the PN 111-11A blades are installed, and require that this information be recorded in the appropriate maintenance log; require the manufacturer to revise the Brantly B2 Illustrated Parts Catalog to include the PN 111-11A tail rotor blade as an acceptable replacement blade for the PN 111-11 blade.

Nassau County (New York) Executive, Jun. 7, H-82-15: Evaluate the feasibility of traffic divisional islands being used to deter vehicles from going around lowered gates on the Herricks Road approaches to the grade crossing of the main line of the Long Island Railroad, and if the evaluation is favorable, construct an appropriately designed installation.

Santa Fe Pipeline Co., Jun. 9, P-28-17: Support efforts to formulate and implement a "one-call" notification system in Texas.

Jet Oil Co., Jun. 9, P-82-18: Establish a procedure to assure that the location of any pipeline potentially in conflict with a drilling location be determined before initiating any activities which may affect the existing grade.

American Gas Assoc., and Interstate Natural Gas Assoc. of America, Jun. 9, P-82-19: Urge member companies to participate in the current effort to establish a "one-call" notification system in Texas.

American Congress on Surveying and Mapping, and National Society of Professional Engineers, Jun. 9, P-82-20: Advise members of the circumstances of the Sept. 27, 1981, accident in Ackerly, Texas, and urge them to include in the service of staking drilling locations the location of pipelines which may be affected by the drilling location.

Independent Petroleum Assoc., Jun. 9, P-82-21: Advise exploration and production companies of the circumstances of the Sept. 27, 1981, accident in Ackerly, Texas, and urge them to adopt procedures for determining the location of any pipelines which may be in conflict with their drilling activities.

Railroad Commission of Texas, Jun. 9, P-82-22 and -23: Revise its Oil and Gas Division's Rule 37 to require that survey plats also include the location of any hazards within a prescribed distance of a drilling location; support efforts to formulate and implement a "one-call" notification system in Texas.

American Petroleum Institute, Jun. 9, P-82-24 through -27: Advise member exploration and production companies of the circumstances of the Sept. 27, 1981, accident in Ackerly, Texas, and urge them to adopt procedures for determining the location of any pipelines which may be in conflict with their drilling activities; urge member companies to participate in the current effort to establish a "one-call" notification system in Texas; amend the model form drilling contract and ancillary documents to require that the location of any pipeline which potentially may be conflict with the drilling location and access roads be identified; amend Recommended Practices Nos. 52 and 54 to include consideration for the location of pipelines in staking a drilling site.

Recommendation Responses From

Federal Aviation Administration, Jun. 1, A-82-6: Issued Change 28 to FAA Order 8430.17, Air Carrier Operations Bulletins, Chapter 8, Weather Operations and Instrument Systems, paragraph 845, which transmits ACOB No. 7-82-2, Cold Weather Procedures. *Jun. 4, A-81-43:* Issued Airworthiness Directive 81-21-03 on Sept. 25, 1981, requiring a modification to the wing leading edge access doors (to prevent closure without the locking mechanism being engaged) on British Aerospace Corp. (formerly deHavilland) DH-114 Heron Series 1B and all Series 2 airplanes which have been modified in accordance with Modification 154 or 469. *A-80-113:* Results of initial phase of a study initiated in Feb. 1981 are: (1) deicing fluids in use today should not be considered to have anti-icing qualities during precipitation; (2) the only method of assuring that the deicing process has been effective and that the aircraft is clean of adhering ice, snow, or frost formations is by close inspection just before takeoff; a test program to ascertain the effectiveness of deicing fluid strictly as an anti-icing agent does not appear productive at this time because of the many operational variables that could invalidate finite results; to date, the second phase of the study which will include a review of current U.S. air carrier ground deicing and inspection procedures and guidelines; a review of recent studies on the effects of ice and frost formations on aircraft performance, stability and control; and development of additional advisory information has determined that limited testing is needed and planning is in progress to verify analytical and empirical estimates of ice/snow formations under various atmospheric conditions combined with different deicing mixtures and to verify analytical techniques for estimation of fluid film thickness as a function of selected variables. *A-73-66:* Exceptions have been issued to allow additional time for certain operators to achieve full compliance with FAR Sections 25.785 and 121.311 regarding flight attendant seat requirements. *A-79-63:* Issued Technical Standard Order C100, Child Restraint Systems, on May 28, 1982. *Jun. 7, A-82-6:* Issued Air Carrier Operations Bulletin No. 7-82-2, Cold Weather Operations, on Mar. 11, 1982; *A-82-7 and 8:* Asked all regional flight standards division chiefs on Jan. 29, 1982, to have their inspectors review the manuals and guidance on cold weather operations of operators. *A-82-13:* Will add the following to Handbook 7110.65C, paragraph 972b: "Aircraft taxiing behind jet aircraft in freezing conditions may experience aggravated engine and airframe icing. For planning purposes, be alert to pilot advisories that increased taxi intervals may be used." *A-82-14:* Expects to publish information on the hazards associated with aircraft structural and engine icing in the Sept. or Oct. 1982 issue of the Air Traffic Service Bulletin. *A-80-70:* Continues to believe that there are sufficient provisions, both in 14 CFR Part 135 and Order 8430.1B, to ensure adequate operational control; the addition of another regulatory requirement specific to another employee of the certificate holder does not relieve management's responsibility in this area. *A-81-115:* Does not concur in recommendation because (1) the FAA requires certification to the full icing envelope expected in nature as defined in 14 CFR Part 25, Appendix C, and to allow certification with operating limitations in terms of parameters such as liquid water content, droplet size, and outside air temperature, which are not controllable by the pilot and which may change rapidly, would degrade the level of safety established by the present rules and could prove hazardous for an aircraft with only a limited capability to operate safely in icing conditions; (2) accident statistics do not indicate a problem with the present certification philosophy and criteria; and (3) implementation of the recommended action would be expensive with little or no tangible

benefit. *A–81–116:* Will consider Safety Board comments regarding making freezing rain, freezing drizzle, and mixed conditions mandatory rather than elective parts of the normal icing certification. *A–81–117:* Icing R&D effort is projected to continue for several years. *A–81–118:* Has determined that the definition of severe icing, as it now apears in the Airman's Information Manual should be amended to be more compatible with the requirements in 14 CFR Part 91, 14 CFR Part 135, and 14 CFR Part 25. *A–76–136 and –137:* Does not plan to make certain portions of AC 150/5320–12 mandatory because there is no consensus within the aviation community on correlating data from friction measuring devices with aircraft performance; currently revising AC 150/5320–12 based on the recommendations of the National Runway Friction Measurement Program, and on tests which are being and have been run on the Mu Meter and the SAAB friction tester. *A–74–119 through –121 and A–75–125:* Believes that minimizing hydroplaning conditions, rather than promulgating regulations and limitations intended for operations in hydroplaning conditions, is the preferred course of action; at U.S. airports served by air carriers, 274 runways have been grooved and 92 have received porous friction course (PFC) treatment; all remaining air carrier airports subject to weather conditions causing low friction conditions will be treated as rapidly as possible; will consider for operational usage methodology which will credibly relate runway friction measuring and reporting systems to airplane performance.

U.S. Coast Guard, May 26, M–81–65: Concurs; has initiated a program to amend license examinatipns to emphasize questions about emergencies.

New Orleans-Baton Rouge Steamship Pilots Association, May 31, M–82–14: Has distributed the information to members.

Mississippi State Highway Department, May 28, H–82–10: Will install advance warning signs to alert motorists to the potential hazard from trucks turning into Industrial Park Road from U.S. 45, south of Waynesboro, Mississippi.

Arkansas Highway Safety Program, Jun. 7, H–82–13: Arkansas is not experiencing a problem with log trucks.

National Fire Protection Association, May 28, I–82–6: Recommendation will be considered by the NFPA Committee on the Storage of Flammable Liquids and will be discussed in a meeting of representatives of that committee, the committee responsible for ANSI Standard K–61.1, the Safety Board, and the Association of American Railroads. *Jun. 4, R–81–28:* Is developing a standard (No. 130) for all fire safety aspects of rapid transit, including safety equipment, which will be available to any transit system operator for guidance and to any transportation authority for adoption as a requirement; the NFPA has not been consulted by the Urban Mass Transportation Administration in the development of UMTA guidelines on general safety of transit systems.

American Consulting Engineers Council, May 27, P–82–11: Executive Committee has referred recommendation to the Public Safety Committee; may publish it in the ACEC NEWSLINE which is distributed to engineers nationwide.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies or recommendation letters (identified by recommendation number) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

June 17, 1982.

[FR Doc. 82–16287 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–58–M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to Section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94–241, 48 U.S.C. 1681 note), will meet on Wednesday, July 7, 1982, in room 103C of the Marianas High School on Saipan in the Northern Mariana Islands.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date, adoption of a format for the Commission's final report to Congress, and consideration of views of persons in the Northern Mariana Islands with respect to the application of particular federal laws in the Northern Mariana Islands.

The meeting will be open to the public. Attendance by the public will be limited to space available.

For further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240, (202) 343–5617, or Jose S. Dela Cruz, Liaison Attorney, Northern Mariana Islands Commission on Federal Laws, P.O. Box 326 (3rd Floor, Nauru Building) Saipan, CM 96950 (telephone number 6892).

Interested persons may make oral presentations to the Commission or file written statements with respect to particular federal laws. Persons desiring to make oral presentations should make arrangements with Mr. Dela Cruz at least seven days prior to the meeting.

Dated: June 1, 1982.

James A. Joseph,

Chair.

[FR Doc. 82–16300 Filed 6–16–82; 8:45 am]

BILLING CODE 4310–93–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR–29, and Amendment No. 73 to Facility Operating License No. DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments authorize changes to the Technical Specifications to allow an increase in the spent fuel storage capacity from 2920 to a maximum of 7684 assembles by use of neutron absorbing spent fuel storage racks.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses was published in the Federal Register on April 30, 1981 (46 FR 47135). Requests for leave to intervene were filed by several citizens groups, and were later withdrawn.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendments dated March 26, 1981, as supplemented, (2) Amendment No. 79 to License No. DPR–29, and Amendment No. 73 to License No. DPR–30, (3) the Commission's related Safety Evaluation dated April 9, 1982, and (4) the Commission's Environmental Impact Appraisal dated April 9, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–16390 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the License for operation of the Duane Arnold Energy Center located in Linn County, Iowa. The amendment is effective as of its date of issuance and is to implemented in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission approved Guard Training and Qualification Plan as a part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

The licensee's filings dated January 29, 1982, as revised April 1, 1982, are being withheld from public disclosure pursuant to 10 CFR 73.21. The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 74 to License No. DPR–49 and (2) the Commission's related letter to the licensee dated June 9, 1982. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–16391 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR–49 issued to Iowa Electric Light & Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of its date issuance.

The amendment modifies the Technical Specifications to incorporate revisions to the tables of containment isolation valves to reflect modifications made to satisfy the requirements of NUREG–0737 Item II.B.3 "Post Accident Sampling."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 23, 1982, (2) Amendment No. 75 to License No. DPR–49, and (3) the Commission's letter to Iowa Electric Light & Power Company dated June 9, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–16392 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8027]

Kerr-McGee Nuclear Corp. Sequoyah Uranium Hexafluoride Facility, Gore, Oklahoma; Negative Declaration on Proposed Amendments for use of Raffinate

The U.S. Nuclear Regulatory Commission (the Commission) is considering amending Source Material License No. SUB–1010 to allow (1) broad use of treated raffinate containing ammonium nitrate produced at the Sequoyah Facility as fertilizer for crops not used directly for human food, and (2) use of forage grown on pasture fertilized with treated raffinate as animal feed.

The Commission's Division of Fuel Cycle and Material Safety has prepared

an environmental impact appraisal for the proposed license amendments. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed amendment actions would not be significant and does not warrant the preparation of an environmental impact statement and, accordingly, it has been determined that a Negative Declaration is appropriate. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safey.

Dated at Silver Spring, Maryland this 11th day of June, 1982.

For the Nuclear Regulatory Commission.

R. G. Page,

Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 82-16393 Filed 6-16-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation (the licensee) which revised the license for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility), located in Oswego County, New York. The amendment is effective as of the date of issuance and is to be implemented in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as a part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

The licensee's filings dated August 17, 1979, June 26 and December 26, 1981, are being withheld from public disclosure pursuant to 10 CFR 73.21. The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 48 to License No. DPR-63 and (2) the Commission's related letter to the Licensee dated June 9, 1982. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126. A copy of items (1) and (2) may be obtained upon request adressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-16394 Filed 6-16-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the Technical Specifications for operation of the Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment deletes from the Technical Specifications certain requirements for pump and valve testing which are now covered under the Codes and Standards Rule, 10 CFR 50.55a. This rule requires that certain tests on pumps and valves to verify operational readiness be conducted in accordance with Section XI of the ASME Code, "Rules for Inservice Inspection of Nuclear Power Plant Components".

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a sigfnificant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1982, (2) Amendment No. 74 to License No. NPF-1 and (3) the Commission's letter dated June 10, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 SW., 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of June, 1982.

For the Nuclear Regulatory Commission.

Charles M. Trammell, III,

Acting Branch Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-16395 Filed 6-16-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19102 (50-259, -260 and -296)]

Low-Level Radioactive Waste Storage at Tennessee Valley Authority Browns Ferry Nuclear Plant; Environmental Review and Evaluation

The U.S. Nuclear Regulatory Commission (the Commission) has completed its environmental review and evaluation for the issuance of Materials License No. 01-21075-01. Application for storage of low-level radioactive waste at the Browns Ferry Nuclear Plant near

Athens, Alabama was made by the Tennessee Valley Authority as amendments to the Facility Operating License Nos. DPR–33, DPR–52 and DPR–68. Notice of receipt of the application and offering an opportunity for public participation in connection with the action was published in the Federal Register on December 11, 1980 (45 FR 81697). For administrative purposes the application has been reviewed under 10 CFR Part 30.

The Commission's Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle and Material Safety has issued an environmental appraisal in accordance with 10 CFR Part 51. The document, "Environmental Impact Appraisal of Low-Level Radioactive Waste Storage at Tennessee Valley Authority Browns Ferry Nuclear Plant" concluded that the issuance of the proposed license will not significantly affect the quality of the human environment and that there will be no significant environmental impact from the issuance of the proposed license. The Staff therefore concluded that an environmental impact statement for this proposed license is not warranted.

The Environmental Impact Appraisal, dated June 1982, is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Local Public Document Room established at the Athens Public Library, South and Forrest Streets, Athens, Alabama 35611, under the Browns Ferry Nuclear Plant Dockets Nos. 50–259, –260 and –296.

Dated at Silver Spring, Maryland this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 82–16396 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance, and is to be implemented in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as a part of the license.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

The licensee's filing dated March 19, 1982 is being withheld from public disclosure pursuant to 10 CFR 73.21. The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 71 License No. DPR–28 and (2) the Commission's related letter to the Licensee dated June 9, 1982. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–16397 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to "Adjustment to the Nuclear Flux Trip Set Point," "Pressurizer Heaters," and "Auxiliary Feedwater Pumps."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10. CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 20, 1981 and August 7, 1981. (2) Amendment No. 45 to License No. DPR–43 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of June 1982.

For the Nuclear Regulatory Commission.

Joseph D. Neighbors,

Acting Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–16398 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittees on Electrical Systems and Qualification Programs for Safety-Related Equipment; Meeting

The ACRS Combined Subcommittees on Electrical Systems and Qualification Programs for Safety-Related Equipment will hold a meeting on July 1, 1982 in room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittees will discuss the NRC-sponsored research programs, proposed research funding for FY 84–85, and those parts of the Long Range Research Plan which relate to the areas for which these Subcommittees are responsible.

In accordance with the procedures outlined in the Federal Register on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday, July 1, 1982, 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Raichard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 11, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–16399 Filed 6–16–82; 8:45 am]

BILLING CODE 7590–01–M

PANAMA CANAL COMMISSION

Agency Form Submitted to the Office of Management and Budget for Clearance

AGENCY: Panama Canal Commission (PCC).

ACTION: Notice of form submitted to OMB for review.

Title of Information Collection

Panama Canal Transit Booking System Questionnaire

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the PCC hereby gives notice that it has submitted to the Office of Management and Budget an SF–83, "Request for OMB Review," for the information collection identified above.

ADDRESS: Written comments may be sent to Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 or to Anita Ducca, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the Panama Canal Transit Booking System Questionnaire and supporting statement, contact Mr. Michael Rhode, Jr., Telephone: 202–724–0104.

SUMMARY: This document gives notice that the PCC has submitted to OMB a request for approval of Panama Canal Transit Booking System Questionnaire. The questionnaire will be issued to vessel operators whose vessels use the Panama Canal. The proposed rule concerning the test of that system was submitted to OMB in September 1981, and approved on October 5, 1981, in accordance with Executive Order 12291. The proposed rule was published on December 8, 1981 (43 FR 60013). On December 24, 1981, OMB approved an information collection proposal submitted by the Panama Canal Commission, which included the "Request for Transit Booking or Cancellation" form. The OMB control number assigned was 3207–0001. The interim rule which commenced the test was published on January 21, 1982 (47 FR 2991). The proposed Panama Canal Transit Booking System Questionnaire will be used in the evaluation of the Booking System test. The results will assist the Panama Canal Commission in determining whether to implement the Panama Canal Transit Booking System permanently.

Dated: June 14, 1982.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

[FR Doc. 82–16370 Filed 6–16–82; 8:45 am]

BILLING CODE 3640–01–M

PEACE CORPS

Advisory Council; Meeting

AGENCY: Peace Corps.

ACTION: Peace Corps Advisory Council; Meeting.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that an open meeting of the Peace Corps Advisory Council will be held on July 12 from 9:00 a.m. to 5:00 p.m. and on July 13 from 9:00 a.m. to 4:00 p.m. in Room 414 of the Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C.

The purposes of the meeting are to conduct ongoing discussions of Peace Corps programs and meet with Peace Corps staff.

Further information on the meeting may be obtained by calling David Scotton, Executive Assistant to the Director, at (202) 254–7970.

Signed this 10th day of June 1982 in Washington, D.C.

Loret Miller Ruppe,

Director.

[FR Doc. 82–16380 Filed 6–16–82; 8:45 am]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 12485; 812-5186]

Exxon Finance N.V.; Filing of an Application

June 11, 1982.

Notice is hereby given that Exxon Finance N.V. ("Applicant") c/o Donald C. Walkovik, Esq., Sullivan & Cromwell, 125 Broad Street, New York, NY 10004, a Netherlands Antilles corporation which is a wholly-owned subsidiary of Exxon Corporation ("Exxon"), a Delaware corporation, filed an application on May 10, 1982, and an amendment thereto on June 7, 1982, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it was incorporated under the laws of the Netherlands Antilles in May, 1968, and that its registered office is located at Washington Mall, Church Street, Hamilton, Bermuda. Applicant further represents that all its outstanding shares of capital stock are owned by Exxon. According to the application Exxon is one of the world's largest business corporations with divisions, subsidiaries and affiliated companies operating in the United States and nearly 100 other countries. Applicant further states that Exxon's principal business is energy, involving exploration for, and production of, crude oil and natural gas; manufacturing of petroleum products; transportation and sale of crude oil, natural gas and petroleum products; exploration for, and mining and sale of, coal; and fabrication of nuclear fuel. For the year ended December 31, 1981, Exxon's consolidated net income was $5,567,000,000. Total consolidated revenues for that period were $115,148,321,000, of which $113,196,747,000 was from sales and other operating revenue and $1,951,574,000 were earnings from equity interests and other revenue.

Applicant states that its sole business will be the provision of funds to Exxon, its affiliates or subsidiaries, and, accordingly, substantially all of its assets will consist of amounts receivable from Exxon, its affiliates or subsidiaries. To this end, Applicant intends to undertake, on behalf of Exxon, the issuance and sale of long-term, intermediate-term or short-term debt securities ("Securities") in the United States and worldwide. Payment of principal of, and premium (if any) and interest on, Securities would be unconditionally guaranteed by Exxon. Applicant would advance to, or deposit with, Exxon, affiliates of Exxon, or subsidiaries of Exxon, substantially all of the proceeds of sales of Securities made by the Applicant. Applicant represents that the terms of the advances or deposits would allow it to make timely payments of principal of, and premium (if any) and interest on, the Securities.

Applicant represents that its offerings of Securities would be limited to offerings of debt securities. Such offerings would either take the form of a public offering of securities registered under the Securities Act of 1933 (the "1933 Act") or a sale of securities by means of transactions exempt from the registration requirements of the 1933 Act.

Applicant represents that it and Exxon would file a registration statement under the 1933 Act with the Commission prior to any public offering of Securities in the United States not exempt from the registration requirements of the 1933 Act and that they would not sell the Securities until the registration statement was declared effective by the Commission and the related Indenture was qualified under the Trust Indenture Act of 1939. Applicant and Exxon would also comply with the prospectus delivery requirements of the 1933 Act in connection with the offering and sale of the Securities.

Applicant further represents that, in the case of an offering of Securities in the United States not requiring registration under the 1933 Act, it and Exxon would undertake to provide to any offeree to whom they offer such Securities in the United States a memorandum at least as comprehensive as memoranda customarily used in offerings of such securities in the United States. In the event of subsequent offerings, the memorandum would be updated at the time thereof, as necessary, to reflect material changes in the financial position of Exxon. The Applicant consents to having any order granting the relief requested under Section 6(c) of the 1940 Act expressly conditioned upon its compliance with the undertakings regarding disclosure memoranda.

Applicant also undertakes that, in connection with any issuance of Securities, it would appoint an agent to accept service of process in any action based on the Securities and instituted in any state or Federal court located in New York City by any holder thereof, and the Applicant would accept jurisdication in any state or Federal court located in the City of New york in any action based on any Securities instituted by any holder. Such appointment and consent would be irrevocable until the amounts due or to become due on such Securities have been paid. No authorized agent for service of process would be a trustee for the holders of Securities or have any responsibilitiess or duties to act for such holders as would a trustee.

The Applicant further represents that prior to any issuance of the Securities, the Securities shall have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that the Applicant shall have certified to its United States counsel that such rating has been received. No such rating shall be required to be obtained, however, if, in the opinion of United States counsel for the Applicant, an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act.

As here pertinent, Section 3(a)(3) of the Act defines "investment company" as an issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Section 3(a)(3) provides, with three exceptions not partinent to the application, that any security is an "investment security." The definition of "security" in Section 2(a)(36) of the Act includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, transferable share, investment contract, voting trust certificate, certificate of deposit for a security or, in general, any interest or instrument commonly known as a security. Applicant states that it may be deemed an investment company under Section 3(a)(3) of the Act on the ground that its proposed advances to, or deposits with, Exxon may be deemed "investment securities" and would constitute more than 40% of its total assets. However, having been organized solely for the purpose of financing operations of Exxon, Applicant does not view itself as an investment company. Accordingly, in order to eliminate any doubt that it would be entitled, without registration under the Act, to issue and sell the Securities, Applicant is seeking an

exemption from all provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemption relief requested, Applicant represents that, at the times of issuance and sale of Securities and for so long as any of the Securities are outstanding, Applicant will remain a wholly-owned subsidiary of either Exxon or of one of Exxon's other subsidiaries and Applicant will own or hold no equity securities other than those of Exxon or its other subsidaries. In addition, Applicant asserts that the Securities will be guaranteed unconditionally by Exxon, with the effect that the holders of the Securities will be looking to Exxon as the ultimate obligor. Applicant further represents that the terms of the Exxon guarantees will be such that, in the event of a default with respect to a Security, legal proceedings may be instituted directly against Exxon to enforce the guarantee of that Security without first proceeding against the Applicant. For these reasons, Applicant assets that the purchase of Securities issued and sold by the Applicant will be the equivalent of purchasing obligations of Exxon. Since Exxon is not an investment company within the meaning of the Act and would not be required to register under the Act prior to issuing its debt securities directly, Applicant asserts that that it is appropriate that it should be exempted from all provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley, E. Hollis,

Assistant Secretary.

[FR Doc. 82–16485 Filed 6–16–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 12486; 812–5036]

Fort Washington Money Market Fund, (Formerly Money Market Obligations Trust); Filing of Application

June 11, 1982.

Notice is hereby given that Fort Washington Money Market Fund ("Applicant") 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219 filed an application on December 4, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized as a business trust under the laws of the Commonwealth of Massachusetts, and is registered under the Act as an open-end, diversified, management investment company. Empire Research Corp., currently a wholly-owned subsidiary of Federated Investors, Inc., and DBT Investment Advisers, Inc., currently a wholly-owned subsidiary of Detroit-Bank Corporation, act as investment advisers to the Applicant.

Applicant is a "money market fund" designed as an investment vehicle for investors with temporary cash balances or cash reserves, offering shares to customers, agency accounts, affiliates, correspondents, officers, directors, and employees of Detroit Bank and Trust Company. Applicant states that it may invest in a variety of money market instruments, including U.S. Government obligations, instruments of banks and savings and loan associations, and other money market instruments maturing in one year or less.

Applicant states that it invests in instruments issued by banks and savings and loan associations only if (a) at the time of the investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Commercial paper investments are limited to commercial paper rated A–1 by Standard & Poor's Corporation, Prime 1 by Moody's Investors Service or F–1 by Fitch Investors Service. Applicant states in its prospectus, a copy of which is attached as an exhibit to the application, that it may also purchase U.S. Government obligations on a "when-issued" or "delayed delivery" basis. Applicant has represented that such securities will be carried and treated on Applicant's books in accordance with all the conditions set forth in Investment Company Act Release No. 10666 (April 18, 1979).

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been the experience of its board of trustees that in order to attract investors and retain shareholders, Applicant should have a stable net asset value and a steady flow of investment income. Applicant states that its trustees have determined in good faith that in light of the characteristics of the Applicant as described above the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures resonably designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintainence of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair result, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[1]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fullfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing, is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–16483 Filed 6–16–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 12488; 812–5142]

Money Asset Fund; Filing of Application

June 11, 1982.

Notice is hereby given that Money Asset Fund ("Applicant"), 82 Devonshire Street, Boston, Massachusetts 02109, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act") filed an application on March 19, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit its use of the amortized cost method to value its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized and is presently legally existing as a business trust under the laws of the Commonwealth of Massachusetts and that it is a "series" money market fund offering to individuals, corporations, fiduciaries and institutions a means to invest in a professionally managed portfolio of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity within the standards prescribed for each of two portfolios. Applicant submits that its shares will be sold without a sales charge and that Fidelity Management & Research Company will serve as investment adviser to Applicant and will receive a fee at an annual rate of .25% of the average net assets of Applicant. Applicant states further that Fidelity Distributors Corporation will serve as general distributor for shares of Applicant.

Applicant asserts that it consists of two portfolios—a U.S. Government Portfolio and a Money Market Portfolio and that the former will invest exclusively in obligations issued or guaranteed as to principal and interest by the U.S. Government, its agencies or instrumentalities and the latter in obligations of major banks, including U.S. dollar-denominated obligations of foreign branches of U.S. banks and U.S. branches of foreign banks, prime commercial paper and obligations of the U.S. Government, its agencies or instrumentalities. Applicant states that it may also enter into repurchase agreements involving any security in which it is permitted to invest, and may purchase new issues of government securities on a "when-issued" basis. Applicant states that all of its investments will consist of obligations maturing within one year from the date of acquisition and the dollar-weighted average portfolio maturity of all of its investments will be 120 days or less.

Applicant maintains that Citizens & Southern National Bank ("Citizens & Southern" or the "Bank") will serve as administrator for Applicant, performing services as custodian of its assets and as transfer, dividend disbursing and shareholders' servicing agent for Applicant and that the Bank will receive a fee at an annual rate of .25% of Applicant's average net assets for performing these services. Applicant asserts that it is anticipated that its shares will be offered by Fidelity Distributors to prospective investors who have an existing relationship with Citizens & Southern. Applicant submits that such prospective investors are expected to include those with a custody or agency relationship with the Bank, investors for whom the Bank serves as Trustee, and checking account customers of the Bank. Applicant asserts that Citizens & Southern may provide cash management services to such customers by, for example, entering into agreements pursuant to which the Bank would automatically invest excess cash balances of such customers in shares of Applicant or redeem shares to provide cash to such customers when needed. Applicant submits that such services would be undertaken by the Bank on behalf of a customer in accordance with pre-established parameters and pursuant to express instructions contained in an agency or other agreement with the customer and that the Bank may charge a fee for providing this service. Applicant maintains that under its Administrator contract with Citizens & Southern, Applicant may purchase securities from or through the Bank, may engage in repurchase transactions with the Bank and may place funds on deposit in accounts with the Bank subject to receipt of interest at currently available market rates. Applicant states that with respect to any such transaction, no special consideration or preference will be given to the Bank in the investment decision making process.

Section 2(a)(41) of the Act, as here pertinent, defines "value" with respect to portfolio assets to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22/–1(a) adopted under Section 22 of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 promulgated under the Act provides that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption should be an amount which reflects calculations made substantially in accordance with the provisions of the Rule. The Rule further provides that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company.

In a May 31, 1977, interpretative release (IC No. 9786), the Commission stated that (1) Rule 2a–4 requires that portfolio instruments of "money market" funds be valued with reference to market factors and (2) it would prospectively consider the use by a money market fund of the amortized cost basis for valuing its portfolio securities (except those having

maturities of 60 days or less) to be inconsistent with Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been management's experience that in order to attract and retain investments Applicant must have a stable net asset value (preferably at $1.00 per share) and a constant and steady flow of investment income. Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling it to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned. Applicant states that its Trustees have determined in good faith that in light of its characteristics as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. It is Applicant's experience that given the nature of Applicant's policies and operations, there will be relatively negligible discrepancy between prices obtained by market value methods and amortized cost. It is submitted in the application that Applicant's use of the amortized cost method of valuing its portfolio securities, subject to the conditions enumerated below, will benefit shareholders by enabling Applicant to more effectively maintain the $1.00 per share purchase and redemption price while simultaneously providing the opportunity for a steadier flow of investment income to shareholders. Applicant believes that the granting of the requested exemptions by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising Applicant's operations and in delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included with the procedures to be adopted by Applicant's Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia,* (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share; *Provided,* however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of its Board of Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–16484 Filed 6–16–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 12487; 812–5141]

Rodney Square Fund; Filing of Application

June 11, 1982.

Notice is hereby given that Rodney Square Fund ("Applicant") 82 Devonshire Street, Boston, Massachusetts 02109, a Massachusetts business trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on March 19, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities according to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "series" money market fund that offers to individuals, corporations, fiduciaries, and institutions a means to invest in a professionally-managed portfolio of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity. The application states that Applicant has only one series, but may add other series in the future. Applicant states that it presently consists of one portfolio—a Domestic Money Market Portfolio, which will invest in obligations of major U.S. banks, prime commercial paper, and U.S. government and agency obligations. Applicant also states that it may enter into repurchase agreements involving any security in which it is permitted to invest, and it may purchase new issues of government securities on a when-issued basis. Applicant states that all of its investments will consist of obligations that mature within one year from the date of acquisition, and the dollar-weighted average portfolio maturity of such obligations will be 120 days or less.

The application states that Fidelity Management & Research Company will serve as investment adviser to Applicant. Fidelity Distributors Corporation will serve as general distributor for shares of Applicant. The application further states that Wilmington Trust Company (the "Bank") will serve as administrator for Applicant, performing services as custodian of the assets of Applicant and as transfer, dividend disbursing and shareholders' servicing agent for Applicant. The Applicant represents that it is anticipated that its shares will be offered by Fidelity Distributors primarily to prospective investors who have an existing relationship with the Bank, who are expected to include those Bank customers with a custody or agency relationship with the Bank or investors for whom the Bank serves as trustee. The application states that the Bank may provide cash management services to such customers, including automatic investment of customers' excess cash balances in shares of Applicant and redemption of customers' shares. The Applicant states that such services would be undertaken by the Bank on behalf of a customer in accordance with preestablished parameters and pursuant to express instructions contained in an agency or other agreement between the Bank and its customer. The application states that the Bank may charge a fee for such services.

Applicant further states that under its contract with the Bank, Applicant may purchase securities from or through the Bank, may engage in repurchase transactions with the bank, and may place funds on deposit in accounts with the Bank subject to receipt of interest at currently available market rates. Applicant represents that with respect to any such transaction, no special consideration or preference will be given to the Bank in the investment decision-making process.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of this application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires portfolio instruments of "money market" funds which have more than 60 days remaining to maturity be valued with reference to market factors and (2) it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over sixty-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

In support of the relief requested, Applicant states its belief that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling Applicant to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which relfect Applicant's net income as earned. Applicant further asserts that its Trustees have determined in good faith that in light of the characteristics of Applicant as described above and absent unusual or extraordinary

circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. The application states that given the nature of Applicant's policies and operations, there will be relatively negligible discrepancy between prices obtained by market value methods and amortized cost.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share for each portfolio, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of each portfolio as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share for each of the portfolios exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes that the extent of any deviation from the Applicant's $1.00 amortized cost price per share for each of the portfolios may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share in each of the portfolios; provided, however, that Applicant will not in any portfolio (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the proedures (and any modification thereto) described in condition 1 above, and Applicant will include in the minutes of the Board of Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. In each of the portfolios, Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues if any, of fact or law proposed to be controverted, or such person may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–16482 Filed 6–16–82; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, Applicant agrees that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days for each of the portfolios, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1982)) for approval of a conflict of interest transaction.

Grocers propose to loan $128,800 to Goodwin's Market, 1699 Lake-Drive, Crestline, California 92325. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to Goodwin's Market fall within the purview of §§ 107.3 and 107.1004 (b)(5) of the SBA Regulations. Grocers' loan to Goodwin's Market requires prior written approval of SBA.

Notice is hereby given that any person may not later than June 28, 1982, submit written comments to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Crestline, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 11, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-16480 Filed 6-16-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 10/10-0178]

Seattle Trust Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On March 3, 1982, a notice was published in the **Federal Register** (47 FR 9131), stating that an application had been filed by Seattle Trust Capital Corporation, 804 Second Avenue, Seattle, Washington 98104, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business March 18, 1982, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 10/10-0178, on May 10, 1982, to Seattle Trust Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-16481 Filed 6-16-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S-716]

Atlantic Richfield Co.; Application

Notice is hereby given that Atlantic Richfield Company (Arco) filed two applications with the Maritime Administration on April 26, 1982, for permission to repay the unamortized construction-differential subsidy (CDS) applicable to its owned vessels, ARCO INDEPENDENCE and ARCO SPIRIT, with appropriate interest, if any, in return for the permanent removal of the vessels' domestic trading restrictions. The ARCO INDEPENDENCE and ARCO SPIRIT are 262,376 deadweight ton tankers built pursuant by Title V Contract Nos. MA/MSB-281 and MA/MSB-278 and were delivered into service in 1977.

The ARCO INDEPENDENCE and ARCO SPIRIT are restricted to Title V contract Nos. MA/MSB-281 and MA/MSB-278, respectively, to operation in the U.S. foreign trade, except as may be permitted under section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156). If Arco's applications are approved, the ARCO INDEPENDENCE and ARCO SPIRIT will be allowed to operate permanently in the domestic trade.

The applications may be inspected during normal business hours in the Office of the Secretary, Martime Subsidy Board/Maritime Administration, Room 7300-B, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

Interested parties who operate a vessel(s) in the domestic trade, and who believe that approval of Arco's applications would subject them to a significant adverse competitive effect, may submit their views thereon to the Secretary, Maritime Subsidy Board, in triplicate, on or before July 19, 1982. All timely responses will be considered in MarAd's evaluation of these applications.

(Catalog of Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Subsidy Board/ Maritime Administration.

Dated: June 11, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-16327 Filed 6-16-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP82-11; Notice 1]

Firestone Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Firestone Tire & Rubber Co. of Akron, Ohio has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two noncompliances with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliances are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

The noncompliances exist on approximately 9,100 155-13/6.15-13 Firestone Special Spare tires manufactured by Ohtsu Tire & Rubber Co. of Osaka, Japan, and used as spare tires on Plymouth Champ and Dodge Colt passenger cars.

Paragraph S4.3 requires, in part, that the tire size designation and the descriptive word "tubeless" shall be

permanently molded into both sidewalls, and located, on at least one sidewall, "in an area between the maximum section width and bead of the tire." On the tires in question, this information is located one-half inch above the maximum section width. With respect to the second noncompliance, paragraph S4.3.2 requires the sidewall to be labeled with the tire identification number in the manner specified in 49 CFR Part 574, *Tire Identification and Recordkeeping.* Figure 1 of this regulation establishes a maximum spacing of three-quarters of an inch between the symbols designating size and those designating type (fourth and fifth symbol). This maximum was exceeded by three-sixteenths of an inch on the tires in question.

Firestone argues that the first noncompliance is inconsequential because the tires are clearly marked for temporary use and the warning "not for retreading", so that "the concern regarding loss of identification prior to or after retreading would not be applicable." Firestone also believes that the spacing noncompliance "will not cause any likelihood of misreading or misinterpreting the TIN".

Interested persons are invited to submit written data, views and arguments on the petition of Firestone Tire & Rubber Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 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 after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: July 19, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–16262 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–12; Notice 1]

Uniroyal Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Uniroyal Tire Company of Troy, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewall of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Uniroyal has manufactured a maximum of 660 L78–15 Snowplow tires with all information correctly stated on the serial side of the tire. On the opposite side, however, appears "Load Range B MAX LOAD 1970 lbs at MAX INFL 32 psi". The correct information is "Load Range C MAX LOAD 2100 lbs at MAX INFL 36 psi". The tires are Load Range C in construction and Uniroyal believes the error is inconsequential "since the load range C load and inflation values totally embrace the load and inflation range of load range B, no misuse can occur in the field. * * *"

Interested persons are invited to submit written data, views and arguments on the petiton of Uniroyal Tire Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., 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 after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: July 19, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–16261 Filed 6–16–82; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 112 (Rev. 8)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This Delegation Order authorizes certain key district personnel to issue determination and revocation letters, to allow amendment of employee plans after the expiration of the remedial amendment period and to issue examination reports relating to employee plans.

EFFECTIVE DATE: June 16, 1982.

FOR FURTHER INFORMATION CONTACT: Bob Pennington, OP:E:EP:T:7, 1111 Constitution Avenue NW., Room 6702, Washington, D.C. 20024, (202) 566–3662 (Not toll free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Robert E. Withers,

Assistant Director, Employee Plans Division.

Delegation Order

Date of issue: June 16, 1982.

Effective Date: June 16, 1982.

Subject: Authority to Issue Determination and Revocation Letters, to Allow Amendment of Employee Plans After the Expiration of the Remedial Amendment Period and to Issue Examination Reports Relating to Employee Plans

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–37, authority with respect to issuance of determination and revocation letters, to allow amendment of plans after the expiration of the remedial amendment period and to issuance of examination reports pertaining to employee plans and related matters is delegated as follows:

1. The District Director of each Employee Plans and Exempt organizations key district is authorized, subject to paragraph 3, to:

(a) Issue determination and revocation letters involving the provisions of sections 401, 403(a), 405, 409A, 501(a) and 4975(e)(7) of the Internal Revenue Code of 1954 with respect to:

(1) Qualification of stock bonus, pension, profit sharing, employee stock ownership, annuity, and bond purchase plans, and cash or deferred arrangements;

(2) Exemption from federal income tax under section 501(a) of trusts forming a part of such plans, provided that the determination does not involve application of section 502 (feeder organizations) or section 511 (unrelated business income), or the question of whether a proposed transaction will be a prohibited transaction under section 4975(c)(1) or section 503 with respect to plans described in 4975(g)(2) or (3);

(3) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4)); and

(4) Amendments, (including those relating to section 414(1) of the Code), partial terminations or terminations of such plans and trusts.

(b) Issue examination reports with respect to:

(1) Continued qualification under sections 401, 403(a), 405, 409A, and 4975(e)(7) of plans and continued exemption under section 501(a) of the related trust;

(2) Imposition of tax under sections 1, 511 through 514, 641 and Chapter 43; and

(3) Imposition of penalties under Chapter 68 of the Internal Revenue Code of 1954.

(c) Issue determination letters with respect to whether a plan constitutes an employee stock ownership plan that is not intended to qualify under section 401 of the Internal Revenue Code of 1954 for taxable years beginning before January 1, 1979.

(d) Issue modification or revocation of determination letters described above in accordance with currently applicable appeal procedures. If the revocation involves collectively-bargained plans, or plans for which the Internal Revenue Service is proposing to issue a revocation letter because certain fiduciary actions subject to Part 4, Subtitle B or Title I of the Employee Retirement Income Security Act (ERISA) have violated the exclusive benefit rule of section 401(a), the plan must have been submitted for technical advice and the Assistant Commissioner (OP:E) must have concurred with the revocation.

(e) Redelegate this authority as follows:

(1) With respect to isssuance and modification of favorable determination letters or examination reports, other than a report issued with a proposed revocation letter, not below Internal Revenue Agent and Tax Law Specialist, GS–12, and then only if such individual is a person other than the initiator.

(2) With respect to issuance of proposed and final adverse determination letters or proposed revocation letters and related examination reports, not below Chief, EP/EO Division.

(3) With respect to issuance of final revocation letters, this authority may not be redelegated.

2. In each region, the Regional Counsel, the Regional Director of Appeals, Chiefs and Associate Chiefs, Appeals Office, are authorized to:

(a) Issue final determination or final revocation letters on appeals from proposed adverse determination and proposed revocation letters issued by key district offices under this delegation.

(b) Issue letters as to the decision on appealed examination reports or statutory notices as provided in Delegation Order No. 77.

(c) This authority may not be redelegated.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations), with concurrence of the Chief Counsel, is authorized to require preissuance review of final adverse determination and final revocation letters covered by section 7476(a) of the Internal Revenue Code of 1954.

4. The District Director of each Employee Plans and Exempt Organizations key district is authorized to:

(a) allow a plan to be amended after the expiration of its remedial amendment period described in section 401(b) of the Code for any plan year in which a request for a determination letter is made or is pending with the Service, and for the plan year prior to the plan year in which the plan is submitted for a determination letter if the plan is submitted by the end of the time for filing the tax return of the employer (including extensions) for the taxable year of the employer beginning with or within that prior plan year, provided that two conditions are met:

(1) the plan is retroactively amended to comply with the qualification requirements as of the time the defect in the plan arose, and

(2) employee benefit rights are retroactively restored to the levels they would have been had the plan been in compliance with the qualification requirements from the date the defect in the plan arose.

(b) redelegate this authority but not below Assistant Chief, EP/EO Division.

Delegation Order No. 112 (Rev. 7) issued March 21, 1982, is hereby superseded.

James I. Owens.

Acting Commissioner.

[FR Doc. 82-16389 Filed 6-16-82; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 Pub. L. 92–463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on July 27 and 28, 1982 of the following debt management advisory committee:

Public Securities Association
U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on July 27 and the preparation of a written report to the Secretary of the Treasury on July 28, 1982.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the finanical community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commerical and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United Stats Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 522b.

Dated: June 11, 1982.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 82-16359 Filed 6-16-82; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211-35]

Consolidated Rail Corp.; Application for a Loan

Subsection (h) of section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (Conrail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the **Federal Register** and afford interested parties an opportunity to comment thereon.

Conrail submitted a Borrowing Application dated April 22, 1982 requesting new borrowings of $17,449.48. Conrail states that it will use the funds to pay the following obligation of the Central Jersey Industries, Inc. (successor to the Central Railroad Company of New Jersey), Federal Employees' Liability Act claim. The Borrowing Application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North, SW., Washington, D.C. 20595, on or before June 28, 1982 to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C., this 11th day of June 1982.

Peter J. Gallagher,

Secretary, United States Railway Association.

[FR Doc. 82-16363 Filed 6-16-82; 8:45 am]

BILLING CODE 8240-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 117
Thursday, June 17, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 25651.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 16, 1982.

CHANGES IN THE MEETING: Previous item 1 concerning CB antennas deleted. It has been rescheduled for June 18, 1982.

[S-896-82 Filed 6-15-82; 11:40 am]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 25651.

PREVIOUSLY ANNOUNCEMENT TIME AND DATE OF THE MEETING: 10 a.m., June 17, 1982.

CHANGES IN THE MEETING: The following item is added to the agenda:

CB Antennas—The Commission will consider the issuance of a final consumer product safety standard for omnidirectional citizens band base station antennas.

[S-897-82 Filed 6-15-82; 11:39 am]

BILLING CODE 6355-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, June 17, 1982, following the Open Meeting which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Joint Application for Review of the Hearing Designation Order in the San Diego, California, comparative television proceeding (BC Docket Nos. 82-66 through 82-73).

This item is closed to the public because it concerns adjudicatory matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission June 7, 1982. Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 10, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-894-82 Filed 6-15-82; 11:23 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 17, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No. and Subject

Aural—1—*Title:* Requests for dual-city identification authority filed by Thomas Radio Co. (WOAY), Oak Hill, West Virginia, and Island Broadcasting Corporation (WHOY), Salinas, Puerto Rico. *Summary:* The Commission considers Thomas' petition for reconsideration and Island's application for review of Bureau actions denying the requests.

Television—1—*Title:* Application for Review of Bureau action reinstating dismissed application of Joel J. Kinlow for CP for new TV station on channel 49, Racine, Wisconsin. *Summary:* Competing applicant for CP for new TV station on channel 49, Racine, Wisconsin, filed application for review of Broadcast Bureau action reinstating dismissed application of Joel J. Kinlow. The Commission will decide whether Kinlow's application was so incomplete as to be unacceptable for filing and, if so, whether the Bureau erred in reinstating it.

Television—2—*Title:* Application of Pyramid Broadcasting Corporation for a construction permit for a new commercial television station to operate on Channel 13 in Mount Vernon, Illinois. *Summary:* The Commission will consider a petition to deny Pyramid's application filed by the Citizens Committee for Independent Local Television in Southern Illinois and a petition filed by William Burns to reopen the proceeding for acceptance of new applications for the Mount Vernon allocation.

Broadcast—1—*Title:* Labeling of Television Programs with Regard to Location of Production and Date of Production or Initial Broadcast. RM-3906 *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making on the above-titled subject.

Broadcast—2—*Title:* Amendment of Part 73 of the Commission's Rules and Regulations in Regard to Section 73.642(a)(3) and Other Aspects of the STV Service (Docket No. 21502). *Subject:* The Commission will consider four of the five issues raised in the *Further Notice of Proposed Rule Making*, 88 F.C.C. 2d 213 (1981). First, whether the rule restricting STV operation to communities within the Grade A contour of at least five commercial television stations, including that of the STV operator, should be modified or deleted. Second, whether the requirement that an STV station broadcast at least 28 hours of conventional programming per week should be modified or deleted. Third, whether the Commission should allow the purchase of decoders by STV subscribers or should retain the present system of permitting only the leasing of such equipment. Fourth, whether the requirement that an applicant for STV authorization ascertain the needs and interests of the community, specifically with regard to subscription programming, should be deleted.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 10, 1982

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-895-82 Filed 6-15-82; 11:23 am]

BILLING CODE 6712-01-M

5

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 22, 1982 at 10 a.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: Thursday, June 24, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTER TO BE CONSIDERED: Setting of dates for future meetings, correction and approval of minutes, advisory opinions:

Draft AO 1982-38 Thomas J. Schwarz, Counsel, Committee to Re-Elect Senator Moynihan.

Draft AO 1982-39 Marvin S. Shapiro, Treasurer, Cranston for Senate Committee and Cranston for Senate Committee—1986.

Appropriations and budget

Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-898-82 Filed 6-15-82; 1:28 pm]

BILLING CODE 6715-01-M

6

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Page No. 25434, Date Published, Friday, June 11, 1982.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled Thursday, June 16, 1982 has been cancelled.

No. 41, June 15, 1982.

[S-899-82 Filed 6-15-82; 2:59 pm]

BILLING CODE 6720-01-M

7

FEDERAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Thursday, June 24, 1982.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Discussion of Care Labeling Trade Regulation Rule.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-892-82 Filed 6-15-82; 9:52 am]

BILLING CODE 6750-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 14, 1982 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED: *Monday, June 14:*

10:30 a.m.:

Discussion and Possible Vote on Requirements for Emergency Response Capability (public meeting) (day and time change)

Wednesday, June 16:

10:00 a.m.:

Discussion of Management-Organization and Internal Personnel Matters (as announced)

2:00 p.m.:

Meeting with Cincinnati Gas & Electric/ Government Accountability Project on OA/QC and Related Matters at Zimmer (as announced)

Thursday, June 17:

2:00 p.m.:

Affirmation/Discussion Session (public meeting) (time change; items revised)

Affirmation and/or Discussion and Vote:

a. Amendments to 10 CFR Chapter I Parts 19, 30, 40, 50, 60, 70, 72, and 150 with Respect to Employees who Provide Information

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: Gary M. Gilbert (202) 634-1410.

Gary M. Gilbert,

Office of the Secretary.

June 11, 1982.

[S-891-82 Filed 6-15-82; 9:16 am]

BILLING CODE 7590-01-M

9

PAROLE COMMISSION

[2P0401]

Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE:

2 p.m., Friday, June 25, 1982.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 2 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[S-893-82 Filed 6-15-82; 11:20 am]

BILLING CODE 4410-01-M

10

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1292]

TIME AND DATE: 10:15 a.m. (EDT), Tuesday, June 22, 1982.

PLACE: Conference Room B-32 in the West Tower of TVA's Knoxville Office Complex, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

RATEMAKING ACTIONS:[1]

Conclusions on matters involving time-of-day rates and policy statement on allocation of benefits of low-cost power sources to residential consumers.

OLD BUSINESS ITEMS:

1. Project Authorization No. 3606—Installation of automated testing system in the central computer center's network control center located in Chattanooga, Tennessee.

NEW BUSINESS ITEMS:

A—Project Authorization

1. Project Authorization No. 3392.2—Amendment to project authorization for pilot-plant production of granular fertilizer by the pipe-cross granulation process.
2. Project Authorization No. 3619—Rebuild the Franklin-Portland and Gallatin-Portland 69-kV transmission lines for 161-kV service.

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[1] Item approved by individual Board members. This would give formal ratification to the Board's action.

B—Purchase Awards

1. Negotiation 30-636529—Construction management services for a 5,000-tons-per-day coal gasification plant for the coal gasification project at Murphy Hill, Alabama.
2. Negotiation 38-830863—Boiler bypass system modification at the Cumberland Fossil Plant units 1 and 2.
3. Negotiation 67-195377—Delegation of authority to purchase excess nuclear property insurance policies for Browns Ferry and Sequoyah nuclear plants.
4. Requisition 65—Term coal for Johnsonville Steam Plant.

C—Power Items

1. Lease and amendatory agreement with the Electric Plant Board of The City of Paducah, Kentucky, covering arrangements for 161-kV delivery at TVA's Paducah 161-kV Substation.
2. Lease and amendatory agreement with North Alabama Electric Cooperative covering arrangements for lease of TVA's Lim Rock 161-kV Substation:
3. Lease and amendatory agreement with Ripley, Tennessee, covering arrangements for lease of TVA's Ripley 161-kV Substation.
4. Deed and bill of sale covering conveyance of section of Summer Shade-Oakland 69-kV Transmission Line to Warren Rural Electric Cooperative Corporation.
5. Deed and bill of sale covering conveyance of TVA's Old Hollis Chapel Microwave Repeater Station to Cumberland Electric Membership Corporation.
6. Letter agreement with Mississippi Power & Light Company providing for a delivery point to TVA from Company's Pelahatchie-Carthage 115-kV Transimission Line to serve Central Electric Power Association.
7. Contract providing for a cooperative effort between TVA and Gesellschaft fur Nuklear Service to demonstrate cask storage of spent nuclear fuel at TVA's Browns Ferry Nuclear Plant.

D—Personnel Items

1. Renewal of consulting contract with Sargent & Lundy, Engineers, of Chicago, Illinois, for advice and assistance in connection with the Bellefonte Nuclear Plant, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Filing of condemnation suits.

F—Unclassified

1. Supplemental agreement with the Department of the Army for TVA to make transmission line alterations for the Tennessee-Tombigbee Waterway project near Waverly, Mississippi.
2. Sale of surplus steel shapes and reinforcing steel located at Hartsville, Phipps Bend and Yellow Creek nuclear plants.
3. Sale of surplus Amdahl 470 V/8 central processing unit available from the Computing Operations Branch in Chattanooga, Tennessee.
4. New TVA policy code relating to farmland preservation.

4DATED: June 15, 1982.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-900-82 Filed 6-15-82; 3:48 am]

BILLING CODE 8120-01-M

federal register

Thursday
June 17, 1982

Part II

Department of Commerce

International Trade Administration

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From Belgium, Brazil, France, Federal Republic of Germany, Italy, Luxembourg, Netherlands, South Africa, and United Kingdom

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determinations.

SUMMARY: We preliminarily determine certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Belgium of certain steel products, as described in the "Scope of the Investigations" section of this notice. The estimated net subsidy for each firm and for each product is indicated under the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy. If these investigations proceed normally, we will make our final determination by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1785.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine that there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Belgium of certain steel products, as described in the "Scope of the Investigations" section of this notice. For purposes of these investigations, the following programs are preliminary found to be subsidies: "interest rebates," capital grants, loan guarantees, exemptions from real property tax, exemptions from capital registration tax, loans to uncreditworthy companies, equity participation by the government of Belgium ("GOB"), assumption of financing costs, labor assistance, preferential loans, industrial investment loans from the European Coal and Steel Community ("ECSC"), and research and development aid. We estimate the net subsidy to be the amount indicated for each firm and for each product in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we received petitions from United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes, hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Belgium of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that "critical circumstances" exist, as defined in section 703(e) of the Act. We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 FR 5744). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until June 10, 1982 (47 FR 11738).

Since Belgium is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the government of Belgium in Washington, D.C. On April 30, 1982, we received the responses to the questionnaires. Supplemental responses were received on May 17, 1982.

Scope of the Investigations

The products covered by this investigation are:

- Carbon steel structural shapes
- Hot-rolled carbon steel plate
- Hot-rolled carbon steel sheet and strip

The products are fully described in Appendix A which follows this notice. The product definition of hot-rolled carbon steel sheet and strip has been amended since the initiation of these investigations (47 FR 5739–40).

Cockerill Sambre ("Cockerill"), Siderurgie Maritime ("Sidmar"), Forges de Calabecq ("Calabecq"), Fabrique de Fer de Charleroi ("Febfer"), and Usines Gustave Boel ("Boel") are the only known producers and exporters in Belgium of the subject products which were exported to the United States.

Cockerill Sambre is a company which resulted from the merger in June, 1981 of Cockerill, which itself is a merger of several steel mills, and Hainaut-Sambre. Hainaut-Sambre was composed of three major components: Carlam, a flat products mill built in 1976; Thy-Mercinelle et Providence (TMP), which resulted from a merger of a Providence mill of the former Cockerill company with Thy-Mercinelle et Monceau in 1979; and the old Hainaut-Sambre Company. TMP merged with Hainaut-Sambre in 1980.

The fiscal year for which we are measuring subsidization is calendar year 1981 for Cockerill and Sidmar, while the fiscal year for Fabfer and Clabecq is July 1, 1980 to June 30, 1981. We received no response from Boel and, for purposes of these preliminary determinations, we are applying to Boel the highest subsidy rate found in Belgium for each product under these investigations.

Analysis of Programs

In their responses, GOB and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Clockerill, Sidmar, Clabecq and Fabfer. These companies produced and exported carbon steel structural shaped (Cockerill), hot-rolled carbon steel plate (Cockerill, Sidmar, Clabecq, and Fabfer), and hot-rolled carbon steel sheet and strip (Cockerill and Sidmar) which were exported to the United States during 1981.

Throughout this notice, general principles applied by the Department of Commerce ot the facts of the current investigations concerning certain steel products are described in detain in Appendix B, which follows this notice.

Appencis C, which also follows this notice, is a description of programs administered by organizations of the European Communities. Unless otherwise noted, one subsidy rate is calculated for each company for all products under investigation produced by that company. Where benefits were provided to specific products, they were allocated over the value of production of those products only in calculating the subsidy rate. Based upon our analysis to date of the petitions and responsed to our questionnaires, we preliminarily determine the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine subsidies are being provided to manufacturers, producers, or exporters in Belgium of carbon steel structural shapes, hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip under the programs listed below.

A. Program Administered Under the Law of December 30, 1970, on Economic Expansion

The Law of December 30, 1970 on economic expansion (the "1970 law") provided for regional assistance to companies located in certain development areas to promote activities which contribute to the establishment, expansion, conversion or modernization of industrial enterprises. We have determined that the benefits provided under this law are countervailable because they are targeted to companies in specific areas.

1. "*Interest Rebates*". "Interest rebate" programs are administered by the Ministry of Economic Affairs. The rebates may be given on investment loans for tangible and intangible assets. The law also provides for "interest rebates" on interest payable to the companies to holders of bonds and convertible debentures. Rebates are variable depending upon the degree to which the investment projects meet the objectives of the 1970 law.

We preliminarily determine that these "interest rebates" are grants; and, in accordance with the methodology described in Appendix B, we have allocated the benefits over the average life of capital assets, 15 years.

Cockerill responsed that certain "interest rebates" received under this program benefited a division not involved in the production of steel. We will seek additional information. An "interest rebate" received by Carlam in 1980 amounted to a subsidy rate for Cockerill of 0.040 percent *ad valorem* for hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip.

Sidmar received "interest rebates" amounting to as subsidy rate of 0.110 percent *ad valoreum.*

Fabfer responded that they did not receive any interest rebates.

Clabecq received "interest rebates" amounting to a subsidy rate of 0.091 percent *ad valoreum.*

2. *Capital Grants.* To the extent that investments are financed by "up to at least" 50 percent of a company's own funds, a grant may be given which totally or partially replaces the"interest rebate" for which the investment is otherwise eligible. The methodology for calculating the subsidy value of grants is described in Appendix B. The benefits are allocated over the average useful life of capital assets, 15 years.

Cockerill received several grants for less than $50 million, some of which were "tied" to (*i.e.*, given expressly to purchase) capital equipment. The grants received amounted to a subsidy rate of 0.253 percent *ad valorem* for hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip, and 0.141 percent *ad valorem* for carbon steel structural shapes. Sidmar, Clabecq and Fabfer received grants, each valued under $50 million and "tied" to plant and equipment. The subsidy rates for the individual companies are 0.128, 0.212 and 1.846 percent *ad valorem,* respectively.

3. *Loan Guarantees.* The Belgian government may guarantee total or partial repayment of loans and debentures. When the loan or debenture is not granted by a public institution, the guarantee may not exceed 75 percent of the difference between the amount of the loan outstanding and the value of any collateral offered by the investor. Companies must pay fees of 0.75 percent of the principal for guarantees of capital investment loans and 1.5 percent for guarantees of working capital loans. The fees are paid into a fund managed by the Ministry of Finance. Government loan guarantees benefit the loan recipients when they enable them to obtain loans at lower rates than might otherwise be available.

Cockerill, Sidmar and Clabecq received loan guarantees under this program. Fabfer received no loan guarantees. Since these guaranteed loans were subject to payment holidays (moratoria) and in some cases were provided to companies determined to be uncreditworthy, our calculations of the subsidies from this program are subsumed in the sections entited "Loans to Uncreditworthy Companies" and "Assumption of Financing Costs."

4. *Exemption from Real Property Tax.* Qualifying investments may be granted an exemption from the real property tax levied by the state, province, or local community on the estimated rental income from fixed assets. The exemption may be granted for a period of up to five years, depending on the degree to which the investment program achieves the objectives of the 1970 law. The tax is levied at an average rate of 1.25 percent by the state, 4.46 percent by the province and 17.38 percent by the local community. We treated exemptions received by companies as grants in the year received and followed the quantification methodology outlined in Appendix B.

The subsidy rate for Cockerill under this program amounted to 0.145 percent *ad valorem* for hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip; and 0.074 percent *ad valorem* for carbon steel structural shapes.

The subsidy rates calculated for Sidmar, Clabecq and Fabfer are 0.037, 0.011 and 0.123 percent *ad valorem,* respectively.

5. *Exemptions from Capital Registration Tax.* Assets transferred to a company through investments assisted by the 1970 law may be exempted from the one percent capital registration tax. We treated exemptions under this program as grants in the year received and followed the quantification methodology set forth in Appendix B.

Cockerill received exemptions amounting to a subsidy rate of 0.474 percent *ad valorem.*

Sidmar, Clabecq and Fabfer did not receive exemptions from the capital registration tax in 1981.

B. Restructuring Plan Programs

The GOB has mandated a reorganization of the steel industry in Belgium under the following enactments and agreements:

- The Reorganization Plan of 1978 (Hanzinelle Agreement)
- Council of Ministers decision of November 23, 1978
- Royal Decree of December 15, 1978
- Council of Ministers decision of May 15, 1981
- Related and additional agreements between the government and the individual steel companies

These are intended to assist the modernization of the steel industry. Specific programs include loans to uncreditworthy companies, equity participation by the GOB, assumption of financing costs and labor assistance. We find these programs to provide countervailable benefits.

1. *Loans to Uncreditworthy Companies.* Petitioners allege that Cockerill, Hainaut-Sambre (now merged

with Cockerill), Sidmar and Clabecq were uncreditworthy at the time loans were made to them. For reasons set forth below, we determine these companies were uncreditworthy.

We preliminarily determine Cockerill to be uncreditworthy from 1978 on. First, the company sustained net losses ranging from 2.4 to 7.0 billion BF in each of the last four years, prior to its merger with Hainaut-Sambre in 1981. Second, certain financial ratios for this company indicate an uncreditworthy situation. Third, Cockerill has apparently lost access to loans from independent commercial sources. Fourth, government-directed moratoria on Cockerill's debt service, coupled with equity participation by the GOB in the company, are further indications of uncreditworthiness.

Since Cockerill received a private loan in 1977, we will, for purposes of these preliminary determinations, consider the company as creditworthy in that year. We will seek additional information concerning this loan to see if it was made without government direction and on commercial terms.

We preliminarily determined Hainaut-Sambre to be uncreditworthy from 1977 on. First, the company sustained not losses ranging from 2.7 to 5.5 billion BF in three out of the last five years (and smaller losses in the other two), preceding its merger with Cockerill in 1981. Second, certain financial ratios for this company indicate an uncreditworthy situation. Third, government-directed moratoria on Hainaut-Sambre's debt service, coupled with equity participation by the GOB in the Company, are further indications of uncreditworthiness.

We preliminarily determine Sidmar to be uncreditworthy from 1976 on. First, the company sustained net losses ranging from 1.1 to 1.8 billion BF in three out of the last six years. Second, certain financial ratios for this company indicate an uncreditworthy situation. Third, Sidmar has apparently lost access to loans from independent commercial sources. Fourth, government-directed moratoria on Sidmar's debt service, coupled with equity participation in the company, are further indications of uncreditworthiness.

Since Sidmar grouped loans together and did not submit detailed loan information, we will seek additional information on the sources of these loans.

We preliminarily determine Clabecq to be uncreditworthy from 1976 on. First, the company sustained losses ranging from 300 to 500 million BF in each of the last six years. Second, certain financial ratios for this company indicate an uncreditworthy situation. Third, Clabecq has apparently lost access to loans from independent commercial sources. Fourth, government-directed moratoria on Clabecq's debt service, coupled with government loan guarantees, are further indications of uncreditworthiness.

Because we consider Cockerill (and before its acquisition, Hainaut-Sambre), Sidmar and Clabecq to have been uncreditworthy, loans and loan guarantees issued by the GOB during the period of uncreditworthiness are treated essentially as equity investments. We calculated the subsidy value of these loans using the equity methodology for loans to uncreditworthy companies described in Appendix B. The countervailable benefit from each loan was allocated over its total steel production. Loans actually converted to equity or convertible debentures are treated separately under the section entitled "Equity Participation by the GOB."

The benefit to Cockerill, Sidmar and Clabecq under this program amounted to subsidy rates of 8.016, 2.902 and 4.689 percent *ad valorem*, respectively.

2. *Equity Participation by the GOB.* The GOB has purchased equity in certain steel companies and has converted "medium" and long-term debt to equity. Equity infusions by the GOB took place as follows:

- Cockerill
  - 1979—Conversion of debt to equity and convertible debentures.
  - 1981—Conversion of debt to equity and convertible debentures; purchases of equity to cover "cash drains"
- Hainaut-Sambre
  - 1979—Conversion of debt to equity and convertible debentures.
- TMP
  - 1979—Conversion of debt to equity and convertible debentures.
- Sidmar
  - 1979—Direct equity purchase

As indicated in Appendix B, equity participation by the government is not a subsidy *per se*. Petitioners allege, however, that goverment infusions of equity in Belgian steel companies were made at a time when these infusions did not represent sound commercial investments. Under the methodology described in Appendix B, the treatment of government equity in a company hinges essentially on analysis of the soundness of the investment. If such an investment was not reasonably sound at the time made, we will consider it as giving rise to a potential subsidy.

All the companies listed above recorded persistent losses over the last several years. Cockerill sustained losses for the last five years. Hainaut-Sambre sustained losses in each of the five years prior to its merger with Cockerill, and TMP incurred losses in each of the three years prior to its merger with Hainaut-Sambre.

Similarily, Sidmar has incurred net losses in three of the last six years. Under normal business or financial criteria, companies exhibiting a pattern of deep or significant continuing losses would not be regarded as sound investments. In view of these histories of losses and other factors already considered in the preceding section entitled "Loans to Uncreditworthy Companies," we do not regard these Belgian steel companies as representing sound commercial investments at the time the GOB acquired equity positions in them; and, therefore, preliminarily determined that the equity infusions were inconsistent with commercial considerations.

Since the stocks of Cockerill, Hainaut-Sambre and TMP were traded on Belgian markets during the time span covering the government's equity infusions (see equity section in Appendix B), we looked to the market to determine the value of the benefit by comparing the market value of the equity infusions in these stocks at the beginning of the month of the equity infusions to the actual value of the equity infusions in the companies. If the value paid by the GOB was greater than the market value, we found the difference to be a grant and allocated it over the average useful life of capital assets, 15 years (see grants methodology in Appendix B).

In 1979 and 1981 the GOB entered into arrangements with Cockerill whereby it converted the company's debt into convertible debentures. Because these debentures are repayable only at such time as the company makes sufficient profits to overcome its present heavy debt burden, we treated these conversions as purchases of equity in amounts equal to the value of the debentures. Convertible debentures obtained in this arrangement in 1979, and apparently converted to equity in 1981 were treated as equity purchased in the latter year.

In addition, Cockerill received a payment from the GOB to cover 1981 "cash drains." This payment was also treated as an equity purchase.

Since the terms of this transaction did not permit identification of a per-share price, we used the per-share price for previous GOB purchases of Cockerill's equity as the best information available for comparison in our calculations.

Allocated over all of Cockerill's steel production, the benefit for equity purchases amounted to a subsidy rate of 8.651 percent *ad valorem.*

In early 1979, the GOB made a direct purchase of Sidmar shares and acquired 21.97 percent of the company. Using the methodology described in Appendix B, we compared the rate of return the government received on its equity investment in Sidmar with the average rate of return on equity investment in Belgium, since Sidmar does not have traded shares on the market. Comparing the average national market return with Sidmar's return yielded a 1981 subsidy exceeding the subsidy we would have calculated had we treated the equity purchases as outright grants rather than as equity. Consequently, we limited the subsidy to the 1981 amount which would have been found, if the equity investments were treated as grants. (See grants methodology described in Appendix B.) Allocated over total Sidmar steel production, the benefit for equity amounted to a subsidy rate of 1.157 percent *ad valorem.*

It was alleged by petitioners that Clabecq issued participating debentures to the GOB to cover interest payments. However, Clabecq stated that the GOB did not purchase any convertible debentures from it. We will seek further information.

3. *Assumption of Financing Costs.* For the years 1979–83, the GOB has assumed all financing costs for Cockerill, Sidmar and Clabecq on "medium" and long-term borrowing. This assumption took the form of issuance of convertible debentures in the amount of the interest charges and the postponement of principal repayments. We calculated the benefit from these deferred principal and interest payments as loan holidays (moratoria) in accordance with the methodology described in Appendix B. Where the original loans or guaranteed loans were provided at preferential rates, these benefits were included in our calculation of benefits stemming from the moratoria.

To determine whether respondent's loans were preferential, we compared the interest rates for loans and guaranteed loans with "benchmark" rates. For benchmark rates, we used the lending rates of the Societe Nationale de Credit a l'Industrie ("SNCI") for capital investment loans exceeding 5 years in maturity. The SNCI is a lending institution created by the GOB which makes loans both at generally available rates and special rates. We added 0.25 percent to our benchmark rate, which represents the fee that is often charged by lending banks to borrowers, to the benchmark rate.

The information provided by Cockerill on certain loans subject to moratoria was incomplete, necessitating the following assumptions based on the best information available. Where the term of the loan was missing, we assumed a 20-year life, the average life of those loans for which information was complete. We increased the estimated loan life to 25 years for loans that should have expired before the moratoria, but which in fact were still outstanding when the moratoria occurred. Where the original loan amount was missing, we calculated an estimated amount based on the 1981 balance and assumed constant repayment of principal. The benefit to Cockerill under this program amounted to a subsidy rate of 3.245 percent *ad valorem* for hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip, and 2.523 percent *ad valorem* for carbon steel structural shapes.

Information on certain Sidmar loans was also incomplete, necessitating the following assumptions based on the best information available. First, in some cases, a series of loans received over a set period of years was reported as a group with no indication when each loan was given. In this case we assumed the original date of the entire sum of the loans to be the latest year in which any one of them was received. Second, the original life of the loans was not always given. Because we lacked this information, we assumed that the original life of the loans was an average of 20 years for long-term loans or until 1993, whichever came first. The year 1993 was selected as an alternate maturity date based on the fact that it is the new post-moratoria maturity date for all of Sidmar's loans subject to moratoria. Finally, we received several pre-moratoria interest rates for all of the groups of loans in question, but it was not always clear which interest rate applied to which portion of the group of loans. Where our information did not provide the exact interest rate for a given loan or group of loans, we used an average of the interest rates given for that loan or loan group.

For purposes of these preliminary determinations, we assume the government's acquisition of convertible debentures to represent the benefit to Sidmar from the government's assumption of interest charges on all its loans. We will seek further informaton. The benefit to Sidmar under this program amounted to a subsidy rate of 0.532 percent *ad valorem.*

Although Clabecq's loans were subject to moratoria from 1979 to 1983, we treated all of Clabecq's loans after 1975 essentially as equity because of the company's uncreditworthy status. Loans outstanding prior to 1976 were refinanced in 1979 and the refinanced loans were treated essentially as equity. Clabecq's benefit from these loans is shown in the section entitled "Loans to Uncreditworthy Companies."

Fabfer did not participate in this program.

4. *Labor Assistance.* In order to avoid a massive lay-off of surplus workers because of the government-mandated restructuring of the steel industry, companies entered into agreements with the unions for the early retirement of certain workers. The government has assumed portions of the costs for this program. We have determined that this government assumption of a obligation of the companies is a countervailable benefit. The assistance given to the companies is in the form of government-guaranteed loans with deferred interest and principal payments for the first five years. The loans to Cockerill and Clabecq were treated essentially as equity because they were provided at a time after these two companies had become uncreditworthy. We utilized the equity methodology for loans and loan guarantees to uncreditworthy companies described in Appendix B.

Cockerill and Clabecq received subsidies rates of 0.565 and 0.211 percent *ad valorem,* respectively.

Since Fabfer was not determined to have been an uncreditworthy company, the single loan received under this program was treated as a loan with a deferral of repayment, in accordance with the methodology for loans contained in Appendix B. Fabfer received a subsidy rate for this program amounting to 0.021 percent *ad valorem.*

Sidmar reported that no labor assistance has been received.

C. Preferential Loans.

These loans were given by the SNCI at interest rates lower than those commercially available. There is evidence that these are loans to a specific enterprise, rather than the loans made by SNCI at generally available rates. Therefore, a subsidy was provided to the loan recipients. The only loans that are included in this section are those preferential loans which were received by companies at a time when they were creditworthy that were not subject to moratoria. For calculation of the subsidy rate, we followed the methodology outlined in Appendix B.

Cockerill failed to provide complete information on certain loans. Where the year of loan receipt was missing, we considered it to be a loan received in 1980. Where the term of the loan was

missing, we assumed it to be 20 years, as explained in the section entitled "Assumption of Financing Costs." Where no interest rate was provided, we assumed it to be equal to the lowest preferential interest rate of any loan in the response.

The subsidy rate to Cockerill for this program was 0.131 percent *ad valorem* for hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip, and 0.082 percent *ad valorem* for carbon steel structural shapes.

Sidmar, Clabecq and Fabfer did not receive benefits under this program.

D. Industrial Investment Loans From the ECSC (Article 54)

For the reasons described in Appendix C, we preliminarily determine that ECSC industrial investment loans (under Article 54 of the Treaty of Paris) provide countervailable benefits. Using the appropriate methodology described in Appendix B, we calculated the benefits from these loans made to Cockerill and Sidmar, and included the amounts in the sections entitled "Assumption of Financing Costs" and "Loans to Uncreditworthy Companies."

Clabecq and Fabfer did not benefit from such loans.

E. Research and Development (R. & D.) Aid From the Institute for Scientific Research in Industry and Agriculture (IRSIA) and the Center for Metallurgical Research (CRM)

The GOB provides funds for applied research conducted by IRSIA and the CRM. Both organizations perform research that benefits the iron and steel industry. The results do not benefit all Belgian steel companies and are not publicly available. Under these circumstances, we preliminarily determine government assistance for R&D is countervailable. We treated assistance received under this program as a grant and used the quantification methodology described in Appendix B.

Cockerill reported funding for certain research projects but provided no detail on the terms or use. We countervailed these funds in their full amount as grants allocated in the year received. We will seek additional information as to whether additional research projects were conducted by the CRM that benefited Cockerill but were not included in the response. The subsidy rate to Cockerill from this program is 0.253 percent *ad valorem* for hot-rolled carbon steel plate and 0.076 percent *ad valorem* for hot-rolled carbon steel sheet and strip and carbon steel structural shapes.

Sidmar did not report receipt of any research aid from the GOB.

Clabecq acknowledged that it does receive funds for R&D from CRM and IRSIA but did not provide details on the funds received. Consequently, we used the benefit to Cockerill as the best information available and allocated it over Clabecq's production to calculate a subsidy rate of 0.620 percent *ad valorem*. We intend to seek additional information.

Fabfer received one advance for R&D, used principally for products (alloy steels) not covered by these investigations. We intent to verify that this R&D is for allow steels. Preliminarily, we determine this advance provided no countervailable benefits to the products under investigtion.

II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in Belgium of carbon steel structural shapes, hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip under the following programs.

A. Environmental Incentives

The GOB provides funding for certain environmental projects. Once a company's request for an environmental grant is approved, the company arranges for a loan in the amount of the grant. The grant is not paid directly to the company but is used to pay the interest and principal payments on behalf of the company. Certain Belgian steel companies received relatively small grants under this program. The GOB responded that benefits under this program are available to all industries. Therefore, we preliminarily determine that this program does not provide subsidies to the steel industry. We will seek additional information to determine whether or not the program provides benefits to "a specific enterprise or industry or group of enterprises or industries." (Section 771(5)(B) of the ACT.)

B. Employment Premiums for New Workers and Trainees

The "De Wulf Plan" (Royal Decree of October 15, 1979) grants employment premiums of BF 62,500 for each new permanent worker hired under certain conditions. Under another plan, BF 30,000 may be paid for each trainee in excess of a number equaling one percent of the workforce of a company in 1980 and 1981. Some of the companies under investigation participate in this program. However, we preliminarily determine that these programs are not countervailable since they do not benefit "a specific enterprise or industry, or group of enterprises or industries."

C. Reimbursement of Worker Training Costs

The National Employment Office in Belgium reimburses firms for various in-plant and outside professional training costs. Cockerill, a recipient of these grants, claims that these benefits are available to all Belgian industries. We preliminarily determine that this program is not countervailable since it does not benefit "a specific enterprise or industry, or group of enterprises or industries."

D. Assistance to the Coal Industry

We requested information from the GOB and the steel companies in order to determine whether or not aid given to the coal industry could be considered an indirect subsidy to the steel industry.

Most of the aid serves to bring the cost of Belgian coal down to but not lower than competitive prices. Belgium does not restrict the importation of coal, and the steel industry purchases more than half of its coal from sources outside Belgium, including the United States. The assistance to the coal industry at most only equalizes the prices of domestic and foreign coal, putting them both on the same commercial level.

The Belgian government provides assistance to producers of all types of coal, not just that used by the steel industry, and thus does not, through assistance to coal producers, provide to the Belgian steel producers a subsidy "provided * * * to a specific enterprise or industry, or group of enterprises or industries."

Regarding the allegation that the Belgian steel industry benefits from government assistance provided to the coal industry in the Federal Republic of Germany, we do not consider such assistance to confer a countervailable benefit on the Belgian steel industry for the reasons outlined in Appendix B.

The ECSC provides various production and marketing grants to EC coal and coke producers; however, we do not consider this assistance to confer a countervailable benefit on the Belgian steel industry for the reasons described in Appendix C.

E. Reduction of Capital Gains Tax

Capital gains on the sales of tangible property may be exempt from corporate taxes for a minimum of five years if receipts are reinvested in Belgium within three years. The provision is contained in the GOB Income Tax Code, and we believe that it is generally

available on equal terms to all companies in Belgium. We therefore preliminarily determine that this program does not provide a subsidy to the steel industry. We will seek additional information concerning the applicability of this program.

F. Programs Contained in the Law of July 17, 1959 for Economic Expansion

The Law of July 17, 1959 (the "1959 law") for economic expansion contains programs which are designed to promote economic expansion and modernization. The 1959 law provides for interest rebates, grants for capital investments, government loan guarantees, exemptions from property taxes on investments approved under the law and grants for R&D. We preliminarily determine that the programs contained in the 1959 law are not countervailable, since they are generally available and do not benefit "a specific enterprise or industry, or group of enterprises or industries." We will seek additional information concerning the application of the 1959 law.

G. ECSC Interest Rebates and R&D Grants

We have preliminarily determined that ECSC interest rebates and R&D grants for the Belgian steel industry are not countervailable benefits. For our treatment of these programs in general, see Appendic C.

III. Programs Preliminarily Determined Not To Be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not used by the manufacturers, producers, or exporters in Belgium of carbon steel structural shapes, hot-rolled carbon steel plate, and hot-rolled carbon steel sheet and strip.

A. Accelerated Depreciation

Companies that receive investment benefits provided for by the 1970 law may take twice the normal annual straight-line depreciation for assets acquired as the result of the investment. The benefit of such a program is reduced taxable income. With the exception of Fabfer, the Belgium steel companies had losses during 1981 greater than the amounts that could be offset by accelerated depreciation. Although depreciating at a slightly accelerated rate, Fabfer depreciated its assets at rates that could be considered within the generally accepted accounting principles for Belgium. We will seek additional information.

B. Employment Premiums

Article 14 of the 1970 law provides for employment premiums for investments that create new jobs. The assistance may be given for new enterprises or for the expansion of existing enterprises. Nonrepayable premiums may be paid for as long as five years depending on the rate at which new jobs are created and filled. The companies under these investigations stated that they did not participate in this program.

C. Exemption From Income Tax on Capital Grants.

Grants provided under the 1970 law are exempted from income taxes. In calculating depreciation, the amount of such grants is deducted from the cost or value of the financed investments. The companies under these investigations stated that they did not participate in this program.

D. Contractual Aid

The 1970 law provides for aid in realizing specific objections related to certain long-term, large scale investments. The government and an enterprise negotiate the specific terms of the program and enter into a "progress contract." Companies may also receive aid for reorganizations. Under "management contracts," the government may grant interest-free aid, to be repaid within three years, for up to 75 percent of management advisory fees. The responses stater that the steel companies did not receive any aid under this program; however, we will seek additional information.

E. Export Assistance

Certain export assistance programs, such as export financing and commercial risk guarantees, are provided by the Office National du Ducroire. The companies under investigation have indicated that they have received no assistance under this program.

F. The European Regional Development Fund ("ERDF")

Our preliminary investigation leads us to conclude that no company under investigation in Belgium receives ERDF funds (see Appendix C).

G. European Investment Bank ("EIB")

The responding companies in Belgium indicated that they did not carry loans from the EIB in 1981 (see Appendix C).

H. Loan Guarantees From the ECSC

All of the responding Belgian companies have indicated that they have not used this program (see Appendix C).

IV. Programs for Which Additional Information Is Needed

The following programs were alleged by the petitioners to be subsidies: Readaptation and retraining assistance and GOB advances for R & D. At this time, we do not have sufficient information upon which to determine whether these programs are providing manufacturers, producers, or exporters in Belgium of carbon steel structural shapes, hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip with benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

A. Readaptation and Retraining Assistance

The GOB finances a portion of readaptation and retraining assistance to laid-off employees under Article 56 of the ECSC Treaty. It is unclear at this time whether or not this program provides countervailable benefits to the steel industry. We will seek additional information concerning the obligations of the steel companies to laid-off workers. If the government assumes a portion of the obligation of the steel companies, the assistance may constitute a subsidy. In addition, we are seeking information concerning the types of training and readapation being performed. If laid-off workers or potentially laid-off workers are being retrained to assume jobs in the steel industry (to take the place of early retirees, for instance) then the assistance may well be a subsidy to the steel companies. If, however, the government is assuming the cost of training a laid-off worker for a non-steel related job (and the government was not assuming a portion of the steel company's obligation), then the assistance would not be a subsidy to the steel industry.

B. GOB Advances for R & D

Interest-free advances can be provided under the 1970 law up to a maximum of 80 percent of the expense incurred for the R & D of prototypes. The advances are repayable if the research leads to a profitable industrial or commercial activity. The results of the research become the property of the recipient companies. Under such circumstances, the assistance may convey a subsidy. The GOB responded that it has provided aid under this program during 1980–81, but we are unable to determine from the company responses which company or companies received such aid. We are seeking

additional information concerning this program to determine the type of research, the recipients and the amount of aid in order to determine whether or not such aid constitutes a subsidy.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of all steel products under investigation present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade and "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of carbon steel structural shapes from Belgium/Luxembourg were 24,053 net tons in February, 13,418 net tons in March, and 12,702 net tons in April, the most recent month for which import statistics are available. U.S. hot-rolled carbon steel plate imports from Belgium/Luxembourg were 17,473 net tons in February, 20,487 net tons in March, and 12,428 net tons in April. U.S. imports of hot-rolled carbon steel sheet and strip from Belgium/Luxembourg were 1,589 net tons in Februry, 4,130 tons in March and 5,338 net tons in April (import statistics available to the Department of Commerce are combined for Belgium/Luxembourg). In the context of this industry, these products have not recently been massively imported from Belgium/Luxembourg over a relatively short period.

Therefore, critical circumstances do not exist for carbon steel structural shapes, hot-rolled carbon plate and hot-rolled carbon steel sheet and strip.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend, the liquidation of all entries of carbon steel structural shapes, hot-rolled carbon steel plate and hot-rolled carbon steel sheet and strip which are entered, or withdrawn from warehouse, for consumption, on or after June 17, 1982, and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below.

	Ad valorem rate (percent)
Manufacturer/Producer/Exporter	
Name:	
Cockerill Sambre:	
Carbon steel structural shapes	20.602
Hot-rolled carbon steel plate	21.773
Hot-rolled carbon steel sheet and strip	21.596
Siderurgie Maritime:	
Hot-rolled carbon steel plate	4.866
Hot-rolled carbon steel sheet and strip	4.866
Forges de Clabecq:	
Hot-rolled carbon steel plate	5.834
Fabrique de Fer de Charleroi:	
Hot-rolled carbon steel plate	1.990
All Other Manufacturers/Producers/Exporters	
Carbon steel structural shapes	20.602
Hot-rolled carbon steel plate	21.773
Hot-rolled carbon steel sheet and strip	21.596

Where a company specifically listed above has not exported a particular product during the period for which we are measuring subsidization, the cash deposit or bond amount should be based on the highest rate for products that were exported by that company.

This suspension will remain in effect until further notice.

ITC Notifications

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 1:00 p.m. on July 13, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 6, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 10, 1982.

Appendix A—Description of Products

For purposes of these investigations:

1. The term *"carbon steel structural shapes"* covers hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2 of the *Tariff Schedules of the United States Annotated ("TSUSA")*, for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the *TSUSA*, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the *TSUSA*. Such products are generally referred to as structural shapes.

2. The term *"hot-rolled carbon steel plate"* covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the *Tariff Schedules of the United States Annotated ("TSUSA")*; and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the TSUSA. Semifinished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot rolling are not included.

3. The term *"hot-rolled carbon steel sheet and strip"* covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches [1] in width and in coils or if not in coils under 0.1875 inch in thickness and over 12 inches in width; [2] as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the *Tariff Schedules of the United States Annotated ("TSUSA")*. *PLEASE NOTE THAT THE DEFINITION OF HOT-ROLLED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 607.6610 AND 607.8320).*

[1] Amended from 12 inches in the initiation notice.

[2] Initiation notice amended by adding after thickness "and over 12 inches in width."

Hot-rolled carbon steel strip is a flat-rolled steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and not over 12 inches in width; as currently provided for in items 608.1920, 608.2120, or 608.2320 of the *TSUSA*. Hot-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

4. The term *"cold-rolled carbon steel sheet and strip"* covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a cold-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness as currently provided for in items 607.8320 or 607.8344 of the *Tariff Schedules of the United States Annotated ("TSUSA"). PLEASE NOTE THAT THE DEFINITION OF COLD-ROLLED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEM 607.8320).* Cold-rolled carbon steel strip is a flat-rolled carbon steel product; cold-rolled, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width; as currently provided for in items 608.1940, 608.2140, or 608.2340 of the *TSUSA*. Cold-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

5. The term *"galvanized carbon steel sheet"* covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the *Tariff Schedules of the United States Annotated ("TSUSA"). NOTE THAT THE DEFINITION OF GALVANIZED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 608.0710 and 608.11).* Hot or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

6. The term *"hot-rolled carbon steel bars"* covers hot-rolled carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexangons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in items 606.8310, 606.8330, or 606.8350 of the *Tariff Schedules of the United States Annotated.*

7. The term *"hot-rolled alloy steel bars"* covers hot-rolled alloy steel products, other than those of stainless or tool steel, or solid section which have cross sections in the shape of circles segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in item 606.97 of the *Tariff Scheduled of the United States.*

8. The term *"cold-formed carbon steel bars"* covers cold-formed carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, and not coated or plated with metal, currently provided for in items 606.8805 or 606.8815 of the *Tariff Schedules of the United States Annotated.*

9. The term *"cold-formed alloy steel bars"* covers sold-formed alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, and not coated or plated with metal, as currently provided for in item 606.99 of the *Tariff Schedules of the United States.*

Appendix B

Several basic issues are common to many of the countervailing duty investigations of certain steel products, initated by the Department of Commerce (the "Department") on February 1, 1982; *e.g.*, government assistance through grants, loans, equity infusions, and research and development projects. This Appendix describes in some detail the general principles applied by the Department when dealing with these issues as they arise within the factual contexts of these cases.

Grants

Petitioners allege that respondent foreign steel companies have received numerous grants for various purposes. Under section 771(5) (B) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1677(5)(B)), domestic subsidies are countervailable where they are "provided or required by government action to a *specific* enterprise or industry, or group of enterprises or industries" (emphasis added).

The legislative history of Title VII of the Act states that where a grant is "tied" to—that is, bestowed expressly to purchase—costly pieces of captial equipment, the benefit flowing from the grant should be allocated over the useful life of that equipment. A subsidy for capital equipment should also be "front loaded" in these circumstances; that is, allocated more heavily to the earlier years of the equipment's useful life, reflecting its greater commercial impact and benefit in those years.

In the past we have allocated the face value of the grant, in equal increments, over the appropriate time period. For Large capital equipment, we used a period of half the useful life of the equipment purchased with the grant. In each year we countervailed only that year's allocated portion of the total grant. For example, a hypothetical grant of $100 million used to purchase a machine with a 20-year life would have been countervailed at a rate of $10 million per year (allocated over the appropriate product group) for 10 years, beginning in the year of receipt.

This allocation technique has often been criticized for not capturing the entire subsidy by ignoring the time value of money. It has been argued that $10 million today is much more valuable to a grant recipient than $100 million per year for the next 10 years, since the present value of the latter is considerably less than $100 million. We agree, and are now changing our methodology of grant subsidy calculation to reflect this agreement. So long as the present value (in the year of grant receipt) of the amounts allocated over time does not exceed the face value of the grant, we are consistent with both our domestic law and international obligations because the amount countervailed will not exceed the total net subsidy.

Present value is calculated using a discount rate. We considered using each company's weighted cost of capital at the time of the grant receipt as the appropriate measure of the time value of its funds. However, we lacked sufficient information to do so for these preliminary determinations. Instead we used the national cost of long-term corporate debt as a substitute measure of a company's discount rate. We welcome additional information or comments on this estimate between the preliminary and final determinations.

For costly pieces of capital equipment, we believe that the appropriate time period over which to allocate the subsidy is its entire useful life. In the past, we allocated the subsidy over only half the useful life in order to front load the countervailing duties in order to comply with the legislative intent of the Act. However, so long as we allocate the subsidy in equal nominal increments over the entire useful life, it will still be effectively front loaded in real terms since money tomorrow is less valuable than money today.

For these steel investigations we have allocated a grant over the useful life of equipment purchased with it when the value of that grant was large (in these investigations, greater than $50 million), and specifically "tied" to pieces of capital equipment.

Where the grant was small (less than one percent of the company's gross revenues or, where we do not know gross revenues, less than one percent of the company's total value of 1981 steel production) and "tied" to items generally expensed in the year purchased (*e.g.*, wages, purchases of materials), we have allocated the subsidy solely to the year of the grant receipt.

All other grants—the vast majority of those involved in these investigations—will be allocated over 15 years, a period of time reflecting the average life of capital assets in integrated steel mills in the U.S. The 15-year figure is based on Internal Revenue Service studies of actual experience in integrated mills in the U.S. Furthermore, we understand that a 15-year period is also used in some of the countries involved in these investigations. We are using this time period as the best available estimate of the average steel asset life worldwide. We could not calculate the average life of capital assets on a company-by-company basis, since different accounting principles, extraordinary write-offs, and corporate reorganizations yielded extremely inconsistent results. For example, the average life of one steel company's assets, as indicated on its books, increased from 3 years to 22 years within 3 years.

We do not distinguish grants bestowed expressly to cover operating losses from other "united" grants. Since grants used to cover operating losses often keep the company in business and are frequently quite

large, their real effects extend for a considerable period of time. It is appropriate to allocate them over a number of years.

Loans and Loan Guarantees for Companies Considered Creditworthy

In these investigations, various loan activities give rise to subsidies. The most common practice is the extension of a loan at a preferential interest rate where the government is either the actual lender or directs a private bank to lend at a preferential rate. The subsidy is computed by comparing what a company would pay a normal commercial lender in principal and interest in any given year with what the company actually pays on the preferential loan in that year. We determine what a company would pay a normal commercial lender by constructing a comparable commercial loan at the appropriate market rate (the "benchmark"). If the preferential loan is part of a broad, national lending program, we use a national average commercial rate as our benchmark. If the loan program is not generally available—like most large loans to respondent steel companies—the benchmark used instead, where available, is the company's actual commercial credit experience (*e.g.*, a contemporaneous loan to the company from a private commercial lender). If there were no similar loans, the national commercial rate is used as a second-best alternative.

For loans denominated in a currency other than the currency of the country concerned in an investigation, the brenchmark is selected from interest rates (either national or company-specific, as appropriate) applicable to loans denominated in the same currency as the loan under consideration.

After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made, using a national cost of long-term corporate debt in that year as the discount rate. In other words, we determine the subsidy value of a preferential loan as if the benefits had been bestowed as a lump-sum grant in the year the loan was given. We determine how much less valuable money tomorrow is than money today by applying a discount rate. We are using the national cost of long-term corporate debt for the year in which the loan was given as this discount rate. This amount is then allocated evenly over the life of the loan, with one exception. Where the loan was given expressly for the purchase of a costly piece of capital equipment, the present value of the payment differentials is allocated over the useful life of the capital equipment concerned.

For loans not tied to capital equipment with mortgage-type repayment schedules, this methodology results in annual subsidies equivalent to those calculated under the previous Department policy of considering the difference in total repayments in each year of a loan's lifetime to be the subsidy *in that year*. For loans with constant principal repayments (*i.e.*, declining total repayments), loans with deferral of repayments, and loans for costly capital equipment, the present value method results in even allocations of the subsidy over the relevant period. This effectively front loads countervailing duties on these loan benefits in the same manner as grants are front loaded.

A loan guarantee by the government constitutes a subsidy to the extent the guarantee assures more favorable loan terms than for an unguaranteed loan. The subsidy amount is quantified in the same manner as for a preferential loan.

If a borrowing company preferentially received a payment holiday from a government lending institution or from a private lender at government direction, an additional subsidy arises that is separate from and in addition to the preferential interest rate benefit. The subsidy value of the payment holiday is measured in the same manner as for preferential loans, by comparing what the company pays versus what it would pay on a normal commercial loan in any given year. A payment holiday early in the life of a loan can result in such large loan payments near the end of its term that during the final years the loan recipient's annual payments on the subsidized loan may be greater than they would have been on an unsubsidized loan. By reallocating the benefit over the entire life of the loan through the present value methodology described above, we avoid imposing countervailing duties in excess of the net subsidy.

Loans and Loan Guarantees for Companies Considered Uncreditworthy

In a number of cases petitioners have alleged that certain respondent steel companies were uncreditworthy at the time they received preferential loans or guarantees, and that they could not have obtained any commercial loan without government intervention.

When the company under investigation has a history of deep or significant continuing losses, and diminishing (if any) access to private lenders, we generally agree with petitioners. In these situations neither national nor company-specific market interest rates provide an appropriate benchmark since, by definition, an uncreditworthy company could not receive loans on these terms without government intervention. Nor have we been able to find any reasonable and practical basis for selecting a risk premium to be added to a national interest rate in order to establish an appropriate benchmark for companies considered uncreditworthy. Therefore, we have treated loans to an uncreditworthy company as an equity infusion by the government. We believe this treatment is justified by the treat risk, very junior status, and low probability of repayment of these loans. To the extent that principal and/or interest is actually paid on these loans, however, the subsidy (which is calculated using our equity methodology, *infra*) is reduced dollar for dollar in the year of repayment. Moreover, in no case do we countervail a loan subsidy to a creditworthy or uncreditworthy company more than if the government gave the principal as an outright grant.

Equity

Petitioners allege that government purchases of equity in respondent steel companies constitute a countervailable subsidy equal to the entire amount of the equity purchased. Many respondents claim that such equity purchases are investments on commercial terms, and thus are not subsidies to these companies.

It is well settled that government equity ownership *per se* is not a subsidy. Such ownership is a subsidy only when it is on terms inconsistent with commercial considerations. An equity subsidy potentially arises when the government makes equity infusions into a company which is sustaining deep or significant continuing losses. If such losses have been incurred, then we consider from whom the equity was purchased and at what price.

If the government buys previously issued shares on the market and not directly from the company, there is no subsidy to the company. This is true no matter what price the government pays, since any overpayment benefits only the prior shareholders and not the company.

If the government buys shares directly from the company (either a new issue or corporate treasury stock) and similar shares are traded in a market, a subsidy arises if the government pays more than the prevailing market price. To avoid any effect on the market price resulting from the government's purchase or speculation in anticipation of such purchase, we used for comparison a market price on a date sufficiently preceding the government's action. Any amount of overpayment is treated as a grant to the company.

It is more difficult to judge the possible subsidy effects of direct government infusions of equity where there is no market price for the shares since they were untraded (as where, for example, the government is already sole owner of the company). As a matter of principle, government equity participation can be a legitimate commercial venture. Often, however, as in many of these steel cases, equity infusions follow massive or sustained losses and are part of national government programs to sustain or rationalize an industry which otherwise would be noncompetitive. We respect the government's characterization of its infusion as equity in a commercial venture. However, to the extent in any year that the government realizes a rate of return on its equity investment less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), its equity infusion is considered a subsidy. Under no circumstances do we countervail an amount greater than that which is calculated treating the government's equity infusion as an outright grant.

Forgiveness of Debt

Where we have found that the government has forgiven an outstanding debt obligation, we have treated this as a grant to the company equal to the outstanding principal at the time of forgiveness. Where outstanding debt has been converted into equity (*i.e.*, the government receives shares in the company in return for eliminating debt obligations of the company), a subsidy may result. The

existence and extent of such subsidies are determined by treating the conversions as an equity infusion in the amount of the remaining principal of the debt. We then calculated the value of the subsidy by using our equity methodology, *supra*.

Coal Assistance

Petitioners alleged that respondent steel companies outside the Federal Republic of Germany that buy German coal benefit from assistance given by the German government to German producers of coking coal. The issue of indirect subsidization of German steelmakers through the German government's assistance to German coking coal is considered separately in the "Notice of Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products from the Federal Republic of Germany," appearing in this issue of the Federal Register.

In the absence of special circumstances, a party receiving a benefit on the production of its merchandise is not assumed to share that benefit with an unrelated purchaser. It is in the commercial interest of a firm receiving a subsidy not to share the benefits with customers, but rather to pass it on to its shareholders in the form of greater net earnings. This view has previously been expressed by the Department in the "Preliminary Affirmative Countervailing Duty Determination; Sodium Gluconate from the European Community" (46 FR 45975).

Moreover, the German government's assistance to its coking coal industry does not reduce the price of German coking coal *below* the world price. So long as non-German coal can be purchased more cheaply, we see no measurable benefit to non-German steelmakers who purchase German coal, whether or not it is subsidized.

Petitioners argue that German assistance ot its coking coal industry exerts downward pressure on the price of coal in all markets in which German coking coal is sold. If so, we believe that such downward pressure would affect the price of coal worldwide, and thus benefit all steelmakers everywhere. Similarly, if the German coking coal assistance were eliminated and if German coal mine operations consequently were reduced or ceased, and consequent rise in the price of coking coal would likely have worldwide effects and thus affect steelmakers everywhere. Therefore we do not accept petitioners' contention that the FRG's assistance to its coking coal industry during 1981 had a significant downward effect on the price of coking coal which preferentially steelmakers purchasing German coal.

Research and Development Grants and Loans

Grants and preferential loans awarded by a government to finance research that has broad application and yields results which are made publicly available are not subsidies. Programs of organizations or institutions established to finance research on problems affecting only a particular industry or group of industries (*e.g.*, metallurgical testing to find ways to make cold-rolled sheet easier to galvanize) and which yield results that are available only to producers in that country (or a limited number of countries) confer a subsidy on the products which benefit from the results of the research and development ("R&D"). On the other hand, programs which provide funds for R&D in a wide range of industries are not countervailable even when a portion of the funds is provided to the steel sector.

Once we determine that a particular program is countervailable, we calculate the value of the subsidy by reference to the form in which the R&D was funded. An R&D grant is treated as an "untied" grant; a loan for R&D is treated as any other preferential loan.

Labor Subsidies

To be countervailable, a benefit program for workers must give preferential benefits to workers in a particular industry or in a particular region. Whether or not the program benfits specifically some workers and not others is determined by looking at both program eligibility and participation. Even where provided to workers in specific industries, social welfare programs are countervailable only to the extent that they relieve the firm of costs it would ordinarily incur—for example, the government's assumption of a firm's obligation partially to fund worker pensions.

Labor-related subsidies are generally conferred in the form of grants and are treated as untied grants for purposes of subsidy calculation. Where they are quite small and expensed by the company in the year received, we likewise allocated them only to the year received. However, where they were more than one percent of gross revenues (or, where we do not know gross revenues, one percent of the value of 1981 steel production), we allocated them over five years.

APPENDIX C.—PROGRAMS ADMINISTERED BY ORGANIZATIONS OF THE EUROPEAN COMMUNITIES

I. The ECSC

On April 8, 1965, the three separate European communities—the European Coal and Steel Community ("ECSC"), the European Economic Community ("EEC"), and the European Atomic Energy Community ("EURATOM")—signed a treaty to merge into the European Communities ("EC"). Article 9 of the merger treaty established the Commission of the European Communities as the High Authority of each of the formerly independent institutions. The merger became effective in 1967.

The ECSC itself was established by the Treaty of Paris in 1951 to modernize production, improve quality, and assure a supply of coal and steel to the member countries. The Treaty of Paris governs all programs intended directly to affect the steel industry. Funds for these programs flow from two sources: (1) ECSC borrowings on international capital markets, and (2) the ECSC budget, substantially derived from producer-generated funds.

A. ECSC Programs Preliminarily Determined To Be Subsidies

With respect to ECSC borrowings, the ECSC enjoys a very high credit rating because of its quasi-governmental nature. It is therefore able to raise funds at interest rates lower than those which would be available to European steel companies. When the ECSC re-lends these borrowed funds to a company without increasing the interest rate, any difference between the lower interest rate passed on and the rate otherwise available to the steel company in the commercial financial market (the "benchmark") is a benefit to the company. For this reason we preliminarily determine that ECSC loans raised through capital market funding are countervailable insofar as they offer preferential interest rates to steel companies.

Consequently any loan involving ECSC funds borrowed on international capital markets, provided under an ECSC assistance program, confers countervailable benefits if the loan is at a preferential interest rate.

1. *ECSC Industrial Investment Loans.* Article 54 of the Treaty of Paris authorizes the ECSC to provide loans to steel companies in member countries for reducing production costs, increasing production, or facilitating product marketing. Loans provided under this program are funded exclusively from ECSC borrowings on world capital markets. For the reasons discussed above, we preliminarily determine that this program confers countervailable benefits to loan recipients to the extent that the interest rates are preferential (as determined using the appropriate loan methodology described in Appendix B).

2. *ECSC Housing Loans for Workers.* Article 54(2) of the Treaty of Paris authorizes the ECSC to provide loans for residential housing for steel workers. In some cases these loans are provided directly to steel companies. In other cases, they are administered through financial institutions or housing authorities. These loans for the construction or purchase of homes are at highly concessionary one percent interest rates.

The preferential ECSC housing loans provide benefits directly to steel workers. We believe they also indirectly benefit the employer steel companies by relieving them of certain labor wage costs. That is, if steel workers were unable to obtain housing loans at these highly advantageous rates, the companies which employ them would be required to pay higher wages.

Our information to date indicates that ECSC funding for housing loans derives from both its budget and funds borrowed on international capital markets. To the extent that the loans derive from the budget, we preliminarily determine that they are not countervailable for the reasons indicated below in section B of this Appendix. To the extent they derive from ECSC borrowings on world capital markets, they confer a subsidy if the loan recipient could not have obtained a commercial loan on comparable terms. The proportion of total ECSC housing loans funded from borrowed money rather than from the budget in a given year is considered the preferential housing loan amount received in that year.

In 1980, the most recent year for which data are available, the portion of new ECSC housing loans financed by borrowings

amounted to 42.24 percent. In 1979 the same portion was 17.94 percent; in 1978, 7.8 percent; and in 1977, 13.95 percent. For 1981 we are using as the best information available the 1980 information. Where these loans are not given directly to a steel company or are given to a steel company which merely serves as a disbursing agent, they yield a benefit to steel workers to the extent that the workers need not obtain a mortgage at the going commercial rate. The subsidy in these cases is the difference between what the workers pay on the ECSC housing loans and what they would have paid on a non-subsidized loan. In the absence of country-specific information on unsubsidized mortage rates, we are estimating this rate by using as our benchmark the national long-time corporate debt rate. We believe this entire benefit is a subsidy on all steel production of the employer firm, allocated as described in Appendix B for labor subsidies.

On the other hand, where these loans are given directly to company which disburses only a small portion of them, the subsidy value is calculated using the appropriate methodology for preferential loans as described in Appendix B.

3. *ECSC Loan Guarantees.* Under Article 54 of the Treaty of Paris, the ECSC is authorized to gurante loans from commercial lenders to coal and steel companies. Since these guarantees are intended specifically for the steel industry, we find the resulting benefits to be countervailable. The countervailable benefit is based on the difference between the interest rate charged by private lenders to commercial customers in the ordinary course of business and the rates available with an ECSC loan guarantee.

B. ECSC Programs Preliminarily Determined Not To Be Subsidies

The ECSC budget for assistance to coal and steel producers is funded by levies on coal and steel producers within the ECSC member states. We examined the ECSC financial statements for 1971–1980, inclusive, and found that, for those years, the amount of funds generated by levies on producers exceeded the total amount of ECSC assistance provided through budget-funded programs. Therefore, we preliminary determine that any ECSC assistance provided from the ECSC budget does not provide a countervailable benefit. We will seek further information concerning the extent to which producer-generated funds are appropriately earmarked for these forms of program assistance.

1. *ECSC Industrial Reconversion Loans.* Under Article 56 of the Treaty of Paris, the ECSC provides loans to companies or public authorities for investments in new non-steel ventures in regions of declining steel industry activity. The goal of the loan program is to provide employment for former steel workers in new industries. This program does not appear to benefit steel companies. Therefore, we preliminarily determine that it does not confer subsidies on steel.

2. *ECSC Labor Assistance and Rehabilitation Aids.* Under Article 56 of the Treaty of Paris, the ECSC provides matching grants to member states for programs that assist former steelworkers presently unemployed or in training for a new trade. The program must be aimed specifically at steel industry workers, and at least 50 percent of its funding must be provided by the member state. The ECSC portion of the program is funded from its budget. For the reasons discussed above, we preliminarily determine that this program does not confer countervailable benefits.

3. *ECSC R&D Grants.* Article 55 of the Treaty of Paris provides funding in the form of grants for up to 60 percent of an R&D project's cost. The projects must be for improvements in the production and use of coal and steel. The results of the project become the property of the ECSC and are made available to all members.

These grants are funded exclusively from the ECSC budget. Therefore, for the reasons discussed above, we preliminarily determine that this program does not confer countervailable benefits.

4. *ECSC Interest Rebates.* Certain Article 54 loans qualify for further interest reductions depending on whether they are for environmental projects, removal of industrial bottlenecks, promotion of steel industry competitiveness, or stabilization of coal production. The rebates generally reduce the interest expense for the first five years of the loan repayment schedule by three percentage points. The interest rebates are paid out of the ECSC's budget. For the reasons discussed above with respect to all budget-financed programs, we preliminarily determine that this program does not confer countervailable benefits.

5. *ECSC Coal and Coke Aids.* Petitioners have alleged that ECSC assistance to coal producers in EC countries constitutes an indirect benefit to steel producers purchasing that coal. However, the ECSC coal aids are bestowed on all types of coal. Therefore the ECSC aids on coal cannot be intended to benefit, and do not benefit, the steel industry in particular. Under section 771(5)(B) of the Act, there is no subsidy to steel in these circumstances, even though steel producers in EC countries purchase some ECSC coal.

In addition, we have found that non-repayable coal and coke aids from the ECSC are paid out of the ECSC's budget. For the reasons discussed above, they are therefore not considered to confer countervailable benefits.

C. ECSC Programs for Which Additional Information Is Needed

1. *ECSC Research and Development ("R&D") Loans.* R&D loans confer countervailable benefits on recipients if: (1) The research benefits a product under investigation; (2) the funding source is countervailable (*e.g.*, from ECSC borrowings on capital markets rather than from the ECSC budget); (3) the results are not generally available; and (4) the recipient could not have obtained a commercial loan on comparable terms without government intervention.

Based upon information available to date, it is unclear how widely available the results of research are, and from which source the funds derive. We will seek more information upon which to base a determination.

II. The European Investment Bank

The European Investment Bank ("EIB") was created by the Treaty of Rome establishing the EEC to fund projects that serve regional needs in Europe. Article 130 of the Treaty of Rome authorizes the EIB to make loans and guarantee finance projects in all sectors of the economy. These projects include the provision of funds to further the development of low income regions. Funds are drawn from debt instruments floated on world capital markets and from investment earnings. Because EIB loans are designed by charter to serve regional needs, we find them to be countervailable where the interest rate is less than the rate which would have been available commercially from a private lender without government intervention.

The EIB also provides loan guarantees to companies in EC member countries. Again, because this guarantee was available in some but not all regions, it is regarded as a countervailable benefit.

III. The European Regional Development Fund

The European Regional Development Fund was established by the EEC to provide funding in the form of low-interest loans for industrial projects designed to correct regional imbalances within the EEC. The fund also awards interest subsidies on EIB loans.

We preliminarily determine that this program was not utilized by any of the manufacturers, producers or exporters for any of the products from countries under investigation.

[FR Doc. 82–16245 Filed 6–14–82; 9:30 am]

BILLING CODE 3510–25–M

Preliminary Affirmative Countervailing Duty Determination; Carbon Steel Plate From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of carbon steel plate. The estimated net subsidy is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon steel plate from Brazil which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on this product in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT:

Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1167.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Brazil of carbon steel plate. For purposes of this investigation, the following programs are preliminarily found to be subsidies:

- IPI Rebates for Capital Investment.
- IPI Export Credit Premium.
- Preferential Working Capital Financing For Exports

We estimate the net subsidy to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we received petitions from the United States Steel Corporation, and counsel for Republic Steel Corporation, Inland Steel Company, Jone & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel plate. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of carbon steel plate. Counsel for the Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on February 1, 1982, we initiated a countervailing duty investigation (47 FR 5751). We stated that we expected to issue a preliminary determination by April 6, 1982. We subsequently determined that the investigation is "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until June 10, 1982 (47 FR 11738).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission ("ITC") or our initiation. On Februray 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. on April 22, 1982, we received the response to that questionnaire. A supplemental response was received on June 7, 1982.

Scope of the Investigation

The product covered by this investigation is hot-rolled carbon steel plate. The product is fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register.**

Companhia Siderurgica Paulista (COSIPA) and Usinas Siderurgicas de Minas Gerais S.A. (USIMINAS) are the only known exporters in Brazil of carbon steel plate to the United States. The period for which we are measuring subsidization is calendar year 1981.

Analysis of Programs

In its responses, the government of Brazil provided data for the applicable periods. Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register** (hereinafter Appendix B). Based upon our analysis to date of the petitions and the responses to our questionnaire, we preliminarily determine the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Brazil of carbon steel plate under the following programs.

A. IPI Rebates for Capital Investment

Decree Law 1547 (April 1977) provides funding for the expansion of the Brazilian steel industry through a rebate of the Industrialized Products Tax ("IPI") the Brazilian federal excise tax. Under this tax system, a company determines its liability for the tax at the end of each month. The net tax owed is calculated as the difference between the total IPI the company paid on purchases and the total IPI it collected on domestic sales. Normally, within five months after the end of each month, a company must pay the amount of the net tax owed directly to the Brazilian government. This net IPI tax is the basis for calculating the rebate for investment. A Brazilian steel company may deposit 95 percent of the net IPI tax in a special account with the Banco do Brasil. The amounts deposited are to be applied to steel expansion projects, and when rebated to the firms constitute tax-free capital reserves which must eventually be converted into subscribed capital. We consider the amount rebated each year as an united grant received in that year. As such, we have applied the methodology described in Appendix B. The grants were amortized over 15 years and the total benefit for 1981 was divided by each company's total sales for 1981. The *ad valorem* benefit of this subsidy is 1.47 percent.

COSIPA and USIMANAS received benefits under this program from 1977 to 1981. With the enactment of Decree Law 1843 (December 1980), COSIPA and USIMINAS must now pay the IPI tax to the government which in turn rebates 95 percent to SIDERBRAS, the government holding company to which COSIPA and USIMINAS belong, to increase its capital.

B. IPI Export Credit Premium

The IPI export credit premium has been found to be a subsidy in previous countervailing duty investigations involving Brazilian products. After having suspended this program in December 1979, the government of Brazil reinstated it on April 1, 1981. Currently, the program is scheduled to be phased out in several steps, ending on April 1, 1983.

Exporters of carbon steel plate are eligible for the maximum IPI export credit premium. During the applicable period, 15 percent of the "adjusted" f.o.b. invoice price of the exported merchandise was reimbursed in cash to the exporter through the bank involved in the export transaction.

In calculating the amount the exporter is to receive, several deductions are made to the invoice price to obtain the "adjusted" f.o.b. value. These adjustments include: any agent commissions, rebates or refunds resulting from quality deficiencies or damage during transit, contractual penalties, and the value of imported inputs. In order to receive the maximum export credit premium, the exported product must consist of a minimum of 75 percent value added in Brazil. If this minimum limit is not met, there is a specific calculation to reduce the f.o.b. invoice price when calculating the base upon which the IPI export credit

premium is paid. Since the companies involved in this investigation import large quantities of slab, which is approximately 65 percent of the value of the exported product, they do not receive the maximum available benefit.

To calculate the *ad valorem* subsidy, we relied on information provided by the government of Brazil. It provided us with the amount of the IPI credit received by COSIPA and USIMINAS for the period July 1, 1981 to December 31, 1981 (dating from when the companies began to receive payments), as well as the value of exports of carbon steel plate for the same time period. By dividing the IPI credits received by the value of their exports, we calculated an *ad valorem* export subsidy of 5.40 percent.

This *ad valorem* rate is premised on an IPI export credit premium of 15 percent. The government of Brazil reduced the benefit to 14 percent on March 31, 1982 and is scheduled to reduce it again to 12.5 percent on June 30, 1982. Accordingly, the Brazilian government asserts that a downward adjustment in the rate for this program is appropriate to reflect the current availability of the benefit.

We have made such an adjustment because we must still resolve two matters. First, the receipt of the IPI credit occurs sometime after the merchandise is exported; therefore, the figures we relied on in making our calculation may understate the benefit. Exports reported for the last part of 1981 probably do not completely correspond to the IPI credits for those exports in the 1981 figures we received. If this is so, we will adjust the rate accordingly. Second, the use of imported slab was a major factor in the relatively low level of the benefit. We will seek to ascertain whether this is a temporary situation.

C. Preferential Working Capital Financing for Exports: Resolution 674

Under this program, companies are declared eligible to receive working capital loans by CACEX (the Department of Foreign Commerce of the Banco Central do Brasil). These loans may have a duration of up to one year. Firms in the steel industry can obtain this preferential financing for up to 20 percent of the net f.o.b. value of the previous year's exports. We preliminarily determine that such financing is an export subsidy.

This net export value is calculated by taking numerous deductions from the export value of the merchandise, including agent commissions, contractual penalties or refunds, exports denominated in cruzeiros, imported inputs over 20 percent of the export value, and a deduction for the company's trade deficit as a percentage of the value of its exports. Since both COSIPA and USIMINAS have trade deficits (due primarily to the importation of coal) the sum of these deductions is substantial, thus reducing the maximum level of financing available. In addition, any growth in the cruzeiro value of exports over the previous year will reduce the value of the benefit as a percentage of the current year's exports.

To determine the value of loans in existence under this program during 1981, we prorated any loans that straddled other years. For loans taken out in 1980, only that portion extending into 1981 was included in our calculation. Any 1981 loans extending into 1982 were similarly adjusted. We than divided the total value of these loans by the total value of exports for these two companies in 1981 to calculate the amount of preferential financing they received.

As in previous Brazilian countervailing duty cases, we are looking to the rate established by the Banco do Brasil for discounting sales of accounts receivable as the commercial rate for the acquisition of short-term working capital. Although we are comparing the terms of a loan with the terms of sale of an asset, we have used this comparison because information provided by the government of Brazil indicates that, within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable. Currently, the rate for discounting sales of accounts receivable is 59.6 percent plus a 6.9 percent tax on financial transactions (IOF). The subsidy is the difference between the interest rate available under Resolution 674 and the commercial rate.

The interest rate on loans under Resolution 674 is 40 percent, with interest payable semiannually and the principal fully payable on the due date of the loan. The effective rate of interest for these loans is 44 percent. These loans are also exempt from the IOF. Therefore, the differential between these two types of financing is 22.5 percent. When multiplying this differential by the amount of preferential financing received as a percent of exports, we determined an *ad valorem* export subsidy of 1.71 percent.

The Brazilian government claims that Resolution 674 financing provides no countervailable benefit because COSIPA and USIMINAS have the ability to obtain working capital at lower rates either by discounting accounts receivable in hard currency or by borrowing hard currency on international markets, and in the absence of Resolution 674 financing they would utilize these options more frequently. Despite the claim, there is no comparability between these two procedures and Resolution 674 financing. Resolution 674 is a program to provide working capital in cruzeiros, and the loans are payable in cruzeiros. The interest rate for cruzeiros, even when subsidized, may be sustantially higher than rates for hard currency because of the high inflation rate in Brazil. When a company sells a hard-currency receivable to a bank to obtain working capital in cruzeiros, the bank is paid in the currency of the receivable and discounts it accordingly. After reducing the value of the receivable by the discount rate, the company receives the current cruzeiro value of the receivable. Any gain from the appreciation of the receivable against the cruzeiro, which can be considerable, is passed on to the bank. To compare this method of raising working capital with Resolution 674 financing would require adding the exchange loss by the company to the discount rate. As for hard currency loans, a company would not use them domestically because of the considerable exchange risk involved and thus such loans would not serve the same purpose as Resolution 674 loans.

The government of Brazil also claims that the IOF is an indirect tax on the production of goods for export, that the exemption of loans under Resolution 674 from this tax is not a subsidy, and that if we determine that Resolution 674 financing provides a subsidy we should not consider this exemption as part of that subsidy. The IOF is an indirect tax and it is paid on domestic financial transactions. However, this fact is not relevant. Since we are considering the discounting of a cruzeiro-denominated account receivable, a transaction upon which the IOF is paid, as the commerical alternative to Resolution 674 loans, it is entirely appropriate that we include the exemption of Resolution 674 loans from the IOF as part of the subsidy, in order to measure the full benefit provided under this program.

II. Programs Preliminarily Determined Not To Be Subsidies

We prelimniarily determine subsidies are not being provided to manufacturers, producers, or exporters in Brazil of carbon steel plate under the following programs.

A. Government Purchase of Equity

The government of Brazil has owned a portion of the equity in USIMINAS and COSIPA since they were established in

the 1950's and 1960's, respectively. This ownership takes several institutional forms but consists chiefly of shares owned by SIDERBRAS and the National Development Bank ("BNDE"). Currently, COSIPA is 99.9 percent owned by such entities (81.5 percent SIDERBRAS, 12.4 percent BNDE) and USIMINAS is 80.7 percent owned by them (34.3 percent SIDERBRAS, 46.4 percent BNDE). Nippon Steel has owned shares in USIMINAS since it was established and currently holds 17.3 percent of the equity. Neither company's stock is freely traded.

Between the years 1977–1981, COSIPA made a profit in only one year, 1978. USIMINAS has made a profit in all but one of these years, 1979, which was a difficult year financially for COSIPA, USIMINAS and any other company with substantial foreign currency debt, because of a 30 percent devaluation of the cruzeiro in December 1979.

In the 1977–81 period, both companies experienced significant growth financed largely through debt, but also by government equity infusions. COSIPA's growth has been more substantial, and it has been the greater beneficiary of the government equity purchases. Most of this equity funding has come from government purchases of SIDERBRAS' equity, which in turn has purchased equity in its subsidiaries.

The petitioners alleged that these equity infusions are capital grants which constitute subsidies, in that they are investments in unprofitable companies without expectations of a reasonable return. They further alleged that prudent investors would not invest in COSIPA and USIMINAS, that government investment is "on terms inconsistent with commerical considerations," and that the government purchase of equity is "the grant of funds * * * to cover operating losses." As set forth in Appendix B, where such allegations were made, we look to see whether the companies concerned appeared to present sound investment opportunities when an investment was made.

USIMINAS has a history of being profitable. For the one year in the recent past when it was not, 1979, that failure was largely attributable to the cruzeiro devaluation.

For COSIPA, the losses have been frequent in recent years, but the government of Brazil states that this is largely because of the strain placed on the company's resources by expansion. To support its claim that COSIPA is a commerically sound investment, the Brazilian government cited a 1975 feasibility study prepared by the World Bank regarding COSIPA's Phase III expansion project, which included a financial and commerical analysis of the project. Some of the conclusions of that analysis were as follows: (1) "the project provides a * * * rate of return (after taxes) of 10.7 percent in constant terms;" (2) "the company's financial position is expected to allow reasonable dividends after project completion;" and (3) "by 1982, the first full year of Stage III production, net profits * * * as a percentage of average equity * * * would be about 12 percent." In the context of its analysis, the World Bank report noted the substantial increase in steel consumption in Brazil during the previous two decades, particularly for flat products. In addition, COSIPA has been able to attract loans from numerous foreign private banks from the 1970's to the present.

Beause of USIMINAS' record of profits in recent years and the returns reasonably expected by the government of Brazil when COSIPA's expansion project began, we preliminairly determine that the purchase of equity in these companies by the government is not "inconsistent with commercial considerations."

B. Investment Subsidy From Credit to the Corporate Income Tax

COSIPA and USIMINAS have taken part in this program, but not during the applicable period. Brazilian tax law allows any corporation that owes corporate income taxes to elect to apply up to 51 percent of its corporate income taxes owed to the government to specified investment funds. The investment funds generally are for the economic development of certain regions, industries or national interests (e.g., the Amazon, the Northeast, fisheries, tourism and reforestation). The steel industry is not among the targeted sectors. If a corporation elects to direct the taxes it owes to the government into one or more of the specified investment funds, it receives stock for its investment in those funds. Upon receipt of the stock, which must be held at least five years, the investment is included in the equity holdings of the corporation. We preliminarily determine that election to participate in this program does not constitute a subsidy since all corporations which pay corporate income taxes are eligible to participate in the program on equal terms.

C. Export Financing Under Communication 331

Communication 331 is a set of rules and regulations established by the Brazilian government to govern foreign exchange contracts for export transactions. Beyond establishing these rules, the government has no further involvement. Banks that act as intermediaries in export transactions operate under these rules but are free to choose whether they will discount an account receivable denominated in foreign currency, the type of transaction at issue in this program.

The government of Brazil states that it provides no resources to banks to enable them to perform these operations nor does it establish the discount rates. The rate of discount reflects commercial considerations such as the bank's relationship with its customer, its own circumstances, and market rates of interest, which generally track LIBOR rates. As such, we preliminarily determine that the discounting of foreign exchange accounts receivable under these conditions is not a subsidy.

D. Transportation Subsidies

The Brazilian government, in its response to our questionnaire, states that COSIPA and USIMINAS receive no preferential rates when using railroads and ports. We have no evidence that any programs exist which given preferential freight or insurance rates to steel exporters.

E. Purchase of Inputs From A Related Company

Companhia Siderurgica Nacional (CSN) is a member of the SIDERBRAS group and both COSIPA and USIMINAS have purchased slab from CSN. The petitioners alleged that CSN received the same types of subsidies from the government as COSIPA and USIMINAS and that subsidies to CSN are consequently indirect subsidies to COSIPA and USIMINAS.

The government of Brazil states that COSIPA and USIMINAS used the slab purchased from CSN exclusively for producing hot-rolled strip and that the specifications and dimensions of this slab preclude its use in producing carbon steel plate.

III. Programs Preliminarily Determined Not To Be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigation" were not utilized by the manufacturers, producers, or exporters in Brazil of carbon steel plate.

A. Income Tax Exemption for Export Earnings

Exporters of carbon steel plate are eligible to participate in this program, under which the percentage of their profit attributable to export revenue is

exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. The amount of profit exempt from the income tax is then multiplied by the 35 percent corporate income tax rate to determine the amount of the benefit.

In a program of this kind, benefits cannot be determined with finality until the books are closed sometime in the following year. Therefore, we must look at fiscal year 1980 to determine if any benefit was received in fiscal year 1981. Since neither COSIPA nor USIMINAS had a taxable profit in fiscal year 1980, neither company was eligible to receive benefits under this program.

B. The Commission for the Granting of Fiscal Benefits for Special Export Programs ("BEFIEX")

BEFIEX grants several types of benefits to companies that are part of certain targeted industries and that sign contracts that include specific export commitments. These benefits include the following: A reduction of between 70 percent and 90 percent of the import duties and the IPI tax on the import of machinery, equipment, apparatus, instruments, accessories and tools necessary to meet the approved export commitment; an extension of the period for carrying tax losses forward from four to six years, provided no dividends are paid during that time; and amortization of pre-operational expenses of BEFIEX projects at the discretion of the company rather than the normal straight-line amortization over ten years. As a general rule, companies that sign BEFIEX contracts guaranteeing these and any other benefits must make an export commitment that over the life of the project it will generate export earnings of at least three times the value of imports for the project. The government of Brazil states that since the steel industry in Brazil has been developed primarily to supply the domestic market and COSIPA and USIMINAS have large trade deficits, they are effectively ineligible for this program and did not receive any benefits in 1981.

C. Preferential Financing for the Storage of Merchandise Destined for Export: Resolution 330

This program prpvides financing for up to 80 percent of the value of merchandise placed in a warehouse and destined for export. Interest rates for such loans are 40 percent per annum, with interest payable semiannually. The government of Brazil states that neither COSIPA nor USIMINAS used this program, since both companies' exports are manufactured to order and there is no need to warehouse their merchandise.

D. Industrial Development Council ("CDI") Program

This program allowed an exemption of 80 percent of the customs duties and 80 percent of the IPI tax on certain imported machinery for projects approved by the CDI. Decree Law 1726 repealed this program in 1979 and no new projects are eligible for these benefits. However, companies with projects approved prior to repeal may still receive these benefits pending the completion of the project. Neither COSIPA nor USIMINAS received benefits during 1981.

E. Accelerated Depreciation for Capital Goods Manufactured in Brazil

This program allows companies that purchase Brazilian-made capital equipment as part of an approved CDI expansion project to depreciate this equipment at twice the rate normally permitted under tax laws. The government of Brazil states that neither COSIPA nor USIMINAS utilized the accelerated depreciation provisions to reduce its tax liabilities in 1981.

F. Export Financing Under Resolution 68

This program provides financing for the export of Brazilian goods for a period of 181 days up to one year. Such financing is granted on a transaction-by-transaction basis and may cover up to 85 percent of the f.o.b. invoice price of the merchandise (plus freight and insurance). To be eligible, the exporter must show that the foreign purchaser has prepaid 15 percent of the invoice price. Neither COSIPA nor USIMINAS used Resolution 68 to finance exports of carbon steel plate to the United States in 1981.

IV. Program Preliminarily Determined to Be no Longer in Existence

We preliminarily determine that the following program which was described in the notice of "Initiation of Countervailing Duty Investigation" is no longer in existence.

Merchandise Circulation Tax (ICM) Export Credit Premium

This program, which provided Brazilian companies an overrebate of a state value-added tax on goods destined for export, was eliminated by Convention 01–79, published January 12, 1979.

V. Program for Which Additional Information Is Needed

The provision of long-term loans to COSIPA and USIMINAS was alleged by the petitioners to be a subsidy.

COSIPA and USIMINAS have long-term loans from various sources in both domestic and foreign currencies. The loans in foreign currencies come from such sources as the World Bank, the Inter-American Development Bank, the U.S. Export-Import Bank, the Bank of America, Morgan Guaranty Trust and others, with interest rates ranging from 6 percent to around 2 percent above LIBOR. The government of Brazil states that long-term financing in cruzeiros is generally available only through government-controlled financial institutions. Both companies have received substantial loans from BNDE and FINAME for project investments and the purchase of capital equipment. These loans have real interest rates ranging from 5 and 8 percent, with the principal fully adjusted by the indexing factor.

At this time, we do not have sufficient information upon which to determine whether these loans are providing manufacturers, producers, or exporters in Brazil of carbon steel plate benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these loans before reaching a final determination.

Negative Determination of "Critical Circumstances"

Counsel for the Five alleged that imports of carbon steel plate form Brazil present "critical circumstances". Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since this investigation was initiated, U.S. imports of carbon steel plate from Brazil amounted to 16,442 net tons in February, 11,514 net tons in March, and 3,318 net tons in April, the most recent month for which import statistics are available. In the context of this industry, this product has not recently been massively imported from Brazil over a relatively short period of time. Therefore, critical circumstances do not exist for carbon steel plate.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon steel plate from Brazil which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of this merchandise in the amount of 8.58 percent *ad valorem*. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivieged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 A.M. on July 16, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistanat Secretary by July 9, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

June 10, 1982.

[FR Doc. 82-16246 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products From France

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determinations.

SUMMARY: We preliminarily determine certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in France of certain steel products, as described in the "Scope of the Investigations" section of this notice. The estimated net subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy. If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: 202-377-4036.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in France of certain steel products, as described in the "Scope of the Investigations" section of this notice. For purposes of these investigations the following programs are preliminarily found to be subsidies:

- Export credit insurance.
- Preferential financing including equity infusions.
- Regional development incentives.
- Certain labor-related aid.
- Assistance for plant operating expenses.
- Research and development.

We estimate the net subsidy to be the amount indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982 we received petitions from the United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughling Steel. Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes, hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in France of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for the Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 Fed. Reg. 5739). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11738).

Since France is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the government of France at its embassy in Washington, D.C. On April 28 and 30, 1982 we received the responses to the questionnaires. Supplemental responses were received on May 14 and 17, 1982.

Scope of the Investigations

The products covered by these investigations are:

- Carbon steel structural shapes
- Hot-rolled carbon steel sheet and strip
- Cold-rolled carbon steel sheet and strip

The products are fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the Federal Register (the product definition of hot-rolled carbon steel sheet and strip has been amended since the initiation of these investigations (47 FR 5739)).

Societe des Acieries et Laminoirs de Lorraine ("Sacilor"), Societe Metallurgique de Normandie ("Normandie"), and Union Siderurgigue dr Nord et de l'Est de la France ("Usinor") are the only known producers and exporters in France of the subject products which were exported to the United States. The period for which we are measuring subsidization is the 1981 calendar year.

Analysis of Programs

In their responses, the government of France and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Sacilor and Usinor, which produced and exported to the U.S. in 1981 carbon steel structural shapes and hot- and cold-rolled carbon steel sheet and strip. Responses for Societe Lorraine de Laminage Continu ("Sollac"), of which Sacilor owns 64.29 percent, and Societe Lorraine et Meridionale de Laminage Continu ("Solmer"), of which Sollac owns 47.5 percent, have been incorporated into Sacilor's response. Normandie did not submit a response to the questionnaire.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the Federal Register (hereinafter, Appendix B). Appendix C, which also appears with the above cited Belgium Federal Register notice, is a description of programs administered by organizations of the European Communities ("EC") (hereinafter, Appendix C). Based upon our analysis to date of the petitions and responses to our questionnaires, we preliminarily determine the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine subsidies are being provided to manufacturers, producers, or exporters in France of carbon steel structural shapes, hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip under the programs listed below.

A. Export Credit Insurance

The Compagnie Francaise d'Assurance pour le Commerce Exterieur ("COFACE") is a government corporation that provides export insurance to cover commercial, political, exchange rate fluctuation and inflation risks. In reviewing the 1980 annual report (the most recent report available) we found that, while the company showed an overall profit, its insurance activities operated at a deficit. Revenues from financial and real estate investments allowed COFACE to offset the operating deficit on insurance. Our preliminary review of the annual reports for 1976–1979 revealed a pattern of yearly operating deficits on insurance activities that were offset by revenues from investments. This pattern of operating deficits on insurance activities indicates that COFACE does not charge premiums sufficient to cover long-term operating costs and losses. This is an export subsidy within the meaning of the countervailing duty law.

Based on the information currently available, Usinor is the only company in these investigations insuring its exports to the U.S. through COFACE. A portion of Usinor's U.S. accounts receivable is insured against commercial risk. From data contained in COFACE's 1980 profit and loss statement, we calculated the 1980 operating deficit on COFACE's insurance activities as a percentage of net premiums received. By applying this percentage to the premiums paid by Usinor in 1980, we calculated the total benefit to Usinor on insured exports to the U.S. We then allocated the benefit received by Usinor over the value of their insured U.S. accounts receivable for 1980 and found a subsidy of 0.078 percent *ad valorem* on exports to the United States of the products under investigation. We used this 1980-based figure as the best available information for the value of this subsidy to Usinor in 1981.

B. Preferential Financing Including Equity Infusions

Petitioners alleged preferential financing in the form of low-interest loans and loan guarantees, and the conversion of accumulated debt.

A number of French government and EC organizations have issued loans and/or loan guarantees to the French steel industry. The majority of these loans were provided by the following institutions:

- *Fonds de Developpement Economique et Social ("FDES").*

Created by Parliament in 1955, FDES lends funds to government-owned and privately held corporations for industrial development or relocation of facilities to further the government's regional development objectives. Loan applications are filed with the Ministry of the Economy and Finance, but the decision to issue a loan rests with the FDES Board, which is composed of government ministers whose agencies are involved in economic policy. Usually, loans are secured by a mortgage or a pledge. The source of FDES loan funds is a line item in the national budget. Because FDES provides loans on a regional basis, we consider these loans to be subsidies within the meaning of the countervailing duty law.

- *Credit National.*

Credit National is a government credit institution with special legal status, which issues loans to French industry, particularly the steel industry. Loan funds are raised by offering bonds in the public marketplace. Credit National also acted as the conduit through which FDES loans were granted to the steel industry. In addition, the French government, either directly or through Credit National, guarantees some loans to the steel companies. Until 1979, a yearly guarantee fee averaging 0.5 percent of the principal was paid by the company receiving loan guarantee. The current charge is 0.25 percent of the principal of the loan. Because Credit National loans and loan guarantees are industry-specific, they are considered to be subsidies within the meaning of the countervailing duty law.

- *European Coal and Steel Community ("ECSC") and European Investment Bank ("EIB") Loans and Loan Guarantees.*

A description of ECSC and EIB loans and loan guarantees, and the reasons we consider them countervailable, are presented in Appendix C.

Both Sacilor and Usinor received loans and loan guarantees through these institutions. Our treatment of these loans and loan guarantees is outlined in parts (1) through (4) below.

Additionally, the Groupement de l'Industrie Siderurgique ("GIS") and other specialized financial institutions have issued loans to the French steel

industry. Because of events described below, the question of whether these loans originally conferred a countervailable benefit does not need to be addressed. Our treatment of them is discussed in parts (3) and (4).

• *Groupement de l'Industrie Siderurgique (GIS).*

GIS was founded in 1946 as a corporation whose sole shareholders were 45 steel companies. The purpose of GIS was to raise money for capital projects of the steel companies. By floating debt instruments in the public marketplace, GIS raised monies to lend to the companies at a rate equal to the rate being paid on bonds issued to the public, plus operating expenses. Five percent of the funds received were left on deposit with GIS to cover individual steel company defaults. Funds were raised in France, other EC countries, and abroad. GIS bonds are backed by unconditional guarantees of the companies, with each company being liable to the bondholders for the sums loaned to it by GIS. No loans have been issued by GIS since 1978.

• *Specialized Financial Institutions.*

A number of financial institutions were created after World War II to raise capital for various sectors of French industry. By floating bond issues, these institutions raised capital and made loans to various companies, including steel companies. Since 1978, none of these institutions has floated bonds or loaned funds to the steel industry. These institutions included:

—Groupement Interprofessionnel Financier Antipollution ("BIFIAP"): Environment protection;

—Groupement pour le Financement de la Region de Fos ("GIFOS"): Development of the Fos area near Marseille;

—Groupement des Industries de Materiaux de Construction ("GIMAT"): Construction materials;

—Groupement pour le Financement des Economies d'Energie ("GENERCO"): Energy conservation;

—Groupement d'Equipement pour le Traitement des Minerais de Fer ("GETRAFER"): Processing of iron ore.

For a number of years, the French steel industry has been experiencing financial difficulties. Petitioners alleged that both Sacilor and Usinor are uncreditworthy. Based on information in the responses and subsequent submissions, and our analysis of each company's financial statements, we have concluded that by the end of 1975, both Sacilor and Usinor were uncreditworthy. In a supplemental submission to its response, Usinor included an evaluation of its financial situation. This evaluation paraphrases a speech by the President of Usinor stating that "* * * indeed, the financial results which were already qualified as disastrous at the end of fiscal 1975 further seriously deteriorated during the second half of 1977, thus cornering Usinor in a dramatic situation." Our review of Usinor's financial statements revealed significant operating losses in each year since 1975. Between 1976 and 1980 (the most recent year for which an annual report was available), Usinor's operating losses ranged from a low of FF 833 million in 1979 to a high of FF 2.6 billion in 1977. Coupled with the operating losses, Usinor has consistently experienced high debt/equity ratios which in this case indicate an uncreditworthy situation.

Sacilor has also recorded significant operating losses since 1975 (from a low of FF 1.1 billion in 1979 to a high of FF 2.4 billion in 1977), and has had increasingly high debt/equity ratios in each year since 1975. Therefore, Sacilor's financial position can also be considered uncreditworthy. Although both companies have received loans from commercial sources since 1975, the majority of commercial banking institutions in France have been nationalized since the late 1940s. Consequently, it would be difficult to consider these loans as conclusive proof of the creditworthiness of the companies.

Beginning in 1978, the government of France instituted a major recapitalization and restructuring program for the steel industry, hereinafter referred to as the "Rescue Plan". Under this plan, the government converted loans made by the institutions identified above, as well as loans from other sources, into Loans of Special Characteristics (Prets a Caracteristiques Speciales or "PACS"). The government also granted new loans and loan guarantees through FDES, Credit National and other governmental agencies. Additionally, the government made a series of equity infusions in Sacilor and Usinor through which it became a shareholder in both companies.

Preferential loans and loan guarantees, PACS, and equity infusions have been treated in the following four ways:

1. *Preferential Loans and Loan Guarantees Issued Prior to the End of 1975.* The subsidy rates for loans and loan guarantees from FDES, Credit National and EIB that were made prior to the end of 1975 for which principal was still outstanding in 1981, and which were made at rates below the commercial benchmark for a comparable loan in the year it was issued, are calculated according to the general methodology for loans and loan guarantees outlined in Appendix B. For France we used as the commercial benchmark the average annual yield to maturity of newly issued corporate bonds on the Paris securities market. Using the method outlined in Appendix B, we computed a subsidy of 0.036 percent *ad valorem* for Sacilor and 0.140 percent *ad valorem* for Usinor.

2. *Preferential Loans and Loan Guarantees Made After 1975.* Because we consider Sacilor and Usinor as uncreditworthy after 1975, loans and loan guarantees issued since then by French government organizations, the ECSC, and the EIB, with principal still outstanding during 1981, are treated as loans to companies considered to be uncreditworthy. To prevent countervailing a higher amount than if the loan had been an outright grant to the company, we compared the 1981 benefit of these loans under the equity methodology used for loans to uncreditworthy companies, with the result under the grant methodology described in Appendix B. We then calculated a subsidy of 9.767 percent *ad valorem* for Sacilor and 4.953 percent *ad valorem* for Usinor.

3. *Loans and Loan Guarantees Converted into Loans of Special Characteristics (PACS).* By 1978, the debt of Sacilor and Usinor to FDES, Credit National, the ECSC, the EIB, the GIS, specialized financial institutions such as GIFIAP, and banks had become exceedingly large. The companies, stockholders, government and other creditors agreed that the burden of servicing this debt must be reduced. The result was the "Rescue Plan" described above.

Most of the debt owed by each company to government agencies and specialized financial institutions was converted into PACS, which carry an interest rate of 0.1 percent, with no obligation to repay principal unless the companies become profitable again. In addition to the initial 1978 conversions, PACS were also issued to both companies between 1978 and 1981. The benefits of these PACS were calculated using the equity methodology for loans to uncreditworthy companies outlined in Appendix B. Without exceeding the subsidy amount had these PACS been grants, we calculated a subsidy of 7.517 percent *ad valorem* for Sacilor and 8.064 percent *ad valorem* for Usinor. In calculating the benefit of the loans that were converted into PACS, we did not include those PACS that were subsequently cancelled in exchange for

stock. These are discussed in part (4) below.

4. *Equity Infusions.* Between 1978 and 1981, the government of France made the following equity infusons in Sacilor and Usinor:

- investment of capital in both companies in exchange for shares of their stock,
- advances of capital to Sacilor in 1979 and 1981, and
- cancellation of PACS at the end of 1981 in exchange for additional shares.

At the end of this period, the government's share of ownership in each company reached approximately 90 percent. As stated above, both Sacilor and Usinor have recorded significant and persistent losses in each year since 1975, ranging from FF 1.1 billion to FF 2.4 billion for Sacilor and from FF 833 million to FF 2.6 billion for Usinor. Therefore, it is doubtful that the government's equity infusions were consistent with commercial considerations.

Since both Sacilor's and Usinor's stock was traded on the Paris Bourse during the time span covering the government's equity infusions (see equity section in Appendix B), we calculated average stock prices for the period preceding each of the government's actions. We then compared the market value of the new stock issued to the government with the actual value to the company of the government's equity infusions. If the actual value was greater than the market value, we found the difference to be a grant and amortized it over the average useful life of capital assets (see grants section in Appendix B). We then computed a subsidy of 10.372 percent *ad valorem* for Sacilor and 6.180 percent *ad valorem* for Usinor.

Under the Rescue Plan, Usinor also received refunds for interest on loans that were not converted into PACS. Because this interest was refunded, it was not captured in our calculations on loans and loan guarantees in parts (1) and (2) above. These refunds are grants to specific companies and are therefore countervailable. The 1981 benefit of these grants was calculated according to the grant methodology outlined in Appendix B, using the average useful life of capital assets. By allocating the 1981 benefit over the total value of Usinor's 1981 steel production, we found a subsidy of 0.202 percent *ad valorem.* There is evidence that Sacilor also received this type of assistance under the Rescue Plan; however, we were not supplied with the exact amounts received by Sacilor. Therefore, we used Usinor's 1981 benefit as the best information available to calculate Sacilor's subsidy of 0.254 percent *ad valorem.*

C. Regional Development Incentives

The government of France provides a series of tax and non-tax regional incentives to French and foreign businesses to establish new, or to expand existing, businesses in certain French regions. The Delegation a l'Amenagement du Territoire et a l'Action Regionale ("DATAR") coordinates the programs of various government agencies and ministries. For incentive purposes, France is divided into four zones. Each zone, or part of a zone, is eligible for different types or levels of assistance. The assistance includes development grants, non-industrial grants, research and development grants, decentralization indemnities, and job training subsidies. Job training assistance is provided through individual agreements with the Fonds National de l'Emploi ("FNE"). These agreements are available to reimburse training expenses for establishing facilities in certain zones and for converting declining facilities.

We consider the regional incentives provided through these programs to be subsidies within the meaning of the U.S. countervailing duty law because each zone is eligible for only certain types of assistance.

Based on information currently available, the only regional incentive program utilized during 1981 was labor assistance provided through FNE and AFOREST, a regional training organization. The benefits received by Sacilor and Usinor from these labor assistance programs are outlined below.

1. *Sacilor.* Sacilor received grants from FNE and AFOREST for relocation and moving costs, and for worker training and retraining. We were not informed as to the types of jobs for which workers were retrained. For purposes of these preliminary determinations, we assume they were for jobs within the steel industry. Therefore, we consider them to be subsidies. We are seeking additional information as to the types of jobs for which workers were retrained.

The ECSC contributed a portion of the FNE grants to Sacilor. That portion, where known, has been factored out of the allocation of net benefits received in 1981 by Sacilor. (For a discussion of ECSC grants for labor assistance, see Appendix C).

By allocating the payments received by Sacilor from FNE and AFOREST in 1981 over total value of steel production, as specified in Appendix B, we calculated a subsidy of 0.078 percent *ad valorem.*

2. *Usinor.* We have no indication that Usinor received FNE funds during 1981 under regional incentive programs. We are seeking further information on Usinor's possible use of these regional development incentives.

In 1980, Sacilor also received an ECSC loan for relocating employees to Solmer's plant at Fos. Since this ECSC loan was not financed from producer-generated funds (see Appendix C), and since this loan was provided for the relocation of workers within the steel industry, we consider it to be countervailable. Because the loan was awarded after 1975, the year in which we concluded Sacilor became uncreditworthy, we have treated the entire amount as a loan to an uncreditworthy company, as described in Appendix B. The benefit of this loan was calculated using the equity methodology for loans to uncreditworthy companies outlined in Appendix B. Without exceeding the subsidy amount had this loan been a grant, we found an *ad valorem* subsidy for this benefit of 0.00184 percent.

D. Certain Labor-Related Aid

French corporations have statutory and contractual obligations to their employees in case of interruption or cessation of employment. Under the Rescue Plan for the steel industry, the government reimbursed Sacilor and Usinor for compensating laid-off workers and implementing early and voluntary retirement programs. Because this assistance relieves the steel companies on a preferential basis of labor-related obligations under the law, it is a subsidy. At this time, we are not fully aware of the extent or duration of the companies' responsibilities under the law. We are seeking more complete information on the companies' legal obligations. The unique circumstances of the individual companies are addressed below.

1. *Usinor.* Under the Convention de Protection Sociale of June 1977 and the Convention Generale de Protection Sociale of July 1979 (social welfare protection agreements), Usinor paid indemnities to workers in cases of early retirement and layoffs. The government made direct payments to the laid-off or retired workers. These payments covered both the employer's and the wage-earners' dues paid in to the Retirement Compensation and Unemployment Compensation Funds. The government's payment to the workers of the employer's share of dues implies exoneration of Usinor's legal obligation for fund contributions, which companies generally are required to pay.

Therefore, we consider that portion of the government's payments to workers that constitutes Usinor's share to be countervailable.

Since we were not supplied with the exact amount of Usinor's share, the countervailable benefit is the total amount received in 1981 for laid-off workers who were placed in early retirement. This benefit is considered to be a grant to the company and is calculated according to the methodology in Appendix B for grants of less than one percent of production value that are used for items normally expensed in one year. We find the subsidy to be 0.444 percent *ad valorem.*

2. *Sacilor.* Under the agreement concluded between Sacilor and the government, Sacilor disburses the funds to the workers and is then reimbursed by the government. We considered this reimbursement to be a grant to the company. Because the reimbursement was greater than one percent of the total value of 1981 steel production, but was not tied to capital assets, we calculated the subsidy by amortizing the grant over five years. We amortized the grant over five years because the French government's expectation in 1978 was that it would take the companies targeted by the Rescue Plan five years to return to profitability. We then allocated the 1981 benefit over the total value of Sacilor's 1981 steel production and calculated a subsidy of 1.998 percent *ad valorem.*

Labor-related aid was also provided to Sacilor and Usinor by the ECSC. Both companies were allocated loans for the housing of workers. Based on current information, it appears that Sacilor received the entire loan which it then passed on to its employees; on the other hand, Usinor indicated that its employees receive the loans directly from the ECSC. Our reasons for determining that the ECSC assistance for worker housing loans constitutes a subsidy are presented in Appendix C. Although Sacilor received a loan in 1981 for employee housing, the monies actually passed on to its employees were less than one percent of the loan amount.

As we do not know the percentage of the ECSC's 1981 budget financed by borrowings (see Appendix C), we applied the 1980 percentage to the 1981 loans in order to derive that portion of ECSC housing loan that is countervailable. That loan is then treated as a loan to an uncreditworthy company because it was made after 1975, which is the year we concluded the firm became uncreditworthy. The benefit of this loan was calculated using the equity methodology for loans to uncreditworthy companies outlined in Appendix B. Without exceeding the subsidy amount had this loan been a grant, we divided the 1981 benefit by the total value of steel production, and found a subsidy of 0.0047 percent *ad valorem.*

At this time, we have insufficient information to calculate a subsidy on ECSC worker housing loans to Usinor. We will seek additional information on ECSC worker housing loans as they apply to Usinor.

E. Assistance for Plant Operating Expenses

Under the restructuring plan, three of Usinor's plants were scheduled to be shut down. In 1980 and 1981, the French government made payments to Usinor in order to postpone the closings. The government payments reimbursed Usinor for certain of the expenses incurred as a result of the government's postponing the closings. Two of the plants have since been completely closed and the third shut down its steel melting operations. The monies received constitute a countervailable grant to Usinor because the plants continued to produce steel. Because the payments from the government reimbursed operating expenses, we are allocating the benefits to the year in which the payments were received, as explained in Appendix B. According to this method, we found a subsidy of 0.036 percent *ad valorem* on the total value of Usinor's 1981 steel production.

F. Research and Development ("R&D")

Research and development directed at the French steel industry is provided through the Institut de Recherches de la Siderurgie Francaise ("IRSID"). IRSID was established by the French steel companies, and they underwrite a major portion of IRSID's budget. However, the government contributes at least three percent of IRSID's yearly budget. Because IRSID's research is industry-specific and because there is no evidence at this time that the results of the research are publicly available, we find that portion of IRSID's budget funded by the government to be countervailable. However, we have insufficient information both on IRSID's budget and on R&D assistance that may have been provided to the companies on the products under investigation to calculate an *ad valorem* subsidy rate. We have asked for additional information regarding IRSID.

II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in France of carbon steel structural shapes, hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip, under the following programs.

A. Assistance on Purchase of Land and Tax Exemptions

Petitioners alleged that Solmer (Sacilor) purchased the land for its Fos plant at reduced prices, and received exemptions from value-added taxes on the purchase of the land and equipment. The Fos industrial complex was developed by the Marseille Port Authority and is part of Europort South. Besides Solmer (Sacilor), a number of other companies are located at Fos. Based on the evidence currently available, it appears that Solmer (Sacilor) purchased the land at Fos at a price competitive with other parcels of land in the area and at the then current market rate. However, we will seek further information on the land purchase.

Regarding tax exemptions, our information indicates that Solmer (Sacilor) did not benefit from any value-added tax advantages on the purchase of land and equipment not available to all manufacturers constructing new plants. As with the alleged assistance to Sacilor for purchase of land at Fos, we will seek further clarification of these tax provisions.

B. Funding for Infrastructure

Allegations were made in the petitions that the French government provided funding for infrastructure such as road, port, rail and communication facilities, at Usinor's Dunkirk plant and Solmer's (Sacilor) Fos plant. Regarding the Dunkirk facilities, we have received information that Usinor paid the French government for constructing and improving the infrastructure. At Fos, Sacilor's plant is only one of a number of companies located there, all of which share port, road, rail and communication facilities. Since we have no evidence that these facilities exclusively benefit the Sacilor plant, we preliminarily determine that no subsidy exists. However, we will seek additional information as to whether or not the French government funded any facilities at Dunkirk or Fos that are exclusively used by Sacilor and Usinor.

C. Assistance to Coal Suppliers

The government of France, which directly or indirectly owns all French coal producers, makes available to Charbonnages de France ("CDF") such assistance as may be necessary to equalize the selling price of coal

produced in France with the world market price for each type of coal. Even though the French coal industry appears to be subsidized, we do not consider this assistance to confer a countervailable benefit on the French steel industry for the following reasons. The apparently subsidized coal companies are unrelated to the steel companies, and their coal transactions are conducted at arm's length. Moreover, the French steel companies purchase coal at similar or even lower prices without regard to French government assistance to the coal industry. Over 75 percent of the French steel industry's coal requirements during 1981 were supplied by non-French sources, including the United States, which accounted for 25 percent of all coking coal and coke utilized.

With regard to allegations that Sacilor and Usinor indirectly benefited from German federal and state assistance to coal producers, refer to Appendix B.

ECSC provides various production and marketing grants to EC coal and coke producers; however, we do not consider this assistance to confer a countervailable benefit on the French steel industry for the reasons given in Appendix C.

D. ECSC Labor Assistance

Under Article 56 of the Treaty of Paris, the ECSC makes two forms of assistance available to companies for the benefit of steel workers: (a) Industrial reconversion loans, and (b) rehabilitation aid. Both of these programs, and the reasons why they are not considered countervailable, are discussed in Appendix C. Both Sacilor and Usinor received such ECSC labor assistance.

E. Research and Development Grants From the ECSC

This program, and the reasons why it is not considered countervailable, are described in Appendix C. At this time, we have no evidence that Sacilor or Usinor received R&D grants from the ECSC.

III. Programs Preliminarily Determined Not To Be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, exporters in France of carbon steel structural shapes, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip.

A. Export Financing

In France, exports may be financed or guaranteed through the Commission Interministerielle des Garanties et du Credit au Commerce Exterieur and the Banque Francaise du Commerce Exterieur ("BFCE"). At this time, we have no evidence that Sacilor and Usinor availed themselves of any of these programs.

B. Special Fund for Industrial Adaptation

Petitioners alleged that French steel companies received grants and preferential loans through the Fonds special d'Adaptation Industrielle ("FSAI"). FSAI was established in 1978 to promote job creation and industrial diversification in the steel, textile, shipbuilding and coal regions of France. At this time, we have no evidence that the respondents received benefits from FSAI.

C. Loan Guarantees From the ECSC

At this time, we have found no evidence that ECSC loan guarantees, as described in Appendix C, were provided to the French steel companies under investigation.

D. European Regional Development Funds ("ERDF")

This program is explained in Appendix C. Our preliminary analysis leads us to conclude that no company under investigation receives ERDF funds.

IV. Programs for Which Additional Information Is Needed

The programs listed below were alleged by the petitioners to be subsidies. At this time, we do not have sufficient information upon which to determine whether these programs are providing manufacturers, producers, or exporters in France of carbon steel structural shapes, hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip, benefits which consitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

A. Research and Development Assistance

Three government organizations provided a small amount of R&D funding to Sacilor and Usinor: (1) Agence Nationale de Valorisation de la Recherche (ANVAR); (2) Direction Generale de la Recherche Scientifique et Technique (DGRST); and (3) Agence pour l'Informatique. We are seeking additional information because we are not aware of whether these programs are industry- or sector-specific, and whether the results of this assistance are publicly available (see Appendix B).

B. Energy Assistance

Both Sacilor and Usinor received a few small grants from the Agence pour les Economies d'Energie ("AEE"). The AEE is a government agency, created in 1974, that provides grants to foster energy efficiency. Grants received from the agency may have to be repaid if target efficiency levels are not met. Because of the absence of evidence that this organization provides benefits on other than a country-wide basis, we need additional information before making a determination.

C. Regional Development/Regional Anti-Pollution Agencies

Created by Law No. 64–1245 of 1964, these regional agencies provide incentives for the installation of anti-pollution devices. The agencies collect dues for their operation and in return award "bonuses" and loans to combat pollution. Usinor has received a number of small loans from these agencies with outstanding principal due during 1981.

Due to insufficient information both on the availability of this assistance within and across regions, and on the operating income and expenses of these agencies, we are unable to determine if the loans received by Usinor are countervailable at this time.

In addition, Usinor's response contained information on a few small grants received from regional and national agencies, such as Agence du Bassin Artois-Picardie and Agence Nationale pour l'Amelioration des Conditions de Travail, about which we have insufficient information to make determinations.

D. French Government Assistance to Iron Ore Suppliers

In its response, the government of France stated that neither it nor any government-controlled institution has provided assistance to French iron ore producers. Sacilor and Usinor also indicated that no aid was supplied. As quoted from the questionnaire responses:

(Sacilor) "Lormines has not received any grants or other aids from the Government of France. Aside from Lormines, Sacilor purchases rich iron ore from unrelated Swedish suppliers at world market prices."

"Sollac purchases iron ore from Lormines pursuant to a long term contract entered into in 1977."

"Solmer purchases all its iron ore from unrelated suppliers at world market prices."

(Usinor) "To the best of Usinor's knowledge, no assistance is provided to any . . . iron ore supplier to Usinor's steel production in which Usinor has a common ownership interest."

The respondents claim that French or foreign corporations may purchase iron ore from French producers at the same price as the French steel producers, but do not state at what price. We will seek additional information as to whether government assistance is provided to the French steel industry through French iron ore suppliers.

E. Caisse des Depots et Consignations ("CDC")

CDC is a government agency that invests funds deposited in the Caisses d'Epargne (the French savings banks). CDC makes both short- and long-term loans to various industries, including steel. Any loans made by CDC to the respondents after 1975 that were converted into PACS or cancelled have been included in parts (2), (3), and (4) of the preferential financing section. For CDC loans made prior to the end of 1975 with principal still outstanding during 1981, we will seek additional information as to whether or not they were given to the French steel industry on a preferential basis.

F. Research and Development Loans From the ECSC

In its response, Usinor indicated that it had received an ECSC research and development loan. At this time we have insufficient information, both on the ECSC loans for R&D and on the specific terms of the loan to Usinor, upon which to determine whether this program is providing benefits which constitute a subsidy within the meaning of the U.S. countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of all steel products under investigation present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of carbon steel structural shapes from France amounted to 608 net tons in February, 1,401 net tons in March, and 3,266 net tons in April, the most recent month for which import statistics are available. U.S. imports of hot-rolled carbon steel sheet and strip were 24,256 net tons in February, 10,423 net tons in March, and 930 net tons in April. U.S. imports of cold-rolled carbon steel sheet and strip amounted to 9,558 net tons in February, 7,630 net tons in March, and 6,082 net tons in April.

In the context of this industry, these products have not recently been massively imported from France over a relatively short period of time. Therefore, critical circumstances do not exist for carbon steel structural shapes, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip.

Verification

In accordance with section 776(a) of the Act, we will verify all the information used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon steel structural shapes, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond, for each such entry of the merchandise in the amounts indicated below:

Manufacturer/Producer/Exporter and Ad Valorem Rate

Sacilor—30.029 percent
Usinor—20.097 percent
All Others—30.029 percent

This suspension will remain in effect until further notice.

ITC Notification

In accordance with Section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 12, 1982 at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 6, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982 at the above address and in at least ten copies.

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.
June 10, 1982.
[FR Doc. 82-16247 Filed 6-14-82; 9:30 am]
BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determinations.

SUMMARY: We preliminarily determine certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in the Federal Republic of Germany ("FRG") of certain steel products, as described in the "Scope of Investigations" section of this notice. The estimated net subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash

deposit or bond on these products in the amount equal to the estimated net subsidy. We are excluding from these preliminary affirmative determinations two producers in the FRG receiving subsidies in amounts preliminarily determined to be *de minimis*.

If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in the FRG of certain steel products, as described in the "Scope of Investigations" section of this notice.

For purposes of these investigations, the following programs are preliminarily found to be subsidies:

- FRG government grants
- State government grants
- Federal research and development ("R & D") assistance
- ECSC loans and loan guarantees
- ECSC housing loans
- Capital infusions by the FRG
- Regional development programs

We estimate the net subsidy to be the amount indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982 we received petitions from United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in the FRG of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for the Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to intitiate countervailing duty investigations, and on Feburary 1, 1982 we initiated countervailing duty investigations (47 FR 5741). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11738).

Since the FRG is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982 the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the government of the FRG in Washington, D.C. On April 30, 1982 we received the responses to the questionnaires. Supplemental responses were received on May 17, 1982.

Scope of Investigations

The products covered by these investigations are:

- Carbon steel structural shapes.
- Hot-rolled carbon steel plate.
- Hot-rolled carbon steel sheet and strip.
- Cold-rolled carbon steel sheet and strip.

The products are fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium," in this issue of the **Federal Register**. (The product definition of hot-rolled carbon steel sheet and strip has been amended since the initiation of these investigations (47 FR 5739–40).) AG der Dillinger Hüttenwerke ("Dillinger"), Thyssen AG ("Thyssen"), Stahlwerke Peine-Salzgitter AG ("P & S"), Klockner-Werke AG ("Klockner"), Stahlwerke Rochling-Burbach GmbH ("Rochling"), Estel Hoesch-Werke AG ("Hoesch"), Fried. Krupp Hüttenwerke AG ("Krupp"), and Otto Wolff AG ("Otto Wolff") are the only known producers and exporters in the FRG of the subject products which were exported to the United States. The period for which we are measuring subsidization is the calendar year 1981.

Analysis of Programs

In their responses, the government of the FRG and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from the following firms, which produced and exported the following products under investigation, which were exported to the United States:

Firms and Carbon Steel Products

Dillinger—Hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

Thyssen—Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

P & S—Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

Klockner—Hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

Hoesch—Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

Krupp—Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip

Otto Wolff—Cold-rolled carbon steel sheet and strip

Rochling did not submit a response but is known to be a producer and exporter of the carbon steel structural shapes under investigation, which were exported to the United States.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium" in this issue of the **Federal Register** (hereinafter Appendix B). Appendix C, which also appears with the above cited Belgium **Federal Register** notice, is a description of programs administered by organizations of the European

Communities (hereinafter Appendix C). Based upon our preliminary analysis of the petitions and responses to our questionnaires, we have preliminarily determined the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in the FRG of the certain steel products included in these investigations under the programs listed below.

A. FRG Government Investment Grants

1. *Regional Incentive Programs.* Domestic investors establishing new plants or involved in the modernization or expansion of existing operations in certain regions of the FRG receive cash grants as a percentage of capital investment costs. These incentives are available to industries situated in regions in which unemployment levels are high or in which industrial development, rationalization, enlargement, or restructuring is underway.

The grants may come from several government ministries but must conform to the guidelines set in the Investment Premium Act of 1969. Because that Act targets relief for economically depressed areas, there is a regional preference, and the grants are therefore countervailable.

Subsidy amounts were determined by using the grants methodology described in Appendix B and a 15 year average useful life of capital assets. Benchmarks used in the calculations were based on the average commercial lending interest rates as reported by the Deutsche Bundesbank. Calculated subsidies were then divided by the value of total steel production in 1981 to calculate the *ad valorem* subsidy.

Companies Receiving Benefits:

Krupp. Under the Investment Premium Act, Krupp received grants in 1980 and 1981. We calculated an *ad valorem* subsidy of 0.013 percent for these grants.

Klockner. Under the Investment Premium Act, Klockner received grants in 1980 and 1981. We calculated an *ad valorem* subsidy of 0.005 percent for these grants.

Dillinger. Under the Investment Premium Act, Dillinger received grants from 1977 through 1981. We calculated an *ad valorem* subsidy of 0.011 percent for these grants.

Hoesch. Under the Investment Premium Act, Hoesch received grants from 1977 through 1981. We calculated an *ad valorem* subsidy of 0.083 percent for these grants.

Otto Wolff. Under the Investment Premium Act, Otto Wolff received grants from 1974 through 1981. We calculated an *ad valorem* subsidy of 0.037 percent for these grants.

P & S. Under the Investment Premium Act, P & S received grants from 1977 through 1981. We calculated an *ad valorem* subsidy of 0.276 percent for these grants.

2. *Improvement of Regional Trade Program.* This program provides federal and state government investment funding through loans and grants to regional projects. The investments are aimed at promoting safe working conditions. Since this program provides subsidies for specific regions of the FRG, we find it to be countervailable.

The loan and grants given under this program were treated according to the appropriate methodologies described in Appendix B. The calculation of the benefit from the loan was based on a benchmark interest rate, the average commercial lending interest rate as reported by the Deutsche Bundesbank. The calculation of the benefit from grants was based on a 15 year average useful life of capital assets.

The benchmarks used in the calculations were based on the average commercial lending interest rates as reported by the Deutsche Bundesbank. The resulting subsidies were allocated across the value of total steel production for the company.

Company Receiving Benefits:

Krupp. Under the Improvement for Regional Trade Program, we calculated *ad valorem* subsidies of 0.006 percent for the loan and 0.020 percent for the grants.

B. State Government Grants

Some state governments provide grants to the steel industry in their states independently of federal government programs. These grants are directed at specific industries, including the steel industry, within the state. For this reason we find these grants to be countervailable.

To calculate the subsidies we used the grant methodology described in Appendix B and a 15 year average life of capital assets. We allocated the resulting subsudies across the value of total steel production for the company in 1981.

Companies Receiving Benefits:

Thyssen. The state of North Rhine-Westphalia gave Thyssen a grant to be used for emissions control. The grant was given in installments from 1976 through 1981. We calculated an *ad valorem* subsidy of 0.038 percent for this grant.

Klockner. As a result of investments made in connection with the "KS Method," a new technological process developed by Klockner, the company received grants in 1980 and 1981 from the state of Niedersachsen. We calculated an *ad valorem* subsidy of 0.002 percent for these grants.

C. FRG/State Investment Grants

The Umweltbundesamt (Department of Environmental Protection) of the FRG and the various states, including North Rhine-Westphalia, provide grants for improvements and equipment to protect the environment in specified areas of the FRG. The programs are not confined to the steel industry. Emphasis is placed on combating pollution in the highly populated Ruhr area.

We preliminarily determine the subsidies to these companies under these programs are countervailable because they are targeted at specific regions. We used the grants methodology described in Appendix B and a 15 year average useful life of capital assets. We allocated the resulting subsidies across the value of total steel production for the company in 1981.

The benchmarks used in the calculations are based on the average commercial lending interest rate as reported by the Deutsche Bundesbank.

Companies Receiving Benefits:

Klockner. We calculated an *ad valorem* subsidy of 0.044 percent for these grants.

Krupp. We calculated an *ad valorem* subsidy of 0.011 percent for these grants.

Hoesch. We calculated an *ad valorem* subsidy of 0.024 percent for these grants.

D. Research and Development Grants

1. *Federal Ministry of Research and Technology ("BMFT").* This Ministry provides funds for long-term R & D projects with high research and technology risks. The BMFT has targeted its research funds on several specific focal points such as iron and steel research, energy and reactor safety, and marine research and technology. Funds provided are a certain percentage of the estimated R & D costs with an obligation on the part of the recipients to turn R & D results over to the BMFT. The BMFT then makes these results available to German industry upon request.

We note that the BMFT generally intends to support all industrial activities. In practice, however, the BMFT allocates its funds to specific industrial sectors, one of which is iron and steel. Inasmuch as the BMFT sets funds aside specifically for use by the iron and steel industry, we find the R & D grants to be countervailable.

In our R & D subsidy calculations we allocated the total amount of each grant in 1981 across the value of total German steel production for that year because the results of an R & D project become the property of the BMFT, which makes the results available to all other German steel companies. Each grant was used for an item which is relatively small and is normally expensed in the year received (see Appendix B).

We calculated an *ad valorem* subsidy of 0.089 percent to all companies for these grants.

2. *Federal/State R & D Grants.* Krupp received R & D grants from the Ministry of Economics and the state of North Rhine-Westphalia for further development of a particular technology. These grants generally are designed to support all industrial activities. As implemented, these programs allocate funds to specific industrial sectors, including the steel industry, and are therefore countervailable.

In calculating subsidies we took into account the fact that the results of the R & D project become the property of the Ministry and the state, who then make the results available to all other German steel companies. Consequently we allocated the subsidies across the value of all German steel production in 1981. We allocated the total amount of the grants for 1981 directly across all steel production for that year because we considered that the grant was used for an item which is relatively small and is normally expensed in the year received (as described in Appendix B).

We calculated an *ad valorem* subsidy of 0.004 percent to all companies for these grants.

E. Regional Labor Program

On July 12, 1979 the federal government promulgated a program under section 91 of the Labor Promotion Act of 1969 applicable to regions with special employment problems. Funding provided by this section goes to the employing company to reimburse its expenses for training unemployed workers sent to it for that purpose by public employment offices. Because this program is regional in its application and there is administrative preference, we preliminarily determine that such subsidies are countervailable.

To determine the subsidy for each company, we used the labor subsidy methodology described in Appendix B. The resulting subsidy was allocated across the value of total steel production of each company. Because we considered that the grant was used for an item which is relatively small and is normally expensed in the year received, we allocated the entire amount to the year of receipt (as described in Appendix B).

Companies Receiving Benefits:

We calculate *ad valorem* subsidies of 0.050 percent for Krupp, 0.028 percent for Thyssen, and 0.011 percent for Otto Wolff under this program.

F. Capital Infusion

Through the infusion of capital into the free reserve account and the purchase of newly issued share capital of Salzgitter AG ("SAG"), the FRG government has provided assistance to P & S, a wholly-owned subsidiary of SAG. SAG itself is wholly-owned by the FRG government through the Ministry of Finance.

Total govenment assistance received by SAG over the period is as follows:

Fiscal year	Amount	Form of assistance
1977	DM 37,500,000	Equity purchase.
1977	DM 12,500,000	Capital infusion.
1978	DM 37,500,000	Equity purchase.
1978	DM 162,500,000	Capital infusion.
1979	DM 250,000,000	Capital infusion.

Under a profit transfer agreement, P & S is obligated to transfer its profits to SAG, and in turn, SAG is required to cover the losses of P & S. SAG's other subsidiaries operate under a similar arrangement. The recent losses for P & S are listed below:

Fiscal year ending	Losses transferred to SAG
Sept. 30, 1977	DM (148,504,446).
Sept. 30, 1978	DM (145,535,132).
Sept. 30, 1981	DM (172,579,508).

Since SAG is wholly owned by the FRG government and since it covers the losses incurred by P & S, we are preliminarily determining that this loss coverage is a direct pass through of funds from the FRG government through SAG to P & S. We therefore find the transfer of losses from P & S to SAG to be a countervailable subsidy on the products.

We applied the grants methodology in Appendix B and a 15 year average useful life of capital assets to the P & S losses which SAG absorbed while receiving FRG government funds. The benchmark used in the calculations is based on the average commercial lending interest rate as reported by the Deutsche Bundesbank. We then divided the total subsidy by the company's 1981 value of steel production and calculated an *ad valorem* subsidy of 2.792 percent.

G. Loan Guarantees From the ECSC

For a full explanation of this program refer to Appendix C.

To calculate the subsidy we used the loan guarantees methodology in Appendix B and allocated the subsidy across all of the company's steel production. The benchmark used in the calculation is the average commercial lending interest rate as reported by the Deutsche Bundesbank.

Company Receiving Benefits:

P & S. According to the calculation method described above, P & S received subsidies in 1981. We calculated an *ad valorem* subsidy of 0.058 percent for these loan guarantees.

H. Loans From the ECSC

For a full explanation of this program refer to Appendix C.

To calculate the subsidy we used the loans methodology described in Appendix B. The benchmark used in the calculations is the average commercial lending interest rate as reported by the Deutsche Bundesbank. We allocated the subsidies to the value of each company's total steel production.

Companies receiving benefits	Ad valorem subsidy (percent)
Krupp	0.194
Hoesch	.041
P & S	.385
Dillinger	.453
Thyssen	.005
Klockner	.631
Otto Wolff	.627

I. ECSC Housing Loans for Workers

For a full explanation of this program refer to Appendix C.

To calculate the subsidies we used the loans methodology described in Appendix B and allocated the subsidies to all of the company's steel production. The benchmark used in the calculations is based on the average commercial lending interest rate as reported by the Deutsche Bundesbank. For Hoesch and P & S we determined an *ad valorem* subsidy of 0.003 percent.

J. Special Case: Rochling

Rochling did not respond to our questionnaire. We preliminarily determine therefore that all of the above programs, from which the petitioners alleged that Rochling benefited, are subsidies to Rochling. Subsidies were calculated on the basis of the best information available. In calculating these subsidies we used the highest rate calculated for each program which was utilized by other companies under these investigations. Where programs were specific to Rochling, we calculated subsidies on the basis of publicly available company data. The ministry of

Defense R & D program, alleged to be a subsidy to Rochling, most resembled BMFT R & D projects; therefore we used the same rate.

The programs and *ad valorem* subsidies are:

	Percent
Investment Premium Act	0.276
BMFT	.083
Ministry of Defense R & D	.083
ECSC Loan Guarantees	.050
ECSC Loans	.631

The programs specific to Rochling were loans that were conditionally repayable, depending on future profits. Because profits were unlikely, we regarded the benefits as grants and calculated subsidies using the grants methodology in Appendix B and a 15 year average useful life of capital assets. We allocated the resulting subsidies across the total value of steel production of the company. The benchmark used in the calculations is based on the average commercial lending interest rate as reported by the Deutsche Bundesbank. We determined an *ad valorem* subsidy of 7.500 percent on these conditionally repayable loans.

II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine that the FRG government is not providing subsidies to manufacturers, producers, or exporters of certain steel products under the following programs.

A. R & D Grants From the ECSC

For a full explanation of this program refer to Appendix C.

B. Federal Loan Guarantees

The FRG guarantees loans made by commercial lenders to industrial firms. They are provided according to budgetary legislation and are meant to serve national social and economic objectives not realizable without such financial guarantees. Such guarantees enable steel companies to borrow at rates lower than they would otherwise pay. Since the loan guarantees are available on equal terms to all industrial borrowers in the FRG, and since we have no indication that a specific industry or group of industries is the main beneficiary of these guarantees, we preliminarily determine that these loan guarantees are not countervailable. We will seek additional information.

C. European Recovery Program ("ERP")

This program which developed out of American postwar rehabilitation assistance in Western Europe is reserved exclusively for industrial rehabilitation and promotion. Since ERP loans are available to all branches of industry on equal terms, and since we have no indication that a specific industry or group of industries is the main beneficiary of these loans, we preliminarily determine that this program is not countervailable. We will seek additional information.

D. Coal Programs

Petitioners cite three programs that they believe reduce the cost of producing coking coal and claim these cost reductions are passed on to steel users in the form of lower prices. The programs are: (1) Federal and state government payments to coal producers for the difference between the actual cost of production and a lower price, meant to reflect a world market price (i.e., delivered to Rotterdam), at which the coal is sold to steel companies; (2) reimbursement by coal companies to "distant-point" steel companies for a portion of their higher than average coal freight costs; and (3) an "extraction subsidy" which is some form of government compensation to coal producers to cover certain mining costs on which we will seek additional information.

1. *Price Support Program.* Because German coal seams were no longer sufficiently profitable, their owners—which included German steel producers—had sought to close down many of them about 1967. Such closures conflicted with the FRG's policy of maintaining jobs for miners and fostering relative energy independence. The FRG intervened and required the coal owners—including steel producers—to maintain the operation of mines through Ruhrkohle, a joint venture coal company formed in 1969. Simultaneously the FRG agreed to provide financial assistance to German coal production so as to lessen (but *not* eliminate) the difference between German and world market prices, and to severely limit the importation of coal into Germany. As a result, German steel producers cannot buy significant amounts of coking coal at world market prices but are forced to pay higher prices for apparently subsidized German coal.

The cost compensation benefit conferred by the FRG government on coking coal could constitute a countervailable subsidy on steel, if it were a benefit to a specific enterprise or industry. Although a slight majority of German coking coal is used by the German iron and steel industry, a significant portion (about 45 percent in 1980) is used in the FRG for purposes other than steelmaking (e.g., by the chemical and non-ferrous metal industries and for home heating). Since German coking coal is generally available on equal terms and used for purposes other than steelmaking, the FRG assistance to the coking coal industry is not a subsidy to the German steel industry.

2. *Reimbursement of Freight Costs.* The coal companies reimburse a portion of the higher-than-average cost of hauling coal to distant steel mills. The funds for reimbursement come from contributions by all the FRG steel companies, most of whom do not receive any reimbursement.

We preliminary determine that the industry as a whole supports the freight reimbursement program from its own contributions, and that there is no subsidy for a collective cost of doing business which the industry pays for itself.

3. *ECSC Coal.* The ECSC provides various production and marketing grants to EC coal and coke producers; however, we do not consider this assistance to confer a subsidy on the FRG steel industry for the reasons given in Appendix C.

E. FRG Labor Assistance

Steel companies participate in various federal and state programs meant to assist workers dislocated by changes in the job market. These programs are discussed below:

1. *Federal.* The Labor Promotion Act of 1969 provided assistance for labor under the following sections:

a. *Article 54.* Under this article the Federal Employment Institute (Bundesanstalt Fur Arbeit) ("BA") provides employers with loans or "subsidies" to help defray the cost to the employer of carrying a hard-to-place employee who is in training on the job.

b. *Article 49.* This program is similar to that of Article 54, except that it applies to workers already hired who need retraining in new skills because their old skills have become redundant to the company.

c. *Articles 41 and 47.* These programs resemble Articles 49 and 54, except that they provide for training assistance which is paid directly to workers who take part in training that will enable them to move to another job.

d. *Article 97.* Under this article the Federal Employment Institute provides grants to employers for the wage costs of older employees who are additionally taken on and employed in order to relieve unemployment among older employees. Such grants are available for employees who could not be placed in a job in the near future.

Conclusions

All of the above programs administered by BA under the Labor Promotion Act of 1969 are part of a national manpower policy. Because these programs are available to all industries on equal terms and because we have no indication that a specific industry or group of industries is the main beneficiary of these labor programs, we preliminarily determine that they are not countervailable. However, we will seek further information on the Articles 41 and 47 programs.

2. *State.* a. *Government of North Rhine-Westphalia.* The government of North Rhine-Westphalia provides funds to companies to assist those groups in the population which have particular difficulties in finding a job, especially young people. Funds can be applied to training or to the creation of additional positions.

b. *Jobs for Disabled Persons.* Investment grants from the Landschaftsverbank Westfalen-Lippe and Landschaftsverbank Rheinland are intended as an extra incentive to all suitable firms voluntarily to make available more jobs for the disabled.

Conclusions

Our preliminary examination indicates that the state labor assistance programs are available on equal terms to all industries in the relevant political subdivision and are not specific to the steel industry. For this reason we preliminarily determine that state labor assistance is not countervailable.

F. Labor Assistance from the ECSC Rehabilitation Aids

For a full explanation of this program refer to Appendix C.

G. ECSC Industrial Reconversion Loans

For a full explanation of this program refer to Appendix C.

III. Programs Preliminarily Determined Not To Be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, or exporters of the products subject to these investigations.

A. The European Regional Development Fund ("ERDF")

This is a European Economic Community ("EEC") institution whose purpose is to provide funding for industrial projects that are designed to correct regional imbalances within the EEC. The fund also awards "interest subsidies" on European Investment Bank loans. Based upon our investigation to date, we preliminarily determine that no company under investigation receives ERDF funds.

B. European Investment Bank ("EIB")

The EIB was established by the Treaty of Rome to fund projects that serve regional needs in the Community. Funds are drawn from debt instruments floated on the capital markets and from investment earnings. In the case of the FRG, none of the responding companies indicated that they carried any loans from the EIB. Therefore, we preliminarily determine that this program has not been utilized.

C. State Government Loan Guarantees

State governments provide guarantees to commercial lenders on loans to industry. Information on the specific purposes of loans receiving guarantees and on the types of firms whose loans qualify for the guarantees is not immediately available. None of the respondents indicated that they carry any loans guaranteed by state governments. Therefore, we preliminarily determine that this program has not been utilized.

D. State Government Loans

State governments lend directly to industrial firms on concessionary terms such as preferential interest rates. Loans are granted generally to finance specific social programs or area rehabilitation projects. We have no evidence that any respondents obtained such loans. Therefore, we preliminarily determine that this program has not been utilized.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of certain carbon steel products from the FRG present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of carbon steel structural shapes from the FRG amounted to 5,169 net tons in February, 7,583 net tons in March, and 8,832 net tons in April (the most recent month for which import statistics are available). U.S. imports of hot-rolled carbon steel plate were 3,245 net tons in February, 2,374 net tons in March, and 2,143 net tons in April. U.S. Imports of hot-rolled carbon steel sheet and strip were 20,836 net tons in February, 23,902 net tons in March, and 19,742 net tons in April. U.S. imports of cold-rolled carbon steel sheet and strip were 32,314 net tons in February, 16,087 net tons in March, and 9,493 net tons in April.

In the context of this industry, these products have not recently been massively imported from the FRG over a relatively short period. Therefore, critical circumstances do not exist for carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip or cold-rolled carbon steel sheet and strip from the FRG.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of entries of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below:

	Ad valorem rate (percent)
Manufacturer/producer/exporter:	
AG der Dillinger Huttenwerke	0.551
Stahlwerke Peine-Salzgitter AG	3.603
Klockner-Werke AG	0.769
Stahlwerke Rochling-Burbach GmbH	8.623
Fried. Krupp Huttenwerke AG	0.640
Otto Wolff AG	0.751
All other FRG manufacturers/producers/exporters:	
Carbon Steel Structural Shapes	8.623
All Other Products: hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip	3.603

Where a company specifically listed above has not exported a particular product during the period for which we are measuring subsidization, the cash deposit or bond amount should be based on the highest rate for products that were exported by that company.

Entries of these products produced and exported by Estel Hoesch-Werke AG and Thyssen AG are excluded from the suspension of liquidation.

This suspension will remain in effect until further notice.

Exclusions From the Preliminary Affirmative Countervailing Duty Determinations

Two of the firms investigated, Hoesch and Thyssen, received subsidies in amounts we have preliminarily determined are *de minimis*. The subsidies to Hoesch and Thyssen are 0.349 and 0.178 percent *ad valorem*, respectively. We have preliminarily excluded these firms from these preliminary affirmative countervailing duty determinations. No cash deposit or bond shall be required on entries of the subject merchandise produced and exported by these companies from the FRG.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 8, 1982 at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 1, 1982. Oral presentations will limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 10, 1982.

[FR Doc. 82-16248 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From Italy

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determinations.

SUMMARY: We preliminarily determine certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Italy of certain steel products, as described in the "Scope of the Investigations" section of this notice. The estimated net subsidy is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouses, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy.

If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Italy of certain steel products, as described in the "Scope of the Investigations" section of this notice. For purposes of these investigations, the following programs are preliminarily found to be subsidies.

- Recapitalizations and conversion of debt to equity.
- Preferential loans.
- Capital grants.
- Social security payment exemptions.

We estimate the net subsidy to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982 we received petitions from the United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Italy of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for the Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 FR 5746-47). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11738-39).

Since Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and the government of Italy in Washington, D.C. On April 30, 1982, we received the responses to the questionnaires.

Scope of the Investigations

The products covered by these investigations are:

- Hot-rolled carbon steel sheet and strip.

• Cold-rolled carbon steel sheet and strip.

The products are fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register**. The product definition of hot-rolled carbon steel sheet and strip has been amended since the initiation of these investigations (47 FR 5739–40).

Italsider S.p.A., now reorganized as Nuova Italsider S.p.A. ("Italsider"), Teksid S.p.A. and Falck S.p.A. are the only known producers and exporters in Italy of the subject products which were exported to the United States. The period for which we are measuring subsidization is the calendar year 1981, which coincides with Italsider's fiscal year.

Analysis of Programs

In their responses, the government of Italy and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Italsider, which produced and exported hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip which were exported to the United States during 1981.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register** (hereinafter Appendix B). Appendix C which also appears with the above cited Belgium **Federal Register** notice is a description of programs administered by organizations of the European Communities (hereinafter Appendix C). Based upon our analysis to date of the petitions and responses to our questionnaires, we preliminarily determine the following.

I. Programs Preliminarily Determined to be Subsidies

We preliminarily determine subsidies are being provided to manufacturers, producers, or exporters in Italy of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip under the following programs.

A. Equity Infusions

From 1977 through 1981 Italsider, an indirectly government-owned steel producer, received five equity infusions, including a conversion of debt to equity in 1977. The funding flowed directly from Italsider's government-controlled parent and holding company, Finsider, or indirectly from Finsider's government-owned parent, the Institute of Industrial Reconstruction (IRI).

As described in more detail in Appendix B, we do not consider equity infusions by the government or, in this case, a government-controlled company, as subsidies *per se*. In this case, however, a government-controlled entity directed the infusion of capital in the form of equity shares into a company which had sustained a succession of massive losses (see section below on preferential loans). Since we have preliminarily concluded that the investments were inconsistent with commercial considerations at the time made, a subsidy potentially exists.

Since Italsider's shares were traded, we compared the price the Italian government paid per share when it bought Italsider's stock through Finsider with the average price of Italsider's stock on the market the month before the equity infusion was announced. We compared the difference in the stock prices and multiplied this figure by the additional number of shares the government received. We found this overpayment to be a subsidy and treated it as a grant in the year it was received, assuming a fifteen year average useful life of capital assets (according to the grant methodology in Appendix B). We then totaled the 1981 allocations of each of these equity infusions to determine the total benefit from the program in 1981.

Based on information available to us to date, the equity infusions do not appear earmarked for specific products. we allocated the subsidies arising from the capital infustions over all Italsider steel products, which resulted in an *ad valorem* subsidy value of 5.15 percent for each of the two products under investigation.

B. Preferential Loans

We preliminarily determine that Italsider has received benefits from several types of preferential loans. We considered all preferential loans countervailable. We included loans for reconstruction and reconversion of certain Italsider steel facilities that produce the products under investigation, because we were unable to determine from the information furnished to us which, if any, loans were from programs which might be generally available and, therefore, not countervailable.

We did not, however, include loans made for disaster relief since this was general assistance available to anyone in affected areas. Although not all areas would be eligible at any one time, disaster relief is not selective in the same manner as other regional programs since there is no predetermination of eligible areas and no part of the country is excluded from eligibility in principle.

For loans made to Italsider before 1975 with principal outstanding in 1981, we compared the repayment schedule of the actual loan with a repayment schedule of a commercial loan made at the benchmark interest rate (the rate for a similar loan made consistent with commercial considerations). Because of a lack of data on comparable commercial loans, for purposes of this preliminary determination we used average corporate bond rates, by month, as the benchmark. Where we found loans from special credit institutions with interest rates below the benchmark or preferential repayment schedules, we have considered these loans preferential and calculated the subsidy using the methodology described in Appendix B.

Loans to Italsider made through the Cassa per il Mezzogiorno, a regional development fund for southern Italy, were of two kinds: those with preferential interest rates, and those where part of the interest payments was paid by Casmez, a government agency. The former we treated as we have other preferential loans, determining a benchmark interest rate and comparing the repayment schedule of a loan using this rate with the repayment schedule of the preferential loan for loans made in years before 1975. For loans before 1975 with partial interest paid by Casmez, we treated the government's partial interest payment in 1981 as a grant in that year. These amounts were each less than one percent of gross revenues and normally expensed in one year (see Appendix B). If those loans contained preferential repayment terms as well, we used the general loan methodology and found both provisions to be countervailable.

Petitioners alleged that Italsider has been uncreditworthy. Italsider has lost money consistently in recent years, losing 72 billion lire in 1975, 130 billion lire in 1976, 395 billion lire in 1977, 349 billion lire in 1978, 258 billion lire in 1979, 747 billion lire in 1980, and 1,688 billion lire in 1981. In light of the fact that Italsider's revenues have not covered its costs for several years, we concur with the petitioners that Italsider should be considered uncreditworthy for the years 1975 through 1981. Therefore, loans made during these years with principal outstanding in 1981 were treated as loans to uncreditworthy companies as described in Appendix B.

Essentially we treated the loans as equity investments (for reasons described in Appendix B) and compared Italsider's rate of return in 1981 with the average rate of return on investment in Italy less 1981 principal and interest payments on the loan. The average rate of return on investment in Italy was based on an average earnings yield on industrial shares. Where the subsidy calculated for 1981, using this methodology, exceeds the subsidy amount which would be calculated for 1981 if the loans were treated as outright grants of the principal in the year received, we used the grant methodology described in Appendix B, for reasons described therein.

Loans were also granted to Italsider for housing aid from the European Coal and Steel Community ("ECSC"). Our reasons for preliminarily determining that the ECSC assistance for housing loans constitutes a subsidy are presented in Appendix C.

To determine the subsidy value of these housing loans, lacking information on which Italian loans were paid through ECSC borrowings and which were from producer-generated funds, we have determined the percentage of total ECSC funds which came from borrowings each year and considered that portion of each housing loan in that year to be a subsidy. For Italsider, all housing loans attributable to the products under investigation were made in years after 1974 and, therefore, we calculated the value of the subsidy essentially as though it were an equity infusion in the year given, minus any principal and/or interest paid on these loans in 1981 (see uncreditworthy loan methodology in Appendix B). If this methodology resulted in a subsidy for 1981 exceeding the amount which would be calculated for 1981 if the loans were treated as outright grants, we used the grants methodology (see Appendix B).

Italsider claimed that one loan was given under Article 54 of the ECSC for environmental purposes and that this was not a subsidy. According to the methodology in Appendix C, we preliminarily determine that the interest rebate portion of this loan is not a subsidy. Since the loan itself was given under Article 54, we preliminarily determine that this is countervailable (see Appendix C). When calculating the amount as an uncreditworthy loan (see Appendix B), the result was an amount greater than if we had treated the principal as an outright grant. Therefore, we used the grant methodology as described in Appendix B.

We received information regarding a preferential loan for research and development given to Italsider which then shared the results with the Finsider group of steel producers. Thus, we allocated the 1981 subsidy benefit from this loan over all Finsider steel production for 1981.

For all talsider preferential loans specifically targeted to facilities procducing the products under investigation,we determine the *ad valorem* subsidy by dividing the total benefit, in lire, by Italsider's value of production of hot-and cold-rolled sheet and strip in 1981. For any loans not specifically targeted to such facilities for which we received information, we determined the *ad valorem* subsidy by dividing the total benefit, in lire, by Italsider's total value of production of all products in 1981. We have determined that the net subsidy due to preferential loans for hot-rolled sheet and strip and cold-rolled sheet and strip is 8.39 percent *ad valorem.*

C. Capital Grants

Italsider received grants from the Cassa per il Mezzogiorno as well as loans, described above. Firms locating in the Mezzogiorno (southern Italy) are eligible for special incentives. These grants were awarded from 1967 through 1981 for the general construction and expansion of its facilities. We have information only about grants received for Italsiders plants which produce the products under investigation. We find these grants to be countervailable because they are available only to plants located in this region.

To determine the amount of the subsidy, we used the grant methodology in Appendix B. We allocated the grants over 15 years and, to obtain an *ad valorem* subsidy, divide by Italsider's total value of production of hot- and cold-rolled carbon steel sheet and strip. Based on these calculations, we preliminarily determine the subsidy on hot- and cold-rolled sheet and strip to be 1.48 percent *ad valorem.*

D. Social Security Payments Exemption

Under the Cassa per il Mezzogiorno regional development program, the government of Italy allows exemptions from social security payments (normally paid to the Istituto Nazionale Previdenza Sociale) for companies which operate plants in the south of Italy. We preliminarily determine these exemptions to be countervailable. Italsider operates a plant in this area which produces the products under investigation and received exemptions in 1981 from these payments. Therefore, we calculated the *ad valorem* subsidy by dividing the amount of the exemption granted by the total value of Italsider's production of hot- and cold-rolled sheet and strip. For the products under investigation this subsidy is 3.28 percent *ad valorum.*

II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in Italy of the products under investigation under the following programs.

A. ECSC Restructuring Loan

Petitioners alleged that ECSC loans for restructuring are subsidies. Italsider claims that, under Article 56, it has received one such loan, relevant in 1981, for the products under investigation, but that this is not an assist to steel products. As discussed in Appendix C, we preliminarily determine that this program does not confer countervailable benefits.

B. Italian Government Labor Assistance

Petitioners alleged that the Italian steel industry benefits from labor assistance programs where the government of Italy assumes such costs as redundancy payments, housing allowances and special assistance to support employment. Italsider has received such assistance. We have determined that these programs are not countervailable because our information indicates that these programs are generally available on equal terms to all firms in Italy.

C. Assistance to Coal Suppliers

Petitioners alleged that Italsider received a subsidy through its purchases of subsidized German coking coal. Italsider claims that all of its coal is brought at world prices from various suppliers, including purchases from companies in the United States. For the reasons described in Appendix B, Italsider does not receive a countervailable benefit from its purchases of German coking coal which might be subsidized.

D. Research and Development ("R&D") Aid

Petitioners alleged that the EC and the government of Italy provided funds for R&D. We have evidence that an ECSC grant was given to Italsider for the products mentioned in the "Scope of the Investigations" section. For the reasons elaborated in Appendix C, we preliminarily determine this ECSC progam does not confer countervailable benefits. We have no knowledge of any R&D grants given by the Italian government.

Following the receipt of responses by the Italian government and Italsider, petitioner urged that the Department obtain additional information regarding ECSC funding to Italsider through the Centro Sperimentale Metallurgico, an Italian research organization. We will seek such information.

III. Programs Preliminarily Determined Not To Be Utilized

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in Italy of hot- and cold-rolled carbon steel sheet and strip under the following programs because they have not been utilized.

A. Preferential Bond Issuances

Petitioners alleged that Italsider has received benefits from bond issuances containing preferential provisions Italsider has no outstanding bonds.

B. Tax Incentives

Petitioners alleged that under the Cassa per il Mezzogiorno regional development program the Italian steel industry receives exemptions from national and local income taxes. To be eligible for any decreased national income taxes under this program a company must be headquartered in the south of Italy. Since Italsider is headquartered in Genoa which is not in southern Italy, we preliminary determine that it receives no exemption from national income taxes under this program. As regards exemption from local income taxes, Italsider claims that it has not applied for these exemptions recently, and stated that there are no carry forward provisions. We will seek additional information regarding this program.

C. Forgiveness of Utility Payments

One of the petitioners alleged that the Italian government excused Italsider from paying several of its utility bills for the first half of 1981. Italsider claims that this forgiveness was not during the period of time for which we had requested information and also that the assistance did not relate to the products under investigation. We will seek further information.

IV. Programs for Which Additional Information Is Needed

The following programs were alleged by the petitioners to be subsidies. At this time, we do not have sufficient information to determine whether these programs are providing manufacturers, producers, or exporters in Italy of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

A. Labor Assistance

Italsider states that EC labor aid is channelled through the European Social Fund and that the programs funded are not the legal responsibility of the company. We will seek further clarification regarding the operation of this fund and any assistance thus provided to Italsider.

One petitioner also asserted that the Italian government paid Italsider's monthly payroll costs for part of 1981. At present, we have insufficient data about this alleged assistance. We will seek further information.

B. Preferential Export Financing

Petitioners alleged that the Italian steel industry benefits from prefential export financing. Italsider replies that such aid does not apply to it.

C. Preferential Transportation Rates

Petitioners alleged that Italian steel companies receive preferential transportation rates for their products. Italsider states this program was not applicable to it. We have reason to believe that some firms located in southern Italy can benefit from reduced transportation fees through the Cassa per il Mezzogiorno. We will seek further information.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of all steel products under investigation present "critical circumstances". Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of hot-rolled carbon steel sheet and strip from Italy amounted to 13,525 net tons in February, 15,716 net tons in March, and 1,994 net tons in April, the most recent month for which import statistics are available. U.S. imports of cold-rolled carbon steel sheet and strip from Italy averaged 626 net tons in February, 11,583 net tons in March, and 1,399 net tons in April.

In the context of this industry, these products have not recently been massively imported from Italy over a relatively short period of time. Therefore, critical circumstances do not exist for hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip from Italy.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet and strip which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below:

Manufacturer/producer/exporter	Ad valorem rate (percent)
Italsider	18.30
All others	18.30

This suspension will remain in effect until further notice.

ITC Notifications

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determination at 3:00 p.m. on July 15, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address,

and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 8, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

June 10, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-16249 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Carbon Steel Structural Shapes From Luxembourg

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determinations.

SUMMARY: We preliminarily determine certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Luxembourg of carbon steel structural shapes, as described in the "Scope of the Investigation" section of this notice. The estimated net subsidy is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the product subject to this determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on this product in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Luxembourg of carbon steel structural shapes, as described in the "Scope of the Investigation" section of this notice. For purposes of this investigation, the following programs are preliminarily found to be subsidies:

- Capital grants
- Preferential loans
- Government equity participation

We estimate the net subsidy to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we received petitions from United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Luxembourg of carbon steel structural shapes. Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on February 1, 1982, we initiated a contervailing duty investigation (47 FR 5750). We stated that we expected to issue a preliminary determination by April 6, 1982. We subsequently determined that the investigation is "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until June 10, 1982 (47 FR 11738).

Since Luxembourg is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiation. On February 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the government of Luxembourg in Washington, D.C. On April 30, 1982, we received the responses to the questionnaires.

Scope of the Investigation

The product covered by this investigation is carbon steel structural shapes and is fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Beligium", in this issue of the **Federal Register.**

Acieries Reunies de Burbach-Eich-Dudelange S.A. ("ARBED") is the major steel producer and exporter in Luxembourg of carbon steel structural shapes which are exported to the United States. It owns 25.09 percent of Metallurgique et Miniere de Rodange-Athus S.A. ("MMRA"). MMRA is the only other known producer of steel, including carbon steel structural shapes, in Luxembourg. In view of the relationship between these companies and since they both produce the product under investigation, we are treating ARBED as the sole respondent for Luxembourg in this investigation. Benefits to MMRA are treated as benefits to ARBED. We will apply the same subsidy rate to both companies for purposes of this preliminary determination. The period for which we are measuring subsidization is the calendar year 1981, which is ARBED's fiscal year.

Analysis of Programs

In their responses, the government of Luxembourg ("GOL") and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from ARBED, which produced and exported carbon steel structural shapes which were exported to the United States during 1981.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigation concerning certain steel products are described in detail in Appendix B, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register** (hereinafter, Appendix B). Appendix C, which also appears with the above cited Beligium **Federal Register** notice, is a description of programs administered by organizations of the European Communities (hereinafter, Appendix C). Based upon our analysis to date of the petitions and responses to our questionnaires, we preliminarily determine the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine subsidies are being provided to manufacturers, producers, or exporters in Luxembourg of carbon steel structural shapes under the programs listed below:

A. Capital Grants

The Steel Industry Three-Party Conference Agreement of March 19, 1979 on the Restructuring of the Luxembourg Steel Industry (the "Tripartite Agreement"), its Codicil dated January 22, 1981, the Supplement to the Agreement of the Tripartite Conference on the Restructuring of the Luxembourg Steel Industry approved on January 15, 1981, and the Law of July 1, 1981 pertaining to the restrucurting and modernization of the steel industry set forth programs which have been used to provide specific assistance to the steel industry. The Tripartite Agreement, as supplemented, and the 1981 law constitute the basis for the plan to restructure and modernize the steel industry in Luxembourg.

The restructuring plan calls for the granting of aid under previous laws, primarily the Law of July 28, 1973 for economic expansion, which the government claims is not limited to a specific enterprise or industry, or group of enterprises or industries. The plan, however, obligated the government to provide benefits to the steel industry. Prior to the plan the government had the discretion to consider and reject applications from the steel industry. The plan also increased the range and the limits of the benefits provided under the earlier law in order to benefit specifically the steel industry. Therefore, we preliminarily determine that the programs under the plan provide countervailable benefits to the steel industry.

Under the plan, the GOL may grant an amount equivalent to 15 percent of the investment made by a steel company between January 1, 1980, and December 31, 1984. Under unspecified conditions, an additional amount equivalent to 10 percent of "extraordinary and temporary aid" may be provided.

ARBED stated that between 1978 and 1981 it received four major investment grants fro the GOL. Three of the four grants were awarded expressly for buildings and equipment used exclusively for the production of products not under investigation. Consequently, we are not considering these grants as countervailable benefits to the production of the product under investigation. The remaining grant was awarded expressly for (i.e., "tied" to) the construction of a blast furnace at Esch-Belval and, according to the GOL, was received in 1981. We find this grant to be a subsidy. We allocated the benefit over total ARBED steel production since it was for a blast furnace which produces pig iron, and input common to steel production.

In addition, the GOL response provides information on several small government grants which were awarded on an "ad hoc" basis and provided to ARBED between 1977 and 1978 for the purposes of employing surplus labor in investment projects within the steel plants. Although the GOL responded that certain labor programs were not preferential to steel, it was not clear from the response that these grants meet that description. In light of the GOL's statement that measures specific to the steel industry were taken at this time, we preliminarily determine that these grants provide countervailable benefits. We have allocated the benefit of the grants over total ARBED steel production.

The GOL response also shows several government grants to MMRA for unspecified investments between 1979 and 1980. We preliminarily determine these grants to provide countervailable benefits. We have allocated the benefit over total ARBED steel production.

The amount of each of the above grants was less than one percent of ARBED's gross revenue ("turnover"). The grant for the blast furnace was tied to a specific purchase of capital equipment. The other grants (the "ad hoc" and MMRA type) are treated as untied, since we did not receive specific information on their uses and do not know whether they were used for items expensed in one year. All of these grants are allocated over a 15-year period, which is an estimate of the average life of steel assets. We calculated the benefit of these grants according to the methodology described in Appendix B.

The subsidy rate with respect to this program is 0.231 percent *ad valorem.*

B. Preferential Loans

The GOL, GOL-controlled financial institutions, and the European Coal and Steel Community ("ESCS") have provided a number of investment loans to ARBED and MMRA. The petitioners alleged that ARBED was uncreditworthy. ARBED has sustained losses ranging from 1.6 to 4.9 billion BF in six out of the last seven years. Further, certain financial ratios for this company indicate an uncreditworthy situation. It is not clear whether ARBED has in the past seven years obtained a loan from a private commercial source under arm's length conditions. The capital subsidies received by ARBED from the GOL are embedded in the company's financial statements and may distort the financial ratios and the extent of losses. Therefore, the financial condition of ARBED may be even more tenuous than our preliminary analysis indicates.

The petitioners alleged that MMRA was uncreditworthy. The substantial losses suffered by the firm from 1975 to the present are a major indication of uncreditworthiness. The necessity for large capital infusions by the Societe Nationale de Credit et d'Investissement ("SNCI") and other participants in the MMRA rescue plan provides additional evidence of MMRA's uncreditworthy position.

On the basis of the foregoing, we determine ARBED and MMRA to be uncreditworthy companies after 1975. We have treated loans awarded after 1975, with principal still outstanding during 1981, essentially as equity investments. The subsidy value was calculated using the equity methodology for loans to uncreditworthy companies described in Appendix B. We have used the Belgian nationwide average rate of return on equity as our average return for comparison in the equity calculation, because Luxembourg's debt and equity instruments are generally traded in Belgium. We limited the subsidy to the subsidy which would exist if the equity investments were treated as grants. Concerning preferential loan programs, we preliminarily determine the following.

1. *Loans from GOL and GOL-Controlled Institutions.* ARBED received several loans between 1977 and 1981 from the GOL, the SNCI and the Caisse d'Epargne de l'Etat ("CEE") to finance construction of two six-strand continuous casting installation at Each-Schifflange. Since the casters do not provide inputs for the production of carbon steel structural shapes, we are not treating these loans as countervailable benefits in our preliminary determination. We will seek additional information.

ARBED received substantial short-term credit from the CEE in 1981. Since we have not received specific information on this loan, we will assume that this short-term credit is connected with the restructuring plan and preliminarily treat it as countervailable.

The GOL response stated that MMRA received four loans from the SNCI in 1981 for investments and for the "settlement of previous charges." We preliminarily determine these loans are countervailable because they were made under specific provisions of the

steel restructuring plan. Since we do not know the specific purpose of these investments, we allocated the benefits of the loans over total ARBED steel production.

2. *Industrial Investment Loans from the ECSC (Article 54).* According to the ARBED response, the ECSC provided ARBED with a series of loans to assist in the financing of six different investments in capital and capital equipment. We preliminarily determine five of these investments are for plant and equipment used exclusively for the production of products not under investigation. We will seek additional information on all of these loans. The remaining ECSC loans financed the blast furnace project at Esch-Belval, which provides pig iron, an input common to steel production. We preliminarily determine these loans provide a countervailable benefit since they are specific to steel production. We have allocated the benefit over total ARBED steel production. (For additional information regarding Article 54 loans from the ECSC, see Appendix C.) All of the above ECSC loans were guranteed by the GOL. We have not calculated a separate benefit for these GOL loan guarantees because the benefit of the guarantees is already included in the calculation of benefits for the ECSC loans.

3. *Conclusion.* We preliminarily determine the subsidy rate on the above programs to be 0.574 percent *ad valorem.*

C. Equity Participation

The GOL and other concerned parties in Luxembourg and Belgium formulated the MMRA rescue plan, beginning in 1977, in response to MMRA's critical financial situation. In 1978, under the rescue plan, the SNCI purchased a substantial portion of MMRA shares. The SNCI acquired additional shares in 1981.

As described in Appendix B, the treatment of government equity investment in a company hinges initially on whether the government equity participation appears to be on terms consistent with commercial considerations.

ARBED and MMRA have suffered successive, substantial losses in each of the fiscal years since 1975 (see discussion in the section of Preferential Loans). Under normal business or financial criteria, deep or significant continuing losses by a company would raise doubts as to the commercial soundness of further investment in that company. Considering the magnitude of the losses and the length of time over which they occurred, the Department of Commerce regards equity investments by the government in ARBED and MMRA during the period beginning with fiscal year 1976 until the present as inconsistent with commercial considerations.

Consequently, we must examine the government's equity infusions during this period to determine whether a subsidy is actually bestowed on ARBED/MMRA. As described in greater detail in Appendix B, we compared the rate of return the government received on its equity investment in ARBED/MMRA with the average market rate of return on equity investment in Luxembourg for a given year as estimated by the average earnings yield. Since we do not have specific figures for the MMRA of return on equity, we used ARBED's figures as best available information.

ARBED's return was measured by its net earnings (or losses) divided by owners' equity. During this period ARBED/MMRA losses were significant, resulting in large negative returns on owners' equity. Since no Luxembourg figures were available on the average market rate of return on equity, we adopted the Belgian rate because debt and equity instruments from Luxembourg are generally traded in Belgium.

The comparison of the market return with ARBED/MRA's large negative return yielded a 1981 subsidy exceeding what the subsidy would have been had we treated the SNCI equity purchases as outright grants. Consequently, we limited the subsidy to the subdsidy which would exist if the equity investments were treated as grants, as explained in Appendix B. The subsidy rate with respect to this program is 0.961 percent *ad valorem.*

II. Programs Preliminarily Determined not to be Subsidies

We preliminarily determine subsidies are not being provided to manufactures, producers, or exporters in Luxembourg of carbon steel structural shapes under the following programs.

A. Infrastructure

The GOL has committed large sums of money for the creation of new industrial zones. The money is spent on installation of roads, water and electricity in selected areas. Dudelange-Bettembourg is one such zone. ARBED is planning to occupy approximately 50 percent of this zone with a new cold rolling mill. The plan has not yet been approved by the Commission of the European Communities.

The mere provision of public roads, water and electricity is not a subsidy. Further, since ARBED has not yet utilized the government-funded infrastructure of this zone for production purposes, there can be no countervailable benefits to ARBED at this time.

B. Coal/Coke Assistance for ARBED's Subsidiary Eschweiler Berwerks-Verein ("EBV")

Petitioners alleged that ARBED indirectly benefited from German federal and state assitance to EBV, a German coal/coke producer. ARBED indirectly owns 97 percent of EBV through a 100 percent owned ARBED subsidiary, ARBED-Finanz Deutschland GmbH. ARBED (Luxembourg) purchased 100 percent of its coke supply from EBV.

We preliminarily determine that assistance from the Federal Republic of Germany ("FRG") and the state of North Rhein-Westphalia to EBV does not confer a countervailable benefit to ARBED. For a further explanation of our treatment of such FRG assistance, see Appendix B.

C. Coal and Coke Aid From the ECSC

We preliminarily determine this program not to be countervailable, as outlined in Appendix C.

D. Interest Rebates and Research and Development (R&D) Grants from the ECSC

ARBED indicates that it received both R&D grants and interest rebates from the ECSC. We preliminarily determine that these programs funded from the ECSC budget are not countervailable. Appendix C explains our treatment of these programs.

III. Programs Preliminarily Determined not to be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, or exporters in Luxembourg of carbon steel structural shapes.

A. Interest Rebates

The Law of July 28, 1973 for economic expansion provided that the GOL could disburse funds to reduce the interest rates of a qualitied firm's investment borrowings. This interest rebate measure was incorporated into the Tripartite Agreement. However, the GOL has to date neither granted any interest rebates to ARBED or provided funds to banks for reduced interest loans to ARBED.

B. European Investment Bank ("EIB")

ARBED stated that it had no outstanding debt to the EIB. For further details regarding the EIB, see Appendix C.

C. Convertible Bonds

Petitioners alleged that the GOL agreed to make a purchase of convertible bonds from ARBED. The GOL has stated in its response that it has not acquired bonds issued by either ARBED or MMRA. We will seek additional information.

IV. Programs for Which Additional Information is Needed

The following programs were alleged by the petitioners to be subsidies: labor aid supplied to the Anti-Crisis Division, rail transportation rates, preferential tax programs, and loans from affiliated companies. At this time, we do not have sufficient information upon which to determine whether these programs are providing to manufacturers, producers, or exporters of carbon steel structural shapes in Luxembourg benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching a final determination.

A. Anti-Crisis Division ("DAC")

The DAC is an organization managed by ARBED which employs surplus steel employees. Under the restructuring plan, the GOL agreed to pay a varying percentage of the DAC expenses. It is unclear from the GOL and ARBED responses what sort of tasks are performed by the DAC. We will seek additional information regarding the DAC to determine if a countervailable benefit is conferred on ARBED's production or export of carbon steel structural shapes by government assistance to this organization.

B. Rail Transportation Rates

ARBED responded that rail rates are set according to the rates offered by the most competitive waterway carriers, but did not clarify whether the rates available to ARBED applied to other users. The GOL stated that ARBED's rail rates take into account the firm's proximity to the French border, but did not explain how this affected the rates. Neither the GOL nor ARBED provided a table of comparable rates or clarified whether the waterway and French border rates are generally available to all shippers. We have been unable to determine from information received to date whether rail rates are preferential to the steel industry. We will seek additional information.

C. Preferential Tax Programs

Luxembourg tax provisions permit certain firms to carry forward indefinitely losses equal to 50 percent of annual depreciation. This option is available to any company belonging to a sector of the economy determined by the GOL to be undergoing a structural crisis. We will seek additional information on these tax provisions and what use, if any, has been made of them by ARBED or MMRA.

D. Loans from Affiliated Companies

A large portion of ARBED's finances was covered by loans from subsidiary companies. In the questionnaire we requested information on all government aid to related companies. We have obtained limited information on EBV and ARBED Finanz Deutschland GmbH, but insufficient information on ARBED's receipt of loans from these companies or other related companies. The petitioners were unable to supply much information on ARBED Finanz and on ARBED Finance Luxembourg. We will seek additional information on these loans from related companies.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of carbon steel structural shapes present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade and "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of carbon steel structural shapes from Belgium/Luxembourg were 24,053 net tons in February, 13,418 net tons in March, and 12,701 net tons in April, the most recent month for which import statistics are available. (Import statistics available to the Department of Commerce are combined for Belgium/Luxembourg.) In the context of this industry, these products have not recently been massively imported from Belgium/Luxembourg over a relatively short period. Therefore, critical circumstances do not exist for carbon steel structural shapes.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend the liquidation of all entries of carbon steel structural shapes which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below:

Manufacturer/producer/exporter	Ad valorem rate (percent)
ARBED (including MMRA)	1.766
All others	1.766

This suspension will remain in effect until further notice.

ITC Notifications

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on July 13, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address on or before June 28, 1982. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 6, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 10, 1982.

[FR Doc. 82-16250 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From the Netherlands

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determinations.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to the manufacturers, producers, and exporters in the Netherlands of certain steel products, as described in the "Scope of Investigations" section of this notice. The estimated net subsidy is indicated under the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in the amount equal to the estimated net subsidy.

If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTCAT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine there is reason to believe or suspect certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to the manufacturers, producers, and exporters in the Netherlands of certain steel products, as described in the "Scope of Investigations" section of this notice. For purposes of these investigations, the following programs are preliminarily found to be subsidies:

- Program For Introducing New Technology
- ECSC Loans
- ECSC Housing Loans

We estimate the net subsidies to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we refeived petitions from United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet. The petitioners alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, and exporters in the Netherlands of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for The Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 FR 5743). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11738).

Since the Netherlands is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982 the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and the government of the Netherlands on February 22, 1982. On April 20, 1982, we received the responses to the questionnaires. Supplemental responses were received on May 19, 1982.

Scope of the Investigations

The products covered by these investigations are:

- Hot-rolled carbon steel sheet and strip
- Cold-rolled carbon steel sheet

The products are fully described in Appendix A which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium," in this issue of the **Federal Register.** The product definition of hot-rolled carbon steel sheet and strip has been amended since the initiation of these investigations (47 FR 5739-40).

Estel Hoogovens B. V. ("Hoogovens") is the only known producer and exporter in the Netherlands of the subject products which were exported to the United States. The period for which we are measuring subsidization is the calendar year 1981.

Analysis of Programs

In their responses, the government of the Netherlands and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Hoogovens, which produced and exported hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet which were exported to the United States during 1981. Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium," in this issue of the **Federal Register** (hereinafter Appendix B). Appendix C which appears with the above cited Belgium **Federal Register** notice is a description of programs administered by organizations of the European Communities (hereinafter Appendix C). Based upon our analsysis to date of the petitions and responses to our questionnairies, we have preliminarily determined the following.

I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine subsidies are being provided to the manufacturers, producers, and exporters in the Netherlands of the certain steel products included in these investigations under the programs listed below.

A. Program for Introducing New Technology

The government of the Netherlands provides assistance for the introduction of technology new to the Netherlands. Projects must be consistent with

government policies on such matters as energy conservation, improved utilization of raw materials, increased employment, and improvement in the quality of the workplace.

There is a schedule establishing the maximum amount of government assistance in the total project investment. The higher rate in this schedule is applicable to those projects which also achieve government policy objectives in the areas of energy conservation, pollution control, recycling, or development cooperation.

Hoogovens received assistance of dfl 45–52 million over a four year period (dfl 25 million in 1980/1981) for the installation of a continuous caster. In 1981, Hoogovens received dfl 4.5–5.0 million for the rebuilding and renovation of its coking plant.

Although this program nominally is generally available, it appears that grants are not available to all applicants on the same terms. In view of the probability that approval of these grants is discretionary and that in practice comparable benefits are not generally provided on a country-wide basis, we have preliminarily determined that this grant is specific to Hoogovens within the meaning of 771(5)(b) of the Act and therefore is countervailable.

Subsidy values were determined by using the grant quantification methodology described in Appendix B which assumes a 15 year average useful life of capital assets. Because the grants were not tied to a particular product under investigation we divided by the value of the total steel produced to calculate the *ad valorem* subsidy. Hoogovens received an *ad valorem* benefit of 0.257 percent under this program.

B. ECSC Loans

For a full explanation of this program refer to Appendix C.

To calculate the countervailable rate, we used the preferential loan methodology described in Appendix B. That is, we performed individual calculations for each loan reported by Hoogovens. In 1981, the subsidy benefit of these preferential loans equaled the difference between what the company would have paid on a comparable commercial loan (based on the Netherlands Bank's discount rate on promissory notes) in principal and interest charges for that year and what they actually paid on the preferential loans. We then allocated these benefits across all steel produced during 1981 by Hoogovens since the loans were not clearly limited to any particular type of steel.

Pursuant to the methodology described in Appendix B we calculated an *ad valorem* benefit of 0.393 percent for Hoogovens.

C. ECSC Housing Loans

For a full explanation of this program refer to Appendix C.

In 1980, the most recent year for which data are available, the portion of the ECSC budget financed by borrowings amounted to 42 percent of the total. In the Netherlands, Hoogovens received ECSC loans for the housing of workers. As we do not know the percentage of the ECSC's 1981 budget financed by borrowings, we applied the 1980 percentage to the 1981 loans in order to derive that portion of ECSC housing loans that is countervailable. We then found the benefit of the loan for 1981 and divided it by the total value of production, and determined an *ad valorem* benefit of 0.001 percent for Hoogovens.

II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine subsidies are not being provided to the manufacturers, producers, and exporters in the Netherlands of the certain steel products included in these investigations under the following programs.

A. Loans/Loan Guarantees

The National Institute Investment Bank (NIB) and Hoogovens entered into a subordinated loan agreement on December 29, 1980 and a subordinated, guaranteed loan agreement on January 15, 1981. The NIB is owned jointly by the Dutch government and private entities specializing in long-term credit instruments for industrial purposes. The NIB can operate in cooperation with the government or as an independent bank.

The loan and loan guarantee by the NIB were used to help finance the rebuilding and modernization of Hoogovens' coke facilities. Both the loan and the loan guarantee were found to be at rates which fully reflected the commercial market rates in the Netherlands. Additionally, payment of bank and guarantee fees is required, and the repayment of the principal is consistent with commercial practices in the Netherlands.

Based on the information available to the Department, we have preliminary determined that the terms of the loan and loan guarantee are no more beneficial to the recipient than those that would have been available to the recipient absent this government involvement. Thus there is no countervailable benefit.

B. Deferral of Interest

ESTEL NV ("ESTEL"), a management company, controls Estel Hoogovens and Estel Hoesch. Kominklyke Nederlandsche Hoogovens en Staalfabrieken NV ("KNHS") and Hoesch AG are holding companies of ESTEL. At the time ESTEL was formed, KNHS retained the portion of Hoogovens' assets which were in excess of the value of the assets of Hoesch, a German steel company in the ESTEL group. These funds were kept in the accounts of KNHS, rather than in those of ESTEL. In 1972, KNHS lent this money directly to Hoogovens at commercial interest rates. This interest was paid until 1980 when KNHS deferred interest payments while maintaining the right to demand interest payments. Interest continues to accrue and is to be fully repaid.

Government ownership of KNHS shares dates back to 1919. Currently the Netherlands government owns 24.8 percent and the City of Amsterdam owns 8.6 percent of KNHS shares. There is no evidence that the deferral of interest was a result of government direction. Further, the Dutch government reported that no direct or indirect financial assistance has been provided toward the settlement of any corporate debt for the Dutch steel industry.

In the absence of evidence of governmental financial assistance or direction, an intra-corporate transfer of funds is not countervailable. We found the deferral of interest is not a countervailable benefit to Hoogovens.

C. Research and Development

1. *Research Centers.* a. *Slichting Staaleentrum Nederland ("SSN").* SSN is a privately supported institution. Its activities appear to be limited to promoting the use of steel in the Netherlands and therefore are not directly related to the manufacture, production, or export of steel. SSN performs no research and development and receives no government assistance. Hoogovens' contributions provide a substantial portion of the organization's annual budget.

b. *Centre de Recherches Mettalurgigue ("CRM").* CRM is a privately funded research organization located in Belgium. Hoogovens is an associated member of CRM and participates in CRM's technology research. In recent years, Hoogovens participated in research on certain aspects of coking facilities, plate surfacing, and development of new measurement methods. CRM research is very basic and is not directly applicable

to production processes. Further development by Hoogovens' research and development department is necessary before the results of CRM projects can be utilized.

c. *Nederlandse Centrale Organisatie voor toegepast natuurwetenschappelijk onderzoek ("TNO").* TNO is the Dutch Organization for Applied Scientific Research which conducts and organizes applied scientific research. The government of the Netherlands supports TNO in part; however research for the private sector (both domestic and foreign) must be funded by the requesting entity. The fees charged appear to cover all costs. Usually TNO provides research services for small firms which, unlike Hoogovens, have no significant in-house research and development capabilities. In the past five years, TNO has received payment for performance of a limited amount of research for Hoogovens.

Conclusion

With respect to the above research and development programs, it does not appear that Hoogovens has received any governmental-derived benefit. Two of the institutions are privately supported in their entirety (in part by Hoogovens) and the third charges fees which appear to fully cover costs. Moreover, SSN's activities are not directly related to the manufacture, production, or export of steel, and CRM's research is not directly applicable to production processes. We have therefore found no countervailable benefit received by Hoogovens from these programs.

D. Labor

1. *Cooperative Government and Undertaking Program.* The Cooperative Government and Undertaking program is a mutual schooling arrangement between the government and industry, open to all industries which elect to participate. Its purpose is to retrain workers to meet the changing circumstances in the labor markets in the Netherland. The objective is to provide workers with new or increased skills. During 1980/81, Hoogovens received government contributions for the retraining of workers in various skills.

2. *Vocational Training for School-leavers.* The Vocational Training for School-leavers program is a government program open to all industries which is designed to assist young people in obtaining the training needed to fill available jobs. In 1980, the program applied only to unemployed school-leavers. On August 1, 1981, the program was abolished and was replaced by "Bijdrageregeling vakopleiding jeugdigen" which included anyone under 23 years of age. Trainee-contracts are for the first year of primary training. The target group in 1981 was early school-leavers seeking and apprenticeship after holding other jobs. In 1980, Hoogovens received funds under this program for the retraining of workers. Data for 1981 is not yet available.

3. *Subsidy for Improvement of Labor Circumstances Program.* The Government of the Netherlands assists Dutch industry with projects designed to improve the quality of the work environment. This is done by controlling the effects of heat, dust, dirt, water or water vapor, fumes and gases, drafts, noise and vibration, etc. Participation by industry is voluntary and assistance is *not* available for projects normally undertaken by the company or required by law. New facility construction is ineligible under this program. The cost savings in the first three years must be less than the cost of the project. The government will provide one half of the cost of these projects with a maximum allotment per project. Companies with more than 25 employees must contribute a minimum amount to the project. Hoogovens received government assistance under this program in 1980/81.

Conclusion

All of the above labor programs apply to any industry that participates in projects which promote the objectives of government labor programs. We will seek additional information to determine whether or not these programs actually are effectively selective in granting funds. Because these programs appear to be generally available on equal terms to all Dutch industry we have preliminary determined them not to be countervailable.

E. Energy Programs

1. *Energy Demonstration Project.* The government of the Netherlands provides assistance for projects which demonstrate energy-saving technology of general application. The systems and techniques under this program must be new to the Netherlands and the project's results must be made available to the government and anyone in the Netherlands. Government assistance is given in order to stimulate further economic research and serves to limit the economic risks borne by companies willing to attempt new methods of conserving energy. The assistance provided is in the form of a grant, limited to a set percentage of the total cost of the project and a loan of an equal amount. All projects must be approved and monitored by a committee of energy experts to assure consistency with program objectives.

In February 1980, Hoogovens received a grant of approximately dfl 160,000–175,000 and an additional loan of dfl 160,000–175,000 under this national energy demonstration project to build and install a computerized conrol unit which would control energy and gas use at its mill in IJmuiden.

Further information will be sought to confirm the potential for broad applicability of this monitoring device. With the information at hand, we have preliminary determined that this project does not confer a countervailable benefit on the products under investigation.

2. *Energy Conservation Program.* This program was designed to stimulate energy-saving investments and was in effect from 1976 until the end of 1978. During 1980/81, Hoogovens received government assistance of dfl 1.5–1.75 million for capital investments initiated during 1977/78 under this program. The program specifies that investments must exceed a predetermined amount and the project must produce energy savings in the use of natural gas. Further, criteria for the relationship between investment and energy-savings must be achieved. Project results are made available to the Dutch government and to the private sector without limitation.

Conclusion

According to information given to the Department, both of these programs are unrelated to export performance and are generally available on equal terms to all industries in the Netherlands. In addition, their objective is the development of energy-saving methods of general utility by all Dutch industries. Therefore we have preliminarily determined these programs not be countervailable.

3. *Preferential Gas and Utility Rates.* a. *Gas.* Gasunie NV is the only supplier of natural gas in the Netherlands and is owned in part by the Dutch government. Petitioners allege that Hoogovern has benefited from a temporary reduction on industrial gas prices offered by Gasunie NV to its large scale customers. Gas rates for domestic consumption in the Netherlands are set quarterly by the Central Bureau of Statistics. The formula is based on the average price of heavy fuel oil used in the Netherlands. Consumers are divided into five rate groups with residential consumers at one extreme and users of 50 million cubic meters or more at the other. (Hoogovens uses approximately 475–510

million cubic meters a year.) Gas tariffs are uniformly applied to all large industrial customers.

Hoogovens pays rates appropriate for major consumers. Those rates were reported to be above the cost of the supply entity and are comparable to or above the rates charged to users of similar size. There is no evidence that Hoogovens receives rates not available to other companies with similar usage patterns. Based on the information available, we have preliminarily determined that no countervailable benefit is being received by Hoogovens with regard to gas rates.

b. *Electricity.* Electricity charges to Hoogovens, the largest consumer of electricity in the Netherlands, by the Provincial Electric Company of North Holland ("PEN") are reportedly calculated on a cost basis. These charges take into consideration three elements: Fixed costs, wages and maintenance costs, and fuel costs. Hoogovens' response states that it has no agreement with PEN to barter its coke gas for reduce electricity rates as alleged by petitioners. Hoogovens is charged the rate established for large consumers. Therefore, we have preliminarily determined that no countervailable benefit has been received by Hoogovens with regard to electricity rates.

F. Environmental Programs

1. *Development of Clean Technology—Demonstration Project.* All industries in the Netherlands are eligible for government assistance relating to projects of general applicability which utilize new technology to reduce or eliminate pollution or reuse waste water in the production process. These projects must involve an element of economic risk, and must contribute to other government policies such as modernization of industry or conservation of energy. The government will provide up to half the cost of such projects. The company must repay the government for this assistance plus 5 percent interest from any income generated by the project.

In 1981, Hoogovens received aid of dfl 335,000–370,000 for a pilot study of techniques for reducing particulate waste products under this program. Since this program is available to all industries on equal terms and the results are publicly available, this aid is not countervailable.

2. *Air and Water Pollution Control.* The *Air Pollution Act of 1972* and the *Surface Water Pollution Act of 1970* provides the framework for governmental regulation of air and water pollution. These laws establish normal levels for various pollutions in air emissions and water discharge, and delegate enforcement and administration to provincial authorities. These statutes and the regulations implementing them apply to all Dutch industry.

This regulatory framework also provides government assistance for firms which undertake investment in plant and equipment to comply with environmental standards. Factors considered in determining the amount of compensation received for these investments and increased operating costs include the conditions imposed by the environmental licensing procedure, and the extent to which the results of environmental investments exceed the minimal standards set by law.

In 1980/81, Hoogovens did receive partial compensation for investment in plant and equipment to comply with environmental standards. Additional assistance was given to Hoogovens in 1981 for building a blast furnace waste water pulp thickener.

Conclusion

The above environmental assistance programs are totally funded from a revolving fund created and maintained by environmental control charges on all industries in the Netherlands. These programs are self-financing and, therefore, we preliminarily determine that they do not convey any countervailable benefits.

G. Investment Incentives—WIR

The Wet op de Investeringsrekening (WIR), effective May 24, 1978, consists of two programs, one of which is regional in nature, which provide investment tax credits and incentives for commercial investments in the Netherlands.

Payments are based on WIR returns for the preceding years and apply to eligible property acquired, ordered, or constructed during the tax year. These benefits are allocated over the productive life of the assets as determined by Dutch law.

During 1980/81, Hoogovens received WIR payments which were based on WIR returns for the preceding years and applied to eligible property acquired, ordered, or constructed during the tax year.

Assistance received by Hoogovens under this WIR program is not a countervailable benefit since these investment tax credits are available on all commerical investments. Preference is neither given to exports nor to specific industries or enterprises nor to particular regions. The provisions of WIR which include regional incentives are for investment in underdeveloped areas in the Netherlands. Hoogovens is located in the Randstad, the most heavily industrialized and populated region in the Netherlands, and is not eligible for such regional incentive benefits.

Financial assistance conferred under the WIR regional program to a Dutch exporter of corn starch and/or derivatives, Cooperatieve Verkoop-en Produktieverening van Aardappelmeel en Derivaten AVEBE G.A. ("AVEBE"), was deemed a subsidy because of its regional nature and is thus distinguished from the present case. (For information on the AVEBE case see"Dextrines and Soluble or Chemically Treated Starches Dervied from Corn Starch from the European Community, 45 FR 1814.)

H. Indirect Benefits from Aid Given to German Coal Mining Companies

Hoogovens has no ownership or control of any German coal mining company and it appears that Hoogovens purchases German coal in arms-length transactions without government direction. Therefore any benefits which may be bestowed on German coal do not accrue to Hoogovens. Moreover, Hoogovens purchases coal from numerous sources (including the United States). Hoogovens purchases German coal from Ruhrkohole to maintain an alternative source of supply, even though the cost to Hoogovens is somewhat higher than its average cost of coal. There is no countervailable benefit to Hoogovens from German government benefts to German coal mines, since Hoogovens could get equivalent coal at equal or lower prices in the absence of the German government program of support for the German coal industry.

III. Programs Preliminarily Determined Not to be Utilized

We have preliminarily determined that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" were not utilized by the manufacturer, producer, and exporter in the Netherlands investigated of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet under the programs listed below:

A. Regional Development

Information provided to the Department indicates that no benefits have been received by Hoogovens from any industrial incentive programs designed to stimulate economic development in priroity zones in the Netherlands. On the contrary,

Hoogovens' steel mill at IJmuiden is located in the Randstad, a densely populated and over-developed part of the country in which investment is discouraged. Hoogovens' investments during the period May 1978 to September 1981 were subject to levies under the Industrial Deconcentration Act.

B. Dutch Energy Development Corporation

Information provided to the Department indicates that no assistance was received by Hoogovens from this program.

C. Employment of Workers from Surinam and Netherlands Antilles

Information provided to the Department indicates that no assistance was received under this regulation during 1981.

D. Export Loans/Credits

- Matching Funds
- Export Financing Arrangement
- Subordinated Loans for Exporting Companies

None of these Netherlands export incentive programs provided export credits to Hoogovens. Neither the government of the Netherlands nor any agency or institution controlled or directed by the government has guaranteed or insured Hoogovens' accounts receivable for exports of steel products.

E. European Communities Programs

1. *Loan Guarantees.* Hoogovens did not receive loans guaranteed by the ECSC or any other entity of the European Community in 1981.

2. *Grants.* According to Hoogovens, it received no grants in 1981 from the ECSC or any other entity in the European Community.

3. *General.* Hoogovens reports it has not received any assistance directly or indirectly in any form from the European Regional Development Fund (ERDF), the European Investment Bank (EIB), or the New Community Instrument (NCI).

IV. Program for Which Additional Information is Needed

The following program was alleged by the petitoners to be a subsidy:

ECSC Research and Development (R&D)

Article 55 of the Treaty of Paris provides funding in the form of grants for up to 60 percent of an R&D project's cost. The projects should be for the improvement of the production and use of coal and steel. The results of the project become the property of the ECSC and are made available to the members.

At this time, we do not have sufficient information upon which to determine whether this program is providing the manufacturers, producers, and exporters in the Netherlands of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet benefits which constitutes subsidies within the meaning of the countervailing duty law. As described in Appendix C, we will seek additional information on the projects and the source of funding before reaching final determinations.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel and counsel for the Five alleged that imports of certain steel products from the Netherlands present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of hot-rolled carbon steel sheet and strip from the Netherlands amounted to 1,244 net tons in Feburuary; 3,578 net tons in March and 3,184 net tons in April, the most recent month for which import statistics are available. U.S. imports of cold-rolled carbon steel sheet from the Netherlands were 1,525 net tons in February; 3,298 net tons in March and 958 net tons in April.

In the context of this industry, these products have not recently been massively imported from the Netherlands over a relatively short period of time. Therefore, critical circumstances do not exist for hot-rolled carbon steel sheet and strip or cold-rolled carbon steel sheet.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of hot-rolled carbon steel sheet and strip and cold-rolled carbon steel sheet which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below:

Manufacturer/producer/exporter	Ad valorem rate (percent)
Estel Hoogovens BV	0.651
All others	0.651

This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 8, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discusssed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 1, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 10, 1982

[FR Doc. 82-16251 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty Determinations.

SUMMARY: We preliminarily determine certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in South Africa of certain steel products, as described in the "Scope of Investigations" section of this notice. The estimated net bounty or grant for each firm and for each product is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption and to require a cash deposit or bond on these products in the amount equal to the estimated net bounty or grant.

If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1774.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigations, we preliminarily determine there is reason to believe or suspect certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in South Africa of certain steel products, as described in the "Scope of Investigations" section of this notice. For the purposes of these investigations, the following programs are preliminarily found to be bounties or grants:

- Railroad rate differential
- Export incentive program—Category D
- Government benefits to ISCOR

We estimate the net bounties or grants to be the amount indicated for each firm and for each product in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we received petitions from United States Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars and cold-formed carbon steel bars. The petitions alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Sough Africa of the steel products listed above.

We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 FR 5751). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determine that the investigations are "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11733).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) the Act, and the certain steel products at issue here are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of these products cause or threaten material injury to the U.S. industry in question.

We presented a questionnaire concerning the allegations to the government of South Africa in Washington, D.C. on February 18, 1982. On April 27, 1982 we received the response to the questionnaire.

Scope of the Investigations

The products covered by these investigations are:

- Carbon steel structural shapes
- Hot-rolled carbon steel plate
- Hot-rolled carbon steel sheet
- Cold-rolled carbon steel sheet
- Galvanized carbon steel sheet
- Hot-rolled carbon steel bars
- Hot-rolled allow steel bars
- Cold-formed carbon steel bars

The products are fully described in the Appendix A, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register**. The product definition of hot-rolled carbon steel sheet has been amended since the initiation of these investigations (47 FR 5739–40). Although the amendment expands slightly the original product description, it does not have any effect on the Department's preliminary determination. No additional importations of the product are involved.

The South African Iron and Steel Industrial Corporation ("ISCOR") and the Highveld Steel and Vanadium Corporation ("Highveld") are the only known producers and exporters in South Africa of the subject products which were exported to the United States. However, both companies stated that they did not produce or export to the United States either hot-rolled alloy steel bars or cold-formed carbon steel bars. For hot-rolled alloy steel bars and cold-formed carbon steel bars we used the best information available, the benefit to hot-rolled carbon steel bars.

The period for which we are measuring subsidization is corporate fiscal year 1981, which runs from July 1, 1980 through June 30, 1981 for both companies.

Analysis of Programs

In its response, the government of South Africa provided data for the applicable periods. Additionally, we received information from ISCOR, which produced and exported carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, and hot-rolled carbon steel bars which were exported to the United States during 1981; and Highveld, which produced and exported carbon steel structural shapes and hot-rolled carbon steel plate which were exported to the United States during 1981. Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register** (hereinafter Appendix B). Based upon our analysis to date of the petitions and responses to our questionnaires, we have preliminarily determined the following.

I. Programs Preliminarily Determined To Be Bounties or Grants

We preliminarily determine bounties or grants are being provided to manufacturers, producers or exporters in South Africa of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars and cold-formed carbon steel bars under the programs listed below.

A. Railroad Rate Differential

The South African Transport Services ("SATS"), a government-owned corporation, maintains a rate schedule that generally provides preferential railroad rates for shipments destined for export. SATS publishes a tariff book with 15 rates for various merchandise. SATS rates depend both on distance railed and on whether the merchandise is intended for export or domestic destinations. We found that the export rate is approximately 50 percent of the domestic rate. Both ISCOR and Highveld benefit from this program.

Highveld provided figures for the f.o.b. value and volume of its exports of the subject merchandise to the United States. To calculate the value of the bounty or grant, we divided the differential in rail rates for export and domestic shipments over the same distances by the average price per ton for each product.

For ISCOR the calculation was more complicated. First, ISCOR ships some of its products through two different ports, Durban and Port Elizabeth. Congestion in Durban is the reason given for this procedure. The products affected are shapes, plate and sheet. The distances from ISCOR's works to each port are unequal, so the rate differentials are also unequal. ISCOR estimated the export volume at 70% for Port Elizabeth and 30% for Durban. With the use of these percentages, we found the differential between the weighted-average export rates and the weighted-average domestic rates for the same distance.

Second, ISCOR provided figures for the c&f value and volume of its exports of the subject merchandise to the United States. ISCOR estimated the shipping costs to be 11 percent of the stated value. Therefore, we reduced the average price per ton for ISCOR's export by 11 percent to obtain an estimate of the f.o.b. price per ton.

The resulting estimated f.o.b. value for each product was then divided into the appropriate rate differential. The quotient is the weighted-average value of the bounty or grant. We found the bounties or grants to be:

Manufacturer/producer/exporter	Ad valorem rate (percent)
ISCOR:	
Carbon steel structural shapes	10.2
Hot-rolled carbon steel plate	9.1
Hot-rolled carbon steel sheet	9.7
Cold-rolled carbon steel sheet	8.1
Galvanized carbon steel sheet	6.7
Hot-rolled carbon steel bars	6.4
Hot-rolled alloy steel bars	6.4
Cold-formed carbon steel bars	6.4
Highveld:	
Carbon steel structural shapes	7.8
Hot-rolled carbon steel plate	8.0

SATS maintains that its export rail rates are cost justified, that the difference between the domestic and export rates reflect the difference in the cost of handling the two types of traffic. We will examine SATS' claim, and may adjust our calculation of the *ad valorem* benefit if the rail rates reflect different cost experience rather than export preference; provided that any such differential does not result from discriminatory regulation of export rail carriage.

B. Export Incentive Program

The South African Department of Industries, Commerce, and Tourism has a four-part general export incentive program, one part of which Highveld utilized in 1981. It is described below. ISCOR did not utilize any of the parts of this program.

Category D (Export Marketing Assistance Program). The response indicates that this program consists of a deduction from taxable income of between 175 and 200 percent of export market development expenses. Highveld provided us with figures for benefits received under the program for exports to the United States of each product under investigation. The bounties or grants for Highveld were calculated by dividing the value of the benefits received in 1981 by the total value of exports of each product to the United States for the same period. The results are benefits of 2.1 percent *ad valorem* for carbon steel structural shapes and 1.6 percent *ad valorem* for hot-rolled carbon steel plate.

C. Government Benefits to ISCOR

The government of South Africa owns over 99 percent of the outstanding shares of ISCOR. The remaining shares are not publicly traded. The petitioners have alleged that the purchase of equity by the government represents a bounty or grant. The firm did not make a profit from 1974 to 1979. It has not paid taxes since 1972, nor has it paid dividends on the government's shares since 1972. ISCOR had significant growth during that period which was financed by debt and infusions of equity through shares purchases by the government. In view of this history, we have found that the government infusion of equity from 1974 to the present is inconsistent with commercial consideration and may result in a bounty or grant. Based on our methodology, described in Appendix B, we have found that the government's equity participation in ISCOR since 1974 results in a bounty or grant equal to 3.7 percent *ad valorem* for each of the products under investigation. We calculated this rate by multiplying the government equity infusion since 1974 by the difference between ISCOR's rate of return in 1981 and the national average rate of return on equity in South Africa during 1981.

In 1977 the government of South Africa assumed 70 million Rand of ISCOR's finance charges, for which it received no consideration. We are treating this action as a grant under our methodology (see Appendix B) amortized over the estimated average useful life of assets in the steel industry, 15 years. The resulting value for 1981 was then divided by total sales. The benefit of this grant to ISCOR is 0.5 percent *ad valorem* for each of the products under investigation.

The petitioners have also alleged that the South African government's ownership of ISCOR allows the company to receive loans at rates lower than if the company were privately held. The law which governs the operations of ISCOR provides that the government "may * * * guarantee due performance by (ISCOR) of any contractual obligation incurred by (ISCOR) * * *". ISCOR has been unwilling to provide the Department with all of the loan information necessary to analyze this allegation properly. ISCOR gave us what it characterized as the weighted-average interest rate for all new loans over the last five years. Therefore, based on the best information available, the ISCOR-provided rate and the corporate loan security rate in South Africa in 1981, we have assumed that the government has guaranteed loans resulting in a lower interst rate. We have found the benefit to be 1.9 percent *ad valorem* for each of the products under investigtion. Our estimate of the benefit was found by multiplying the difference between the ISCOR-supplied rate and the commercial rate in 1981 by the outstanding loan balance in 1981. The result was divided by total sales.

II. Programs Preliminarily Determined not to be Bounties or Grants

Based upon the responses received in these investigations, and our verification conducted during the recent countervailing duty investigation of prestressed concrete steel wire strand from South Africa (47 FR 16060), we preliminarily determine bounties or grants are not being provided to manufacturers, producers, or exporters in South Africa of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars and cold-formed carbon steel bars under the following programs.

A. Export Credit Insurance

The Credit Guarantee Insurance Company ("CGIC") offers export credit insurance to qualifying export companies. No other insurance company is known to provide similar coverage. According to its annual reports, CGIC has made a profit every year for the past 5 years. Since there is no evidence that CGIC rates are preferential, and the Company makes a profit, we have found that the program does not constitute a bounty or grant.

B. Employee Training Programs

The South African Department of Manpower certifies training programs to the taxing authority which allows businesses to deduct 200 percent of qualified traning expenses. The Department of Manpower has demonstrated that all qualified training programs are available to all companies and industries and that they are neither restricted to certain sectors of the economy nor preferential to exporters. Therefore, we have found the tax benefits from the training programs not to be bounties or grants.

C. Reduced Ocean Freight Rates

The petitions alleged that South African shippers benefited from reduced ocean freight rates. We could find no evidence of such a program. We did find evidence of rate negotiation between shippers and carriers; however, this does not constitute a bounty or grant under the Act.

III. Programs Preliminarily Determined not to be Utilized

We preliminarily determine that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, or exporters in South Africa of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars and cold-formed carbon steel bars.

A. Pre- and Post-Shipment Financing

The Industrial Development Corporation (IDC) is a state-owned corporation that extends loans at reduced rates to domestic manufacturers and producers. IDC also finances, at reduced rates, expansion programs aimed at increasing foreign exchange earnings. We have found no evidence to indicate that either ISCOR or Highveld utilized this program during the period of investigation.

B. Export Incentive Program—Category A and B

Category A is a tax deduction for 50 percent of the import tariffs applying to inputs used for exports. Category B is a tax deduction equal to 10 percent of the value-added component of export goods. ISCOR paid no taxes during 1981; it was unable to utilize these programs. Highveld stated that the benefits they would have received under the program did not justify the costs of recordkeeping and reporting required to utilize them. Therefore, they did not participate in the programs.

C. Beneficiation Allowances for Base Mineral Processing

Businesses processing or reprocessing base minerals for export are eligible to receive a maximum investment allowance of 20 percent on plant and equipment. Recouped allowances are alleged not to be subject to taxation. Neither firm is eligible for this benefit under the terms of the program since they do not export beneficiated minerals.

D. Homeland Development

Under South African tax laws, businesses may apply for income tax deductions for conducting operations in certain development areas. Neither firm has facilities manufacturing the products under investigation in any of the development areas.

E. Iron/Steel Export Promotion Scheme

The South African Department of Commerce, Industries, and Tourism, through ISCOR, rebates a fixed percentage of the f.o.b. value of exports containing rolled, drawn or forged steel if the product meets a value-added criterion. This program, by its terms, does not apply to the exports of merchandise subject to these investigations.

IV. Programs Preliminarily Determined to be no Longer in Existence

We preliminarily determine that the following programs which were described in the notice of "Initiation of the Countervailing Duty Investigations" are no longer in existence.

A. Export Incentive Program—Category C (Finance Charges Aid Scheme)

The South African government provided for a tax-free rebate to certain firms increasing the value of their exports of manufactured goods. The rebate was equal to 25 percent of the interest costs for financing exports. We calculated the benefit to be 1.2 percent *ad valorem* for ISCOR and 1.9 percent *ad valorem* for Highveld. As this program was terminated on April 1, 1982, our estimated countervailing duty rate will not reflect this benefit for exports after that date.

B. Central Government Rebate

The government of South Africa offered an additional "Central Government Rebate" of up 25 percent of the railroad charges on products shipped in open railway cars for export. We calculated the benefits under this program to be:

Manufacturer/Producer/Exporter	Ad valorem rate (percent)
ISCOR:	
Carbon steel structural shapes	2.4
Hot-rolled carbon steel plate	2.2
Hot-rolled carbon steel sheet	2.3
Cold-rolled carbon steel sheet	1.9
Galvanized carbon steel sheet	1.6
Hot-rolled carbon steel bars	1.6
Hot-rolled alloy steel bars	1.6
Cold-formed carbon steel bars	1.6
Highveld:	
Carbon steel structural shapes	1.9
Hot-rolled carbon steel plate	2.0

As this program was terminated on April 1, 1982, our estimated countervailing duty rate will not reflect this benefit for exports after that date.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars and cold-formed

carbon steel bars which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register and to require a cash deposit or bond in these products in the amounts indicated below.

For Products Exported Before April 1, 1982 and Entered, or Withdrawn from Warehouse, for Consumption on or after the Date of Publication of This Notice

Manufacturer/producer/exporter	Ad valorem rate (percent)
ISCOR:	
Carbon steel structural shapes	19.9
Hot-rolled carbon steel plate	18.6
Hot-rolled carbon steel sheet	19.3
Cold-rolled carbon steel sheet	17.3
Galvanized carbon steel sheet	15.6
Hot-rolled carbon steel bars	15.3
Hot-rolled alloy steel bars	15.3
Cold-formed carbon steel bars	15.3
Highveld:	
Carbon steel structural shaped	13.7
Hot-rolled carbon steel plate	13.5
All others:	
Carbon steel structural shapes	19.9
Hot-rolled carbon steel plate	18.6
Hot-rolled carbon steel sheet	19.3
Cold-rolled carbon steel sheet	17.3
Galvanized carbon steel sheet	15.6
Hot-rolled carbon steel bars	15.3
Hot-rolled carbon steel bars	15.3
Cold-formed carbon steel bars	15.3

For Products Exported on or after April 1, 1982 and Entered, or Withdrawn from Warehouse, for Consumption on or after the Date of Publication of This Notice

Manufacturer/producer/exporter	Ad valorem rate (percent)
ISCOR:	
Carbon steel structural shapes	16.3
Hot-rolled carbon steel plate	15.2
Hot-rolled carbon steel sheet	15.8
Cold-rolled carbon steel sheet	14.2
Galvanized carbon steel sheet	12.8
Hot-rolled carbon steel bars	12.5
Hot-rolled alloy steel bars	12.5
Cold-formed carbon steel bars	12.5
Highveld:	
Carbon steel structural shapes	9.9
Hot-rolled carbon steel plate	9.6
All others:	
Carbon steel structural shapes	16.3
Hot-rolled carbon steel plate	15.2
Hot-rolled carbon steel sheet	15.8
Cold-rolled carbon steel sheet	14.2
Galvanized carbon steel sheet	12.8
Hot-rolled carbon steel bars	12.5
Hot-rolled alloy steel bars	12.5
Cold-formed carbon steel bars	12.5

Where a company specifically listed above has not exported a particular product during the period for which we are measuring subsidization, the cash deposit or bond amount should be based on the highest rate for products that were exported by that company.

This suspension will remain in effect until further notice.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 19, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by July 12, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 10, 1982.

[FR Doc. 82-16252 Filed 6-14-82; 9:30 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determinations.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in the United Kingdom of certain steel products, as described in the "Scope of Investigations" section of this notice. The estimated net subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on these products in an amount equal to the estimated net subsidy. For purposes of these preliminary determinations, we are excluding from these preliminary affirmative determinations certain steel producers in the United Kingdom receiving no subsidies or subsidies in amounts preliminarily determined to be *de minimis*. If these investigations proceed normally, we will make our final determinations by August 24, 1982.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane or Clearance Light, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5414 or 4036.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in the United Kingdom of certain steel products, as described in the "Scope of Investigations" section of this notice. For purposes of these investigations, the following programs are preliminarily found to be subsidies:

- Public dividend capital and new capital
- National Loans Fund loans and loan forgivenesses
- Government guaranteed loans
- Regional development grants

We estimate the net subsidy to be the amount indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On January 11, 1982, we received petitions from United States Steel Corporation; counsel for Bethlehem Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation ("the Five"), filed on behalf of the U.S. industry producing carbon steel structural shapes and hot-rolled carbon steel plate. The Five also filed on behalf of the U.S. industry producing hot-rolled carbon steel bars and cold-formed carbon steel bars. The petitions alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters

in the United Kingdom of the steel products listed above. Counsel for Bethlehem Steel Corporation and counsel for the Five also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We found the petitions to contain sufficient grounds upon which to initiate countervailing duty investigations, and on February 1, 1982, we initiated countervailing duty investigations (47 FR 5748). We stated that we expected to issue preliminary determinations by April 6, 1982. We subsequently determined that the investigations are "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determinations for 65 days until June 10, 1982 (47 FR 11739). Since the United Kingdom is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission ("ITC") of our initiations. On February 26, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and the government of the United Kingdom in Washington, D.C. on February 19, 1982. On April 30, 1982, we received the responses to the questionnaires. Supplemental responses were received on May 17, 1982.

Scope of the Investigations

The products covered by these investigations are:

- Carbon steel structural shapes
- Hot-rolled carbon steel plate
- Hot-rolled carbon steel bars
- Cold-formed carbon steel bars

The products are fully described in Appendix A, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register.**

British Steel Corporation ("BSC"); Bar Bright Usam; Bedford Steels, Ltd.; Brasway Bright Bar; Bright Steels, Ltd.; Darlington & Simpson Rolling Mills, Ltd.; The Dudley Port Rolling Mills, Ltd.; Eaton & Booth, Ltd.; Flather Bright Steels, Ltd.; Glynwed Steels, Ltd.; Kiveton Park Steel & Wireworks, Ltd.; Lee of Sheffield, Ltd.; London Works Steel Company, Ltd.; and Round Oak Steel Works, Ltd., are the only known producers and exporters in the United Kingdom of the subject products which were exported to the United States. The period for which we are measuring subsidization is the fiscal year April 1980 through March 1981 for BSC and the most recent fiscal year for which information was available for the other prodcuers.

Analysis of Programs

In their responses, the government of the United Kingdom and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from the following firms, which produced and exported the products under investigation which were exported to the United States as indicated below.

BSC produced and exported hot-rolled carbon steel plate, carbon steel structural shapes and hot-rolled carbon steel bars. Eaton & Booth, Ltd., and The Dudley Port Rolling Mills, Ltd., produced and exported carbon steel structural shapes and hot-rolled carbon steel bars. Darlington & Simpson Rolling Mills, Ltd., produced and exported carbon steel structural shapes. Bedford Steels, Ltd., Round Oak Steel Works, Ltd., and Glynwed Steels, Ltd., produced and exported hot-rolled carbon steel bars and cold-formed carbon steel bars. Bright Steels, Ltd., Lee of Sheffield, Ltd., Kiveton Park, Steel and Wireworks, Ltd., Brasway Bright Bar, Bar Bright Usam, and Flather Bright Steels, Ltd., produced and exported cold-formed carbon steel bars. London Works Steel Company, Ltd., produced and exported hot-rolled carbon steel bars.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigations concerning certain steel products are described in detail in Appendix B, which appears with the notice of "Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products from Belgium", in this issue of the **Federal Register** (hereinafter, Appendix B), Appendix C, which also appears with the above cited Belguim **Federal Register** notice, (hereinafter, Appendix C), is a description of programs administered by organizations of the European Communities.

Based upon our analysis to date of the petitions and responses to our questionnaires, we have preliminarily determined the following:

I. Programs Preliminarily Determined to be Subsidies

We preliminarily determine subsidies are being provided to manufacturers, producers, or exporters in the United Kingdom of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars and cold-formed carbon steel bars under the programs listed below.

A. Public Dividend Capital

BSC was established by an Act of Parliment on March 22, 1967, under the provisions of the Iron and Steel Act of 1967. The 1967 Act combined 14 steel companies, creating the new nationalized company known as BSC. The British government reimbursed stockholders of record at the time the companies were merged and absorbed the substantial debts of the individual companies. The bulk of the debt was converted to government equity under the provisions of the Iron and Steel Act of 1969, which also authorized government payments to BSC.

Authority for the government to make payments to BSC was renewed in the Iron and Steel Act of 1975. Section 18(1) of this Act provided that "the Secretary of State may, with the approval of the Treasury, pay to the British Steel Corporation such sums as he thinks fit." In 9 of the 15 years of its existence, the corporation has received such payments, known as public dividend capital or new capital, from the government. In 1972 and 1981 Parliament provided that amounts of public dividend capital be written off. Despite the write-offs on BSC's books, we are not altering our valuation of the government's equity ownership in BSC or the countervailable benefits which flow from such ownership.

As described in Appendix B, the treatment of government equity investment in a company hinges essentially on the soundness of the investment. If the government investment was reasonably sound at the time it was made, we do not consider it a subsidy. If, on the contrary, the investment appears unsound, a subsidy may result.

Despite net losses in its early years, BSC's operating income from March 1967 through March 1972 was relatively strong. In the next three years, from April 1972 through March 1975, BSC posted operating profits sufficient to meet interest costs and to generate positive net after-tax income. Therefore, during the period from March 1967 through March 1975, we do not have substantial evidence to conclude that BSC was not a sound investment.

By the end of the 1974/75 fiscal year, however, BSC was operating at no more than the break even point. The company sustained heavy losses in each of the next six fiscal years. Net losses in fiscal 1975/76 were £254.9 million, in 1976/77 £95 million, in 1977/78 £443.4 million, in

1978/79 £309.4 million, in 1979/80 £544 million, and in 1980/81 £668 million.

Under normal business or financial criteria, a company sustaining successive, heavy losses would not be regarded as a sound investment. Considering the magnitude of the losses and the length of time over which they occurred, we regard BSC as both no longer a sound investment and uncreditworthy—for purposes of measuring potential subsidies from equity infusions and loans in these investigations—during the six-year period beginning with fiscal year 1975/76 until the present.

Since we have determined that BSC was no longer a sound investment from April 1975 through March 1981, we must examine the government's equity infusions during this period to determine whether they bestow a subsidy. As described in greater detail in Appendix B, we compared the rate of return the government received on its equity investment in BSC with the average rate of return on equity investment in the United Kingdom for a given year, as estimated by the average earnings yield on industrial shares. BSC's return was measured by its net earnings (or losses) dividend by owner's equity. During this period BSC's losses were quite large resulting in large negative returns on owner's equity.

Comparing the market return with BSC's large negative return yielded a 1980/81 subsidy exceeding the subsidy we would have calculated had we treated the public divided capital or new capital payments as outright grants rather than as equity. Consequently, we limited the subsidy to the 1980/81 amount which would have existed, if the equity investments were treated as grants. (See grants methodology described in Appendix B.) Allocated over all BSC steel production, the subsidy amount for public dividend capital and new capital in the 1980/81 fiscal year was found to be 30.928 percent *ad valorem.*

B. The National Loans Fund ("NLF")

The National Loans Act of 1968 established the NLF, a depository of money raised by the creation of government debt. The NLF replaced the Consolidated Fund, which served as the depository of government funds prior to 1968. Lending from the NLF is not generally available but is limited to nationalized companies in the United Kingdom. BSC was authorized to borrow from the Consolidated Fund by the Iron and Steel Act of 1967 and from the NLF by the Iron and Steel Act of 1975. British Independent Steel Producer Association members ("BISPA producers") do not qualify for NLF loans.

During the period from July 1967 through March 1978, BSC received loans in substantial amounts from the NLF. A large portion of these amounts was repaid by BSC in the normal course of debt servicing.

Outstanding loans from the NLF were forgiven twice by authority of the U.K. Secretary of State. The Iron and Steel Act of 1972 released BSC from an obligation to repay certain amounts of NLF debt. The Iron and Steel Act of 1981 released BSC from its obligation to repay amounts of NLF debt outstanding at the end of the 1980/81 fiscal year. As a result of this last forgiveness of debt, BSC's entire outstanding indebtedness to the NFL was forgiven. BSC has not received additional funds from the NLF to date. For purposes of calculating the subsidy amount of this forgiveness, we treated the amounts as grants and used the grant methodology described in Appendix B. This methodology resulted in a subsidy of 4.146 percent *ad valorem.*

With respect to BSC's receipt of loans, petitioners have alleged that BSC was uncreditworthy. For the reasons described above in our discussion of public dividend capital, we are not treating BSC as uncreditworthy for the period from March 1967 through March 1975. For loans received during this period, we used the loan methodology described in Appendix B. The commerical rate selected for comparison with the interest rate on NLF loans (the terms of which range from 5 to 21 years) was an average rate on 20-year industrial debentures.

Using this metholology we calculated a subsidy in the amount of 0.147 percent for 1980/81. Since the loans were not tied to large capital asset acquisitions, we did not reallocate the subsidy amount of 0.147 percent for 1980/81. Since the loans were not tied to large capital asset acquisitions, we did not reallocate the subsidy amount over a time period different from the life of the loan.

Likewise for the reasons described above in our discussion of public dividend capital, we are treating BSC as uncreditworthy for the period from April 1975 to date. For loans received during these years, we used the methodology for loans to uncreditworthy companies described in Appendix B. Essentially, we treated the loans as equity investments (for reasons described in Appendix B) and calculated the subsidy by comparing BSC's rate of return in a given year with the average rate of return on investment in the United Kingdom, less principal and interest payments on the loan. The average rate of return on investment in the United Kingdom was based on an average earnings yield on industrial shares. On this basis we calculated a subsidy for 1980/81 which exceeds the subsidy amount which would be calculated for 1980/81 if the loans were treated as outright grants of the principal in the year received. Therefore, we used the grant methodology described in Appendix B and found a subsidy for BSC of 2.404 percent *ad valorem.* We note that the *ad valorem* subsidy amounts shown in the "Suspension of Liquidation" section of this notice, do not reflect the 0.147 percent and the 2.404 percent benefits arising from preferential NLF loans, since these loans are no longer outstanding at this time.

C. Industrial Investment Loans from the European Coal and Steel Community ("ECSC")

For the reasons described in Appendix C, we preliminarily determine that ECSC industrial investment loans are countervailing insofar as they offer preferential interest rates to European steel companies. Two respondent steel companies, BSC and Eaton & Booth, Ltd., have received industrial investment loans from the ECSC.

For BSC, we quantified the amount of the subsidy on loans prior to April companies considered creditworthy. The commercial rate selected for comparison with the interest rate on ECSC loans (the terms of which ranged from 5 to 20 years) was an average rate on 20-year industrial debentures. For loans on and after April 1, 1975, we quantified the subsidy to BSC using the methodology described in Appendix B for loans to uncreditworthy companies. For purposes of calculating the subsidy to Eaton & Booth, Ltd., we used the methodology described in Appendix B for loans to companies considered creditworthy. The commercial rate selected for comparison with the interest rate on ECSC loans to Eaton & Booth, Ltd., was an average rate on 20-year industrial debentures. For the 1980/81 fiscal year, the subsidy amounted to 2.243 percent *ad valorem* for BSC and 0.004 percent *ad valorem* for Eaton & Booth, Ltd.

D. Loans from the European Investment Bank ("EIB")

For the reasons described in Appendix C, we preliminarily determine the EIB loans are countervailable, because by charter they are regional in character and are thus preferential.

From October 1973 through December 1977, BSC received eighteen EIB loans. Since we are not treating BSC as

uncreditworthy from March 1967 through March 1975, we have quantified the benefit to BSC from EIB loans made using the methodology described in Appendix B for loans prior to April 1975 to creditworthy companies. The commercial rate selected for comparison with the rates on EIB loans (the terms of which ranged from 5 to 18 years) was an average rate on 20-year industrial debentures. For loans on and after April 1, 1975, we calculated the benefit from EIB loans using the methodology described in Appendix B for loans to uncreditworthy companies. On these bases we calculated a subsidy amount of 1.115 percent for fiscal 1980/81.

The BISPA producers did not receive EIB loans.

E. Dollar Bond Issues

Bonds in U.S. currency issued by BSC were sold on the world market during 1974. The bonds were guaranteed by the British government. BSC was able to issue these bonds at lower rates than would have been possible without the British government's guarantee. Therefore, we preliminarily determine that these bonds have resulted in the payment or bestowal of a subsidy.

Since these dollar bonds were issued during the period for which we are not treating BSC as uncreditworthy, we quantified the benefit to BSC using the methodology in Appendix B for loans to creditworthy companies. The commercial rate selected for comparison with the rates on dollar bonds (the terms of which ranged from 10 to 15 years) was an average yield on U.S. long term corporate bonds. On this basis we calculated a subsidy amount of 0.171 percent *ad valorem* for fiscal 1980/81.

F. BSC Loans to Flather Bright Steels, Ltd., and London Works Steel Company, Ltd.

BSC used part of its public dividend capital and new capital to make interest-free loans to Flather Bright Steels, Ltd., and London Works Steel Company, Ltd., companies which are 99 percent owned by BSC. Since BSC is government-owned, we preliminarily determine that these interest-free loans confer a countervailable benefit on Flather Bright Steels, Ltd., and London Works Steel Company, Ltd., to the extent that such loans are at preferential rates. We calculated this benefit using the methodology for loans to creditworthy companies described in Appendix B. The commercial rate selected for comparison with these interest-free loans was an average rate on 20 year industrial debentures. On this basis the loans resulted in a subsidy of 2.445 percent *ad valorem* for Flather Bright Steels, Ltd., and of 4.779 percent *ad valorem* for London Works Steel Company, Ltd.

G. Regional Development Grants ("RDG")

The Industry Act of 1972 established an RDG incentive program with the goals of eliminating industrial, economic, and social disadvantages in specified regions of the United Kindom. The Secretary of State, with the approval of the Treasury, is authorized to determine the activities which qualify for grants and the conditions of each grant. The grants are made towards the cost of capital expenditures on new buildings or works in development areas, the adaptation of existing buildings on qualifying premises in development areas, and new machinery and plants for use in qualifying premises in development areas. The grants pay for a fixed percentage of the cost for specific capital assets depending on the type of region for which they are designated. The amount of a grant in a development area is 15 percent and in a special development area the grant is 22 percent of the capital asset. Grants are provided only after the asset has been purchased or the expenditure on it is defrayed. We find these grants to be grants "tied" to (i.e., bestowed expressly to purchase) specific capital assets.

We preliminarily determine that the regional development grants are subsidies. They are not made generally available in the United Kingdom, but rather are available only to designated manufacturing sectors (*e.g.*, metals manufacture) and to "special development" and "development" regions. Therefore, we find the grants received under the RDG program to be subsidies within the meaning of section 771(5)(B)(iv) of the Act.

In each case the individual grants were for less than $50 million. In accordance with the methodology described in Appendix B, we are therefore allocating them over 15 years. We calculated subsidy amounts for fiscal 1980/81 as follows:

Company	Percent *ad valorem*
BSC	1.759
Bright Steels, Ltd	0.260
Darlington & Simpson Rolling Mills, Ltd	0.049
Eaton & Booth, Ltd	0.035
Glynwed Steels, Ltd	0.015
Kiveton Park Steel and Wireworks, Ltd	0.063
Lee of Sheffield, Ltd	0.251

II. Programs Preliminarily Determined not to be Subsidies

We preliminarily determine subsidies are not being provided to manufacturers, producers, or exporters in the United Kingdom of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars and cold-formed carbon steel bars under the following programs.

A. Transportation Assistance

BSC and BISPA producers appear to contract with British Rail on an arm's length basis and to pay commercial rates on steel shipments. The government in its response indicates that no rate differentials exist between public transport provided to the concerned companies and general users. The government also indicates that it has made no payments to privately held transport firms for services to the companies concerned in these investigations. BSC's use of the inland waterways for steel transport appears to be negligible. Since there appears to be no preferential treatment accorded to BSC or the BISPA producers on shipments by rail, we preliminarily determine that the rail freight charges on steel shipments are not preferential and do not result in the payment or bestowal of a subsidy.

B. The British Government Redundancy Fund

Redundant workers in the United Kingdom (*i.e.*, those who have been laid off) receive a redundancy payment normally amounting to several thousand pounds sterling per worker. Fifty-nine percent of the payment is borne by the employer and forty-one percent by the government. Payments are implemented by the employer initially paying one hundred percent to the employee and recovering forty-one percent from the Redundancy Fund. The fund is, in principl, established from compulsory social security contributions paid by all employers. BSC has been contributing to the fund since its formation in 1967. The BISPA producers also contribute to this fund.

Since the Redundancy Fund appears to be available for the benefit of all employees who lose jobs and since it is not restricted to particular sectors of the economy or regions of the country, we preliminary determine that payments from the fund do not constitute a subsidy.

Certain petitioners allege that the ECSC has made the fifty-nine percent share of the payment on behalf of BSC for many laid-off BSC workers. We will seek additional information to

determine to what extent, if any, the ECSC made Redundancy Fund payments on BSC's behalf.

C. The Iron and Steel Industry Training Board

The Iron and Steel Industry Training Board sponsors various training programs aimed at maintaining the nation's pool of skills and increasing employee job versatility in the event that present employment is terminated. The Board receives annual levies of up to one percent of payroll from iron and steel producers and makes grants to those companies required by the government to conduct training programs. The grants normally are insufficient to cover the costs incurred by the companies providing the training. BSC received several training grants under this program. In November of 1981, the government announced that it would discontinue the Iron and Steel Industry Training Board during the 1982/83 fiscal year.

Since the training programs are not oriented to train employees on their present jobs and do not appear to be geared to meeting the training needs of the recipient companies, and also since the Board appears to be supported entirely by the producer levy income it collects, we preliminarily determine that training grants from the Iron and Seel Industry Training Board do not result in the bestowal of a subsidy.

We will seek additional information on the nature of the training sponsored by the Board.

D. Temporary Short-Time Working Compensation Scheme

When employees in any industry are forced to work less than full time because of cutbacks in production, they may receive compensation from the government on a temporary basis for hours not worked through the Temporary Short-Time Working Compensation Scheme. The scheme encourages employers to place workers on short time rather than make them redundant. The scheme appears to have general applicability and is not restricted to workers in a particular sector. Consequently, we preliminarily find that the scheme does not result in a subsidy. The possibility that the steel companies may be required by union contract to employ workers for a minimum number of hours and therefore may derive a benefit from the scheme will be examined prior to our final determination. We shall also attempt to determine whether this is truly a universal program or one favoring the British steel industry in the United Kingdom.

E. National Coal Board ("NCB")

The NCB is a wholly government-owned industry whose goal is to be able to meet the nation's long-term coal requirements and to attain an efficient, competitive, financially viable coal industry.

Even though the U.K. coal industry appears to be subsidized, we preliminarily determine that assistance to the U.K. coal industry by the government would not confer a countervailable benefit on the U.K. steel industry. Our reasons are that the U.K. steel companies buy coal on the overseas market at similar or even lower prices without regard to the U.K. government's assistance to its coal industry, moreover, the steel companies and the allegedly subsidized coal companies are unrelated, and their coal transactions are conducted at arm's length.

F. Electricity Generating Boards

The electricity generating boards operate without government assistance. BSC and the BISPA producers purchase electric power from the boards on an arm's length basis, paying the same rates as other large industrial users. Therefore, we preliminarily determine that no subsidies are being conferred on steel production through preferential electric power rates.

G. Research and Development Grants From the ECSC

BSC and Round Oak Steel Works, Ltd., received research and development grants from the ECSC. As described in the Appendix C, we preliminarily determine that ECSC research and development grants are not countervailable.

III. Programs Preliminarily Determined Not to Be Utilized

We have preliminarily determined that the following programs which were described in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, or exporters in the United Kingdom of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars, and cold-formed carbon steel bars.

A. Research and Development Grants From the British Government

In its response the British government indicated that no research and development funds have been granted in respect to the products currently under investigation. BSC and the BISPA producers indicated that they received no research and development loans or grants from the government.

B. Export Credit Guarantee Department ("ECGD")

The ECGD encourages exports by insuring exports against non-payment by overseas buyers and by guaranteeing bank loans needed to finance export sales on credit. Premium payments are collected for these services and the ECGD is required to operate at no cost to public funds. The ECGD also administers a fixed rate export financing scheme which does not have used ECGD services.

C. Manpower Services Commission

The Manpower Services Commission provides employment services for the entire working population. Its services include activities such as aid for the employed who must relocate to find work. The Manpower Services Commission also provides a range of training courses under the Training Opportunities Scheme for the unemployed. Arrangements can be made under the scheme to allow workers faced with redundancy to begin training for a new job before they have been discharged. BSC and the BISPA producers have indicated that they have received no finanical aid under Manpower Services Commission programs.

D. ECSC Loan Guarantees

Neither BSC nor the BISPA producers received loan guarantees from the ECSC.

IV. Programs for Which Additional Information is Needed

The programs listed below were alleged by the petitioners to be subsidies. At this time, we do not have sufficient information upon which to determine whether these programs are providing manufacturers, producers, or exporters in the United Kingdom of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars, and cold-formed carbon steel bars benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

ECSC Labor Assistance

As described in Appendix C, Article 54(2) of the Treaty of Paris authorizes the ECSC to provide loans for residential housing for steel workers. Articles 56 of the Treaty of Paris authorizes ECSC to provide matching grants to member states for programs that assist unemployed steelworkers. We are seeking information as to

whether and to what extent BSC or the BISPA producers or their employees received aid under these programs.

Negative Determination of Critical Circumstances

Counsel for Bethlehem Steel Corporation and counsel for the Five alleged that imports of all steel products under investigation present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the alleged subsidy is inconsistent with the Subsidies Code of the General Agreement on Tariffs and Trade *and* "there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Since these investigations were initiated, U.S. imports of carbon steel structural shapes from the United Kingdom amounted to 9,697 net tons in February, 5,998 net tons in March, and 93 tons in April, the most recent month for which import statistics were available. U.S. imports of hot-rolled carbon steel plate were 698 net tons in February, 301 net tons in March, and 177 net tons in April. U.S. imports of hot-rolled carbon steel bars amounted to 4,407 net tons in February, 4,498 net tons in March, and 660 net tons in April. U.S. imports of cold-formed carbon steel bars where 1,048 net tons in February, 1,360 net tons in March, and 1,125 net tons in April.

In the context of this industry, these products have not recently been massively imported from the United Kingdom over a relatively short period of time. Therefore, critical circumstances do not exist for carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars, and cold-formed carbon steel bars from the United Kingdom.

Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bar, and cold-formed carbon steel bar which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of the merchandise in the amounts indicated below:

Manufacturer/producer/exporter	Ad valorem rate
British Steel Corporation	40.362
Flather Bright Steels, Ltd.	2.445
London Works Steel Company, Ltd	4.779
Round Oak Steel Works, Ltd.	0.000
All other producers, not excluded from these determinations, of cold-formed carbon steel bars	2.445
All other producers, not excluded from these determinations, of carbon steel structural shapes, hot-rolled carbon steel plate, and hot-rolled carbon steel bars	40.362

We note that Round Oak Steel Works, Ltd., was found to receive no direct government subsidies. To exclude Round Oak Steel Works, Ltd., from these preliminary affirmative determination, however, would be to invite possible circumvention of these determinations, since Round Oak Steel Works, Ltd., is 99.5 percent owned by BSC and produces and exports many of the same products as BSC. We are therefore including Round Oak Steel Works, Ltd., in these preliminary affirmative determinations but establishing a zero rate for cash deposit or bonding purposes for this company.

Where a company specifically listed above has not exported a particular product during the period for which we are measuring subsidization, the cash deposit or bond amount should be based on the highest rate for products that were exported by that company.

However, as Flather Bright Steels, Ltd., London Works Steel Company, Ltd., and Round Oak Steel Works, Ltd., are related to BSC, they must meet the BSC cash deposit or bonding rate if they export any product other than those for them in the "Analysis of Programs" section of this notice.

This suspension will remain in effect until further notice.

Exclusion from the Preliminary Affirmative Countervailing Duty Determinations

Several of the firms investigated received either no subsidies or subsidies in amounts which we preliminarily determine are *de minimis*. These firms are Bar Bright Usam, Bedford Steels, Ltd., Brasway Bright Bar, Bright Steels, Ltd., Darlington & Simpson Rolling Mills, Ltd., The Dudley Port Rolling Mills, Ltd., Eaton & Booth, Ltd., Glynwed Steels, Ltd., Kiveton Park Steel and Wireworks, Ltd., and Lee of Sheffield, Ltd. We preliminarily exclude these firms from the preliminary affirmative countervailing duty determinations. No cash deposit or bond shall be required on entry of the subject merchandise produced and exported by these companies from the United Kingdom.

ITC Notifications

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 15, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration, Room 3073B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy (for Policy) to the Deputy Assistant Secretary by July 8, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, on or before July 19, 1982, at the above address and in at least ten copies.

Judith Hippler Bello,

Deputy (for Policy) to the Deputy Assistant for Import Administration.

June 10, 1982.

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Thursday,
June 17, 1982

Part III

Department of Housing and Urban Development

Office of Community Planning and Development

Announcement of Second Round of the Rental Rehabilitation Program Demonstration

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Community Planning and Development

[Docket No. N-82-1133]

Announcement of Second Round of the Rental Rehabilitation Program Demonstration

AGENCY: Housing and Urban Development.

ACTION: Notice of solicitation of proposals from eligible applicants to participate in the second round of the rental rehabilitation program demonstration.

SUMMARY: HUD is soliciting proposals from States and local governments to participate in a second round of the Rental Rehabilitation Program Demonstration. This Demonstration formerly was called the Small Rental Property Rehabilitation Demonstration Program. The name was changed to coincide with the Administration's 1983 legislative proposal for a Rental Rehabilitation Program. The Department is interested in promoting the rehabilitation of rental properties which require moderate amounts of rehabilitation (approximately $10,000 per unit) and public subsidies which do not exceed 50 percent of the cost of rehabilitation. The Demonstration is jointly administered by the Assistant Secretary for Housing and the Assistant Secretary for Community Planning and Development.

FOR FURTHER INFORMATION CONTACT: Either Robert I. Dodge, III, Director, Office of Urban Rehabilitation, Room 7168, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-5970 or 755-5685, or Gerald J. Benoit, Director, Existing Housing Division, Room 4208, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., telephone (202) 755-5353. These are not toll free numbers.

Proposal Due Date

Applications must be received by 5:00 p.m. on Firday, July 16, 1982. The original proposal is to be sent to the appropriate HUD Area Office, Attention CPD Division Director, and two copies to HUD Headquarters, at: Rental Rehabilitation Program Demonstration, Office of Urban Rehabilitation, Room 7168, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 29410.

SUPPLEMENTARY INFORMATION: The Demonstration is the precursor of the proposed Rental Rehabilitation Program and embodies its basic precepts including the separation of the subsidy to the property from the tenant subsidy, reliance on the private sector, local flexibility and discretion and minimum Federal involvement.

The purpose of the Demonstration is to help States and local governments to develop the capacity and experience to administer streamlined, cost-effective rental property rehabilitation programs as part of their overall community development and revitalization strategies, and to prepare them to assume responsibility for the administration of the proposed Rental Rehabilitation Program in Fiscal Year 1983. Twenty-three localities were selected to participate in the first round of the Demonstration in the Summer of 1981. HUD wants to expand the number of participants through a second round of the Demonstration.

In the second round, participating local governments may provide Community Development Block Grant (CDBG) funds or other forms of public rehabilitation assistance. Recognizing that States cannot directly undertake activities with nonentitlement CDBG funds, participating State agencies may nonetheless provide State rehabilitation funds available for rental rehabilitation activities. Alternatively, States may serve a coordination and support role with their small cities, to stimulate the development of local rental rehabilitation programs which are consistent with Demonstration precepts, and to provide technical assistance, with participating local governments providing the public subsidy from their sources of funds.

HUD will provide, to the maximum extent feasible, technical assistance by HUD staff and private consultants, to assist participating State and local governments in designing effective rental rehabilitation programs. If available and to the extent feasible, the Department will also provide PHAs within States and units of local government selected for participation with Section 8 Existing Housing contract authority to be used as part of the Demonstration.

The Department is interested in promoting the rehabilitation of rental properties which require moderate amounts of rehabilitation (approximately $10,000 per unit) and public subsidies which do not exceed 50 percent of the cost of rehabilitation.

This Notice affects the following Federal programs listed in the Catalog of Federal Domestic Assistance at the specified numbers: Community Development Block Grant in Entitlement Cities (14.218), Community Development Block Grant/Small Cities (14.219), and Low Income Housing Assistance Programs (Section 8) (14.156).

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act under OMB No. 2506-0051, approved for use through April 30, 1984.

The text of the Notice follows.

1. Background

Since the late 1970's, local governments have been actively involved in property rehabilitation programs. Although an average $1.1 billion in CDBG funds has been budgeted annually for publicly financed rehabilitation programs in recent years, most of these funds have been directed to rehabilitating owner occupied, 1-4 unit properties. And yet, small rental properties represent a significant portion of the deteriorating housing stock in many localities and comprise a major source of housing for low- and moderate-income people. This Demonstration offers States and localities the opportunity to develop efficient, locally appropriate rental rehabilitation strategies to address these properties.

There are two essential precepts of the Demonstration. First, the program separates financial subsidies for property rehabilitation from subsidies to lower income tenants. Second, the market is permitted to operate freely without any rent restrictions or similar controls imposed by HUD or the State or local government which differ from those applicable to structures undergoing comparable rehabilitation without assistance. Under the Demonstration, local governments may use CDBG or other State or local public funds and States may use public (non-CDBG) funds within their control to provide front-end subsidies to projects so that operating costs, debt amortization and reasonable profit can be achieved at market rentals. Certain Section 8 Existing Housing regulations (see paragraph 3.3 below) will be waived by HUD to permit lower income tenants in these properties to receive Section 8 Existing Housing certificates and thus remain in occupancy of the rehabilitated units, or find alternative housing, subject to all other Section 8 Existing Housing regulations.

The 23 localities in the first round of the Demonstration committed a total of $7.5 million of their community Development Block Grant funds to subsidize conventional rehabilitation

financing of rental properties. The first round is supported by a special allocation of approximately 715 Section 8 Existing Housing certificates. The 23 localities are well underway in implementing their programs, and experience has been gained in program design and the mechanics of operating rental rehabilitation programs. This experience will provide useful information to State and local governments selected to participate in the second round of the Demonstration.

2. Purpose of Demonstration

The overall purpose of the Rental Rehabilitiation Program Demonstration is to expand the number of States and local governments with the capacity to carry out effective rental rehabilitation programs, to prepare as many State and local governments as possible to carry out the Department's Proposed Rental Rehabilitation Program in Fiscal Year 1983, and to expand that state of the art in cost effective rental rehabilitation methods.

Specific objectives of the Demonstration include the development of:

(a) Appropriate subsidy mechanisms that make it feasible, practical and cost effective to rehabilitate small rental properties for market rate rental;

(b) Rental rehabilitation programs which will permit the increased availability of standard rental units that are affordable to low- and moderate-income tenants;

(c) Effective strategies to leverage private monies to subsidize financing for the rehabilitation of rental properties:

(d) Incentives for property owners to provide strong management and long term maintenance of rental properties which have received rehabilitation subsidies;

(e) Strategies to minimize displacement and to provide for the housing needs of tenants, including targeting Section 8 Existing Housing certificates to eligible lower income residents to provide them with the opportunity to remain in the rehabilitated units;

(f) State and local government capacity to administer rental rehabilitation programs.

3. Resources for the Demonstration To Be Committed by Participants and HUD

3.1 Each participating unit of general local government must budget Community Development Block Grant (CDBG) funds or other State or local public funds and States must budget public (non-CDBG) funds within their control to the Demonstration to leverage private rehabilitation financing. The principal use of public rehabilitation funds will be to subsidize the cost of private rehabilitation financing to the level required to make a project feasible at market rents. Where CDBG funds are used, any form of rehabilitation financial assistance for privately-owned properties allowed under Section 105 of the Housing and Community Development Act of 1974, as amended, for the State-administered nonentitlement program; or CDBG program regulations (24 CFR Part 570) for localities funded by HUD, is eligible.

3.2 If available and the extent feasible, HUD will provide a special allocation of Section 8 Existing Housing contract authority for use by PHAs within States and units of local government selected for participation.

3.3 The Assistant Secretary for Housing will issue waivers of 24 CFR Section 882.207(a) and the last sentence of § 882.209(a)(3) to permit participating PHAs to target Section 8 Existing Housing Contract authority under Annual Contributions Contract (ACC) to eligible tenants in properties undergoing rehabilitation under the Demonstration. Prior to the granting of waivers, however, the PHA will be required to submit modifications to its administrative plan identifying the procedures for selecting tenants residing in properties to be rehabilitated under the Demonstration.

3.4 To the maximum extent feasible, using resources available, HUD will provide technical assistance at no cost to participating States and localities from HUD Headquarters, Regional and Area Office staff, from staff of localities participating in the first round, and from private technical consultants.

4. Local Rental Rehabilitation Program Design

Each participant will have the flexibility to design a Demonstration program to meet local needs, priorities and management structures, within basic parameters of the Demonstration. Program components which are required in all locally adopted designs are outlined in the following paragraphs.

4.1 *Neighborhood Selection.* All applicants must tentatively designate one or more neighborhoods for participation in the Demonstration. Appropriate neighborhoods are those where there is a need for rehabilitation of rental properties principally occupied, or to be occupied, by lower income tenants, where the rental housing market is reasonably stable and where after rehabilitation market rents, including utilities, generally are affordable to low- and moderate-income renters, and are within Section 8 Existing Housing Fair Market Rents for the area (See 4.8). Localities should be aware that the use if CDBG funds will be governed by the anticipated revised CDGB entitlement city regulations when they become effective. It is, therefore, advisable that the Area Offices be contacted by applicants to discuss benefit characteristics of the selected neighborhoods where CDBG funds will be used.

4.2 *Property Selection.* Small rental properties of less than thirty (30) units per building are the focus of this Demonstration, although larger properties may be assisted where appropriate. Occupied and partially occupied properties are the primary target of the Demonstration.

4.3 *Eligible Property Owners.* To be eligible for rehabilitation assistance under the Demonstration, the property must be owned by private, for-profit owners. Non-profit organizations, defined as any public or private legal entities that are organized on a not-for-profit basis under applicable State law, may perform any appropriate function with regard to the Demonstration with the exception that they may not participate as the property owner.

4.4 *Rehabilitation Standards.* After rehabilitation, all properties assisted through the Demonstration must at a minimum meet the performance requirements set forth in 24 CFR §882.109 (Section 8 Existing Housing Quality Standards (HQS)). In addition, all such properties shall meet HUD's Cost Effective Energy Conservation Standards, published in 24 CFR Part 39.

4.5 *Relocation/Anti-Displacement Strategy.* Participants will develop their own relocation/anti-displacement strategies that are consistent with local needs and neighborhood characteristics. Minimum levels of protection for lower income tenants shall be developed by the participating State or locality in conjunction with the Department.

4.6 *Affirmative Fair Housing Marketing.* All States and units of general local government and individual property owners participating in the Demonstration must agree to the following conditions in addition to all other requirements under applicable statutes, Executive Orders, or regulations. Specifically, all State, units of general local government and property owners assisted through this program shall comply with Affirmative Fair Housing Marketing requirements. The property owner assisted through this program shall ensure that rehabilitated units will be marketed for rental or sale in a manner to affirmatively further fair housing in the

same manner as described in 24 CFR 200.620(a)–(f). If a rehabilitated unit is advertised for rental or sale, it will be done in a manner to inform persons who would otherwise be least likely to apply for the unit. The "Equal Opportunity" logo shall be displayed in all advertising.

4.7 *Rehabilitation Financing.* Private financing is an essential element of the Demonstration. All projects included in this Demonstration must be structured so that operating costs, debt service and reasonable profit can be supported by market rents. For the purposes of this Demonstration, the term "market rent" means the highest rent including utilities that the owner can reasonably expect to achieve for the unit in the given location, time and circumstance from an unassisted tenant. CDBG or State or local public funds are used to leverage private financing in any manner that the locality finds appropriate to achieve its purpose. Given the economics of rehabilitating rental properties, projects requiring only moderate levels of rehabilitation (approximately $10,000 per unit) are appropriate for the demonstration. Except in special cases, public funds should not exceed 50 percent of the cost of rehabilitation. The appropriate subsidy to achieve these objectives is some form of reduction of the privately-financed cost of rehabilitating the project. The amount and type of subsidy will be dependent upon the Demonstration program design and upon the economics of the rental rehabilitation market for the neighborhood or for specific projects. The State or locality shall require a substantial equity investment by the property owner in connection with each rehabilitation project. Examples of possible public rehabilitation financing mechanisms are:

(a) a direct front-end capital grant or a deferred payment loan in an amount sufficient to provide the subsidy necessary to make the project economically feasible at market rate rents;

(b) an interest-rate buy-down of a private rehabilitation loan.

Guaranteed artificially high rental incomes to property owners and/or public guarantees to protect an investor against market risks are *not* permitted as part of the Demonstration.

4.8 *Rental Subsidies.* In keeping with the preceding paragraph, the credit analysis and subsidy determination for all projects must separate the subsidy to lower income tenants administratively, financially and conceptually from the subsidy for property rehabilitation. Demonstration projects must be feasible at market rents since the rent stream is *not* guaranteed by the public sector. Tenants with Section 8 Existing Housing certificates may move out at any time leaving the unit to be freely rented without any guarantee of rent subsidy. Thus, appropriate neighborhoods and properties are those in which after-rehabilitation market rents, including utilities, are affordable to lower income tenants with Section 8 Existing rental assistance (i.e., rents do not exceed Section 8 Existing Housing FMR's). Fair Market Rents for properties assisted by the Demonstration shall be governed by applicable regulations.

4.9 *Private Sector Participation.* In addition to requiring conventional financing, each Demonstration program shall encourage delegation of appropriate responsibilities to the private sector. For example, lenders might perform loan origination, underwriting and/or servicing. Contractors might be required to prepare work write-ups, and architects to develop plans and specifications. Each program design shall also simplify all procedures to streamline the entire rehabilitation process from application through construction close-out.

4.10 *Future Assistance to Projects.* It shall be made clear to all property owners that no additional future public assistance will be provided to projects that subsequently develop financial difficulties.

4.11 *Property Owner Certification.* Participating States and localities shall secure for all properties rehabilitated under the Demonstration a certification signed by property owners that they shall adhere to the following conditions:

(a) Property owners, as a condition of participation in the Demonstration, and not as a Section 8 Existing Housing Program requirement, shall not refuse to rent to tenants holding Section 8 Existing Housing certificates except for good cause such as refusal to rent to tenants who previously failed to pay their rents, and/or to maintain their apartment, or to those who otherwise were in violation of the terms and conditions of the tenancy.

(b) Property owners renting to tenants with Section 8 Existing Housing certificates shall comply with all Section 8 Existing Housing regulations.

(c) Property owners shall exercise affirmative marketing of the units whenever units become vacated, in accordance with paragraph 4.6, above.

(d) Property owners shall rent their properties at market rates as defined in paragraph 4.7, that is, the highest rent the owners can reasonably expect to achieve for the unit in the given location, time and circumstance from an unassisted tenant.

4.12 *Program Requirements.* States and localities participating in this Demonstration program must comply with all applicable CDBG and Section 8 Existing Housing regulations. In addition, if funds, including rehabilitation financing, are provided through any other Federal assistance, loan, guarantee, or insurance program, regulations and requirements applicable to such programs must be followed.

5. Selection and Approval Procedures

5.1 Applications will be reviewed, rated and ranked by Area and Regional Offices and by a selection board of senior HUD Headquarters staff from the Housing and the Community Planning and Development Offices, according to the factors set forth in provision 6.6 below. Preliminary selection of applicants will be made by the Assistant Secretaries for Housing and for Community Planning and Development, in consultation with Regional Administrators, based on staff recommendations. The Secretary of HUD shall make the final selection.

5.2 Applications must be received by 5:00 p.m. on Friday, July 16, 1982.

6. Application Requirements

The application shall utilize Standard Form 424 (sample attached). The application should be brief—not more than 10 pages if possible, and provide the following information:

6.1 A two-page narrative on why a rental rehabilitation program is needed by the State or locality and why this Demonstration is particularly appropriate to address these needs. The narrative should also state the objectives of the applicant State or locality and expected accomplishments as a result of participation.

6.2 A preliminary selection of a neighborhood(s) for the Demonstration with available demographic and property data and a discussion of why the neighborhood is appropriate. The discussion should address such items as size and percentage of rental properties, percentage of low- and moderate-income residents, property condition and estimate of rehabilitation costs, market rents vis-a-vis Fair Market Rents (FMR), vacancy rate, and the like.

6.3 A brief description of the State or local organizational framework for implementing the Demonstration including the administrative and managerial relationship between the agency administering the community development program and the Public Housing Agency.

6.4 A brief description of past and current rehabilitation activity of the applicant locality or State.

6.5 Where the applicant is a unit of local government, a statement by the Chief Executive Officer certifying the willingness of the locality and the CD agency (a) to comply with the Demonstration precepts set forth in Provision 4 of this Notice, and (b) to commit CDBG or other local public funds to the Demonstraton. The statement should include an estimate of the CDBG or other public funding to be committed. The PHA must certify its willingness to cooperate with the CDBG agency on the Demonstration.

Where the applicant is a State, the Governor or authorized State agency official shall submit statements as described above.

6.6 The Department will attempt to achieve diversity in its selection of participants, including geographical distribution, population and type of applicant (State, city or urban county). Factors to be taken into consideration in assessing each applicaton will include the following:

- Extent of commitment to the development of an investor-owned rental rehabilitation program;
- Degree of understanding and incorporation of key elements of the Demonstration;
- Quality and past performance of State or local rehabilitation programs; and
- Ability to implement the program within a reasonable amount of time from date of approval.

Authority: Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et. seq.*), United States Housing Act of 1937 (42 U.S.C. 1437, *et seq.*).

Dated: June 8, 1982.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

Philip Abrams,

General Deputy Assistant Secretary for Housing/Deputy Federal Housing Comissioner.

BILLING CODE 4210-29-M

OMB Approval No. 29–R0218

FEDERAL ASSISTANCE

1. TYPE OF ACTION (Mark appropriate box)	☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (Opt.) ☐ REPORT OF FEDERAL ACTION	2. APPLICANT'S APPLICATION	a. NUMBER b. DATE Year month day 19
3. STATE APPLICATION IDENTIFIER	a. NUMBER b. DATE Year month day ASSIGNED 19	Leave Blank	

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT

a. Applicant Name :
b. Organization Unit :
c. Street/P.O. Box :
d. City : e. County :
f. State : g. ZIP Code:
h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
a. NUMBER
b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A–State
B–Interstate
C–Substate District
D–County
E–City
F–School District
G–Special Purpose District
H–Community Action Agency
I– Higher Educational Institution
J– Indian Tribe
K–Other (Specify):
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A–Basic Grant
B–Supplemental Grant
C–Loan
D–Insurance
E–Other
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A–New
B–Renewal
C–Revision
D–Continuation
E–Augmentation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT
b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
A–Increase Dollars
B–Decrease Dollars
C–Increase Duration
D–Decrease Duration
E–Cancellation
F–Other (Specify):
Enter appropriate letter(s) ☐☐

16. PROJECT START DATE Year month day 19

17. PROJECT DURATION Months

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A–95 this application was submitted, pursuant to instructions there'n, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
a. TYPED NAME AND TITLE
b. SIGNATURE
c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED Year month day 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. DEFERRED
☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19

34. STARTING DATE Year month day 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE Year month day 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A–95 ACTION
a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A–95, it has been or is being made.
b. FEDERAL AGENCY A–95 OFFICIAL (Name and telephone no.)

STANDARD FORM 424 PAGE 1 (10–75)
Prescribed by GSA, Federal Management Circular 74–7

[FR Doc. 82–16168 Filed 6–16–82; 8:45 am]
BILLING CODE 4210–29–C

federal register

Thursday
June 17, 1982

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Amendment of Procedures for Submission, Review, Approval or Disapproval and Maintenance of State Programs and for Substituting Federal Enforcement and Establishing a Federal Program in a State

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731, 732, 733 and 736

Amendment of Procedures for Submission, Review, Approval or Disapproval and Maintenance of State Programs and for Substituting Federal Enforcement and Establishing a Federal Program in a State

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rules.

SUMMARY: The Office of Surface Mining (OSM) is amending its rules which set forth the procedures for the submission, review, approval or disapproval, and maintenance of State programs, for substituting Federal enforcement of State programs and for establishing a Federal program in a State. The purpose of these rules is to provide greater editorial clarity and to remove or amend certain burdensome or counter-productive requirements to achieve a more streamlined set of regulations.

EFFECTIVE DATE: June 17, 1982.

ADDRESS: A transcript of the hearing held on January 5, 1982, and copies of all comments received are on file in the OSM Administrative Record located in Room 5315, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining, Room 210, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A draft of the proposed rule was made available to State regulatory authorities and groups representing industry and citizens. On December 4, 1981, OSM published proposed rules to amend 30 CFR Parts 730, 731, 732, 733 and 736 (46 FR 59482–59492). Public comments were invited for 45 days ending January 18, 1982, and a public hearing was held in Washington, D.C. on January 5, 1982. Three speakers offered testimony at the public hearing and written comments were received from seventeen (17) individuals or groups. All testimony and comments were analyzed.

A transcript of the public hearing and copies of all comments received are on file in the OSM Administrative Record at the address listed above under "ADDRESSES."

II. Background

Section 503 of the Surface Mining Control and Reclamation Act of 1977 (the Act) provides for a State to assume primary jurisdiction for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating its capability to do so by submitting a proposed State program to the Secretary of the Interior for approval. Section 504 of the Act directs the Secretary to prepare and implement a Federal program for a State if the State does not elect to submit a program, if the State's submitted or resubmitted program is disapproved, or if the State fails to implement, enforce or maintain its approved State program. To implement the provisions of sections 503 and 504 and to insure a balance among the competing mandates of the Act, the Secretary promulgated Parts 730–736 in the permanent regulatory program (44 FR 15323–15332, March 13, 1979). Under the current regulations, a State must submit its proposed permanent program to OSM under procedures contained in 30 CFR Part 731 to assume primary jurisdiction under the Act for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders. OSM reviews the proposal and recommends approval or disapproval to the Secretary of the Interior of each State program according to procedures contained in 30 CFR Part 732. Part 733 establishes requirements for the maintenance of approved State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs. Part 736 establishes standards and procedures for the promulgation, implementation and administration of a Federal program for a State.

Since the current regulations were promulgated in March 1979, twenty-four (24) States have submitted regulatory programs for review. Of that number, seventeen (17) have received full or conditional approval of their programs, and seven (7) are presently undergoing review by the Department.

Based upon its experience in processing these programs and monitoring those that have been approved, and based upon comments and suggestions from the States and others, OSM proposed on December 4, 1981, to modify the existing regulations, streamline the regulations, and make needed changes.

III. Amendments

The amendments to Parts 730, 731, 732, 733 and 736 will be discussed below by part and section number, together with the relevant public comments on each amendment. Comments on general topics or those not addressed to a specific section, will be discussed last.

Part 730—General Requirements

1. *Section 730.2 Objectives* and *§730.4 Responsibilities.*

These sections and other similar ones are being removed for editorial clarity. These sections contain no substantive requirements and are merely explanatory of requirements which follow. Three commenters, the Appalachian Research and Defense Fund of Kentucky (ARDF), the Tug Valley Recovery Center (TVRC), and the Northern Great Plains Office of the Sierra Club and Friends of the Earth (Sierra Club), objected to removing such sections and recommended retaining them. The Sierra Club stated that there would be no legal effect as a result of removing these sections, and that, therefore, the intent of the deletions must be to provide the appearance of change. OSM agrees that these sections have no legal effect. One of OSM's stated intentions in proposing these amendments was to streamline the rules by removing unnecessary provisions. The other two commenters stated that removing these sections would make the respective obligations of the States and the Federal government less clear. OSM does not agree that removal of these sections would have this effect. The substantive requirements of the regulations delineate with specificity the respective obligations of the States and the Federal government.

2. *Section 730.5 Definitions.*

Sections 730.5(b) and 732.15 were amended and § 731.13 removed in a separate rulemaking action. 46 FR 53376–53384 (October 28, 1981). The Sierra Club asked for additional clarification of those amendments. The rationale for those amendments is discussed at considerable length in the notice of final rulemaking published October 28, 1981 (46 FR 53376–53384). Any further discussion of those amendments is outside the scope of this rulemaking.

3. *Section 730.11 Inconsistent and more stringent State laws and regulations.*

Three amendments were proposed to § 730.11(a), which requires the Director to publish in the **Federal Register** any State law or regulation determined to be inconsistent with the Act or the

provisions of 30 CFR Chapter VII. The first proposed amendment, which is being adopted today, is necessary to make § 730.11(a) consistent with the change to § 730.5(b). (See discussion above at § 730.5.) The amendment incorporates the term "inconsistent with" as used in section 505(a) of the Act. Under amended § 730.11(a), no State law or regulation would be superseded by any provision of the Act or the regulations, except to the extent that the State law or regulation is inconsistent with the requirements of the Act or Chapter VII of 30 CFR.

The Sierra Club objected to this amendment and asserted the wording is vague. OSM believes that the term "consistent with" was adequately defined in the rulemaking for § 730.5 (see discussion and references above) and that § 730.11(a) is written with sufficient clarity.

A second proposed amendment, adopted today with additional changes, would require the Director to provide an opportunity for comment by interested parties prior to a final determination to set aside as inconsistent any State law or regulation. The Commonwealth of Kentucky supported the proposed amendment. The Sierra Club and ARDF objected to the proposed amendment on the grounds that section 505 does not provide for a comment period and that it would lead to unnecessary delays. ARDF also suggested that if a comment period is provided, that it be for a time certain, in order to avoid delays. While OSM agrees that section 505 does not specifically provide for a comment period, it believes that such a comment period provides a State with the opportunity to explain its provision and would diminish the likelihood of a decision which sets aside a State provision on the basis of a misunderstanding. OSM agrees that the comment period should be for a time certain, and the final rule has been revised to provide that the Director shall publish a notice of proposed action in the **Federal Register** and provide 30 days for public comment.

The third proposed amendment, which is adopted today, provides that the Director may publish either the complete text or a summary of the State law or regulation. If a summary of the provision is published, the notice will indicate where copies of the complete text will be available for inspection and how copies of it may be obtained free of charge. ARDF objected to the proposed amendment and stated that a summary of the provision is not sufficient to afford interested parties an opportunity to comment. As stated in the preamble to the proposed rule, the Director will publish the complete text when the material to be printed is brief. Only in cases where the material is voluminous will the Director publish a summary, and in those cases the Director will provide free copies of the complete text upon request. The amendment will insure adequate public notice in the most cost-effective manner available.

Part 731—Submission of State Programs

4. *Section 731.11 Eligibility.*

Section 731.11 is being removed for editorial clarity. The rationale for this change is the same as that provided under the preceding discussion of §§ 730.2 and 730.4

5. *Section 731.12 Submission of State programs.*

Amendments were proposed to § 731.12 to eliminate any reference to dates by which a State shall submit a State program, and to clarify that a State may submit a proposed program at any time. Although no comments were received which objected to removing the reference to dates, a number of commenters, including ARDF, the Sierra Club, and the Environmental Policy Institute (EPI), objected to the amendment clarifying that a State may submit a proposed program at any time. These commenters argued that section 504 of the Act precludes a State which has failed to obtain approval of its program from submitting another State program until after a Federal program is implemented. OSM believes that these commenters may have misinterpreted the proposed amendment. Sections 731.12 and 732.14 were amended in a final rulemaking action on October 8, 1981 (46 FR 50018–50019) to provide that a State whose program has been disapproved by a final decision may submit a proposed program *at any time.* In that rulemaking notice, OSM disagreed with similar comments regarding the interpretation of section 504(e) of the Act. As the preamble to the October 8, 1981, final rule concluded, OSM interprets the language in section 504(e) to be permissive in that a State *may* submit a new program after a Federal program is implemented. This issue was disposed of in the October 8, 1981, notice and was never within the scope of the present rulemaking. What the October 8, 1981, final rule did was to amend § 731.12(b) to provide that:

(b) States may submit a proposed program at any time, if:

(1) By a final decision, the State program submitted under 30 CFR 731.12(a) is disapproved; or

(2) Implementation of a Federal program under 30 CFR Part 736 has been completed; or

(3) There have been no surface coal mining and reclamation operations since August 3, 1977, but coal exploration or surface coal mining operations are anticipated; or

(4) A State program has been enjoined by a court of competent jurisdiction, in which case the requirements of 30 CFR 730.12 shall apply.

The December 4, 1981, notice proposed to further amend the October 8, 1981, final rule to provide simply that a State may submit a proposed program at any time. The purpose of the proposed amendment was to clarify the awkward construction of § 731.12(b) which makes it appear that there are only four limited categories of States which may submit proposed programs at any time. In reality, these four categories comprise the entire universe of possible situations in which a State could find itself. Since no comments were received on this specific proposed amendment, it is being adopted today without any change from the proposed rule.

Two comments were received on § 731.12 regarding the December 4 preamble discussion of the consequences if a State chooses not to resubmit (under 30 CFR 732.13(g)), if the resubmitted program is disapproved pursuant to § 732.13(f), or if an injunction extends beyond the period stipulated in section 503(d) of the Act. Section 502(f) of the Act and § 771.13(a) of OSM's regulations provide that following the final disapproval of a State program, and prior to promulgation of a Federal program, the interim program of section 502 continues in effect and during this period *"no new permits shall be issued* by the State whose program has been disapproved" (emphasis added). The preamble to the December 4 proposed rules also put the States on notice that under these circumstances, OSM will take immediate action to develop and implement a Federal program for such a State. Both commenters, the Mining and Reclamation Council of America (MARC) and the Joint NCA/AMC Committee on Surface Mining Regulations (the Joint Committee), expressed concern about the impact on operators who will be unable to continue mining unless renewals, extensions or revisions are made to interim program permits during this period and requested a clarification of the "no new permits" language in section 502(f) of the Act and 30 CFR 771.13(a). Both section 502(f) and 30 CFR 771.13(a) provide that permits which lapse during this period may continue in full force and effect until promulgation of a Federal program. This provision

indicates that Congress did not intend for existing operations to cease. Therefore, OSM believes that "new permits" does not include renewals, revisions or extensions of existing interim program permits. "No new permits" does mean, however, that no new operations will be allowed until a Federal program is implemented. The Joint Committee also requested clarification that the "no new permits" language of section 502(f) means that no new permits shall be issued *under the interim program* of section 502. The Joint Committee pointed out that section 502(b) requires that operations which commence operations on or after six months from the date of enactment of the Act must obtain an interim permit and that operations in existence prior to six months after enactment may operate without interim permits and are not covered by section 502(f). OSM agrees that such operations may continue in effect under applicable State laws (some of which required no permits) as they did before the Act, until a Federal program is implemented.

6. *Section 731.14 Content requirements for program submissions.*

A number of changes were proposed to § 731.14, which establishes content requirements for program submissions, to consolidate or eliminate certain requirements. All of the proposed changes were discussed in the preamble to the December 4 proposed rules. Only those proposed changes which elicited public comment will be discussed further today. Those proposals not discussed are adopted today unchanged from the proposed rules.

The Commonwealth of Kentucky generally supported all the proposed changes. EPI objected to the proposed amendment to § 731.14(c) which would allow preparation of the section-by-section comparison of the State's laws and regulations with the Act and the Secretary's regulations by some qualified entity other than the State Attorney General. EPI asserted that only the chief legal officer of the State can explain the *legal* effect of any differences. OSM notes that the existing regulation already allows preparation of the legal opinion by either the Attorney General *or* the chief legal officer of the State regulatory authority. The intent of the proposed amendment was to relieve the Attorney General of the very time-consuming task of preparing the section-by-section comparison. The legal staff of the regulatory authority may be in a better position to explain the legal differences when an Attorney General's office has not been actively involved in the program. Therefore, the final rule is being adopted as proposed.

ARDF objected to the proposed amendment to § 731.14(h) which requires statistical information concerning coal mining operations in the State. The amendment, adopted today, eliminates paragraphs (h)(1)–(h)(8) which list suggested types of information which might be included in a State's submission. ARDF asserted that these examples of types of information which may be submitted are helpful to the State and necessary to support a finding of capability on the State's part. OSM agrees that these suggestions might be helpful, but since they are not requirements, it is not appropriate to include them in regulations, and the final rule reflects this.

An amendment was proposed to § 731.14 to eliminate paragraphs (n), (o) and (p) as duplicative of information already available. These subsections require, respectively, information concerning special environmental performance standards, a brief description of other programs administered by the regulatory authority, and such other information as the director may require.

ARDF and EPI objected to eliminating paragraph (p) and ARDF also objected to eliminating paragraph (n) and (o). The commenters stated that paragraph (p) gives the Director general authority to require additional information and is a necessary catch-all for items that cannot be anticipated. OSM disagrees that this provision is necessary. The Secretary cannot approve a State program unless he finds that the program includes all necessary provisions. It is in the State's best interest to provide whatever information the Director may require. ARDF objected to the deletion of paragraph (o) regarding other programs administered by the regulatory authority. OSM does not believe this requirement is necessary. Under proposed § 731.14(e), being adopted today, the State must describe the organization of the regulatory authority and provide a description of how the staffing will be adequate to carry out the functions. In addition, under § 732.15(d), the Secretary cannot approve a State program unless he finds that the State regulatory authority and other agencies having a role in the State program have sufficient legal, technical and administrative personnel and funding to carry out the provisions of the program. ARDF also objected to the deletion of paragraph (n), but offered no specific argument. Paragraphs (n), (o) and (p) are therefore deleted for the reasons stated above.

Part 732—Procedures and Criteria for Approval or Disapproval of State Program Submissions

7. *Section 732.4 Responsibility.*

Section 732.4 is being removed for editorial clarity. The rationale for this change is the same as that provided under the preceding discussion of §§ 730.2 and 730.4.

8. *Section 732.11 Review by the Regional Director* and *§732.12 Notice and public hearing requirements.*

The current regulations provide for two review periods conducted in series, the first one for completeness, including a public meeting, and the second for substantive adequacy, requiring a public hearing. The amendments proposed on December 4 provided instead for a single review period for both completeness and substance, to include just one required public hearing. The proposed rules are being adopted today, but with considerable modification based on the public comments received.

The Joint Committee, MARC and Kentucky supported the proposed rule. Kentucky also suggested clarifying proposed § 732.11(b)(2) so that additions as well as revisions to the State program may be made. The Office has adopted this suggestion and revised the final rule accordingly.

ARDF, TVRC and EPI did not object to the general concept of the proposed amendments, but did take issue with compressing the time periods available for public review. The Office did not intend by the proposed amendments to shorten the time available for public review and comment. The final rule has been revised to provide that the public hearing will be held no sooner than 40 days following publication of the notice.

The total time allowed for public comment will vary from 45 to 60 days and will be set on a case-by-case basis, depending on the circumstances. The Sierra Club objected to publishing only a summary of the contents of the State program. No amendment was proposed to this provision. The Office has always published a summary of the program and made copies of the full text available to interested persons. Therefore, no change is being made to this provision. EPI suggested that the proposed rules be clarified to require that the **Federal Register** notice state the specific OSM and State office locations where copies of the program shall be available. The Sierra Club and the State of Illinois suggested that the requirements for maintaining a file of comments for public inspection and

sending these comments to the State agency be retained in the final rules. The Office has adopted both of these suggestions in the final rules.

Finally, OSM proposed to amend existing § 732.12(b)(2) to allow States to submit revisions to State laws and regulations up to the date of the Secretary's decision, provided that adequate notice and an opportunity to comment on the revisions is provided to the public. EPI stated that there was no objection to this procedure so long as it is clear that the public is fully apprised of the specific language of a provision and afforded an opportunity to comment on it. It is the Department's policy to provide full public participation in the review of State programs and the public will be afforded notice and an opportunity to comment on any changes to the State program.

9. *Section 732.13 Decision by the Secretary.*

Section 732.13(f) contains procedures for the submission of a revised program to the Secretary within 60 days following an initial disapproval. This section was proposed to be amended, by reference to proposed §732.11(b)(2), to establish the same requirements for enactment of laws and regulations in program resubmissions as were proposed for program submissions. (See discussion above under §§ 732.11 and 732.12.) This proposal is being adopted today without further changes. Only one comment was received on § 732.13(f). The Sierra Club objected to the short time period for comment on a resubmitted program. Existing § 732.13(f) provides for a minimum 15-day public review and comment period. No change was proposed to this requirement. The Office notes that 15 days is the *minimum* time for comment. This period can be lengthened, and has been expanded when a longer period seemed necessary. Therefore, no change to the time period allowed for public review and comment has been made to § 732.13(f).

Further changes to § 732.13 were proposed to redesignate the last two sentences of § 732.13(f) as § 732.13(g) and to redesignate existing paragraph (g) as paragraph (h). No comments were received on these proposals and they are being adopted today as proposed.

Section 732.13(h) [proposed to be redesignated § 732.13(i)] provides that an approved State program becomes effective on the date of publication of the Secretary's decision in the **Federal Register**. This Section was proposed to be amended to allow the Secretary to specify a different effective date for administrative convenience. The Joint Committee, MARC and Kentucky supported the proposed amendment, and EPI did not object, but requested clarification of two points. First, EPI noted that approvals should not be made retroactive as this would have the effect of invalidating OSM enforcement actions taken under the interim program. Second, EPI suggested that a prospective approval be limited to a short period of time and that during such period until the State program is effective, OSM's authority to inspect and enforce under the interim program must be assured. As to the commenter's first point, no approval will be made retroactive. The effective date will be either the date of publication or a later date. On the second point, the Secretary intends to limit use of this provision to specifying an effective date within one to four months of the date of publication. After the approval and during the period until the program becomes effective, OSM enforcement of the interim program will continue.

Section 732.13(i) (to be redesignated as paragraph (j)) provides that a conditionally approved program terminates if the deficiencies have not been corrected by the dates set forth in the Secretary's decision. This subsection was proposed to be amended to provide that the Director must notify the Secretary that the State has failed to meet the conditions and must take any one or more of three actions available to him. Three commenters objected to the proposed amendment. The Joint Committee objected that the proposed procedures unfairly invade the province of the States by sanctioning Federal enforcement or interference with the State program. TVRC and EPI objected to the proposed amendments, asserting that the proposed procedures violate the intent of section 503 of the Act, are cumbersome, and will invite bureaucratic delays on the part of OSM and the States. These commenters suggested that if despite their objections the proposed amendment is adopted, it should be revised to require the Director to take action within a specific period of time, such as 10 days. OSM has adopted this suggestion and the final rule provides that the Director must initiate some action within 30 days. OSM does not agree with the comment that these procedures constitute unwarranted Federal interference in a State program. The Secretary is required by section 521(b) of the Act to enforce any permit condition and issue permits if after public notice and hearing, he finds that the State has failed to enforce all or part of its program effectively and has not demonstrated its intent and capability to do so. Further discussion of this point is provided under § 733.12

OSM does not agree that the options available to the Director are cumbersome or will result in delays. The purpose of providing the Director with alternative actions is to allow the flexibility to address a particular set of circumstances and avoid the unnecessarily harsh result of an automatic termination of the State's program. OSM believes that requiring the Director to notify the Secretary and take some action within 30 days assures that OSM is taking seriously its responsibility to see that the deficiencies are corrected promptly. Accordingly, the proposed rule is adopted as final today with the one change of providing a time period within which the Director must act.

10. *Section 732.14 Resubmission of State programs.*

Section 732.14 was recently amended in a separate rulemaking action (46 FR 50018–50019, October 8, 1981) as discussed in the preamble to § 731.12. As with § 731.12, OSM is amending § 732.14 to make it clear that there are no limitations on when a program may be submitted. The rationale for this amendment and response to comments addressing it are provided in the discussion above under § 731.12.

11. *Section 732.15 Criteria for approval of State programs.*

Section 732.15(b)(10) requires that State programs contain provisions for public participation "consistent with the public participation requirements of the Act and this chapter." In the December 4, 1981 proposed rules, OSM proposed to amend this provision so that State programs need not provide for citizen suits in State courts nor require that citizens have the right to accompany State inspectors onto the mine site when the inspection is the result of the citizen's request. These proposed amendments and others dealing with the award of costs were also included in proposed amendments to Subchapter L (Inspection and Enforcement), published on December 1, 1981 (46 FR 58464–58479). On April 21, 1982, OSM published a Notice of Intent (47 FR 17269) in which it announced its decision (1) to retain without change the citizens' rights provisions of 30 CFR 732.15(b)(10) and the preamble (44 FR 14965) to the existing rule, and (2) to defer final rulemaking action on two issues raised as a result of a petition by several western States regarding attorneys' fees. Similarly, OSM decided in that notice not to adopt the corresponding citizens' participation changes proposed for Subchapter L. OSM has decided that the discussion of its decisions and comments received on

both sets of proposed amendments concerning citizens' participation are better addressed in the context of the Subchapter L rulemaking. The preamble to the Subchapter L final rule will contain a further explanation of these decisions.

Section 732.15(b)(14) requires that a State "Provide for the protection of State employees of the regulatory authority in accordance with the protection afforded Federal employes under section 704 of the Act." Section 732.15 was proposed to be amended to remove this requirement as section 704 appears to be a requirement which Congress intended to impose only on the Federal government and not on the States. ARDF and EPI objected to removing this requirement from State programs. Both commenters noted that, contrary to OSM's assertion in the December 4 preamble that section 704 on its face addresses only Federal employees, section 704 is entitled "Protection of Government Employees." This, the commenters stated, is meant to apply the requirement in a generic sense to all "government" employees, both State and Federal. Second, the commenters argued that section 503 requires the inclusion in State programs of all provisions of the Act and of sanctions which meet the requirements of the Act, including the sanctions of section 704. On the commenters' first point, OSM disagrees that because section 704 is titled "Protection of Government Employees" it is intended to apply to States as well as the Federal government. Section 704 amends the United States Code to make murder of a Department of Interior employee punishable as a Federal crime and provides for criminal penalties for any person who interferes with *the Secretary or any of his agents.* The provision is clearly directed at Federal, not State, employees.

In regard to the commenters' second point, section 503(a)(2) requires State programs to provide sanctions "for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors." Section 503 nowhere requires specifically that the State program include a provision similar to section 704. Those sanctions which are required to be included are enumerated in section 503(a)(2) and in section 521. Furthermore, all States have criminal codes which make murder, assault, and battery crimes punishable under State law. OSM believes that it was Congress' intent in enacting section 704 to provide for protection of Federal employees already available to State employees under existing State law. Therefore, the final rule published today removes this requirement.

Section 732.15(b)(15) was proposed to be amended to provide that judicial review of State program actions be in accordance with State law, as provided in section 526(e) of the Act. Four commenters, including ARDF, TVRC and EPI, objected to the proposed amendment. Six commenters, including MARC, Illinois and the Joint Committee, supported the proposed rule on the basis of the plain language of the Act. One of these commenters, the Sierra Club, also suggested that the final rule should specify, as does section 526(e), that judicial review in accordance with State law shall not be construed to limit the operation of the rights established in section 520 of the Act (Citizen suits).

In the preamble to the proposed rule, OSM specifically invited public comment on whether the proposed rule would be inconsistent with the requirement of section 521(d) of the Act that a State program include enforcement provisions which shall "incorporate sanctions no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto." One commenter who supported the proposed rule argued that the correct interpretation of section 521(d) is that it requires State programs to contain the same or similar procedures only for sanctions. Those commenters objecting to the proposed rule did so based on the interpretation that section 526(e) does not act as a limitation on the other substantive judicial review provisions of section 526. Rather, the commenters argued, section 5265(e) was intended simply to preserve the State's authority to designate a court or courts of competent jurisdiction in accordance with State law to conduct such review. One commenter pointed to the legislative history of the Act, including the words of the primary sponsor, Representative Morris Udall, that the intent of Congress was to establish State programs, including specifications for "enforcement, administrative *and judicial* review * * *" 123 Cong. Rec. H7585 (1977) (emphasis added).

One commenter noted that this issue has already been considered in the litigation on the permanent program rules. In *In re: Permanent Surface Mining Regulation Litigation,* 14 ERC 1083 (D.D.C. 1980), the court considered a challenge by the Commonwealth of Virginia to the Secretary's rule requiring that States incorporate the judicial review provisions of section 526 into their programs. Specifically, Virginia challenged OSM's statement in the preamble that discourages trial *de novo* following administrative hearings on penalties and sanctions. Virginia argued that section 526(e) "allows a State to determine the form of judicial review appurtenant to enforcement actions." 14 ERC 1109. The court noted that section 526(b) requires that judicial review of administrative enforcement proceedings be based "solely on the record," and because section 521(d) requires State enforcement provisions to contain procedural requirements "the same or similar" to the Federal procedures, this language arguably prohibits *de novo* review. The court found that the Secretary had adopted a reasonable and flexible approach consonant with the Act in that if a State can demonstrate that its trial *de novo* review procedure does not unduly interfere with expeditious review and other values attendant to the enforcement program, then the Secretary will allow the procedure.

OSM believes that State programs must provide for judicial review of State *enforcement* actions in accordance with section 526, including review on the record in section 526(b) and the standards for granting temporary relief contained in section 526(c). OSM also believes that State programs are required to provide for judicial review of *other* State program actions (such as permitting, bonding, etc.) in accordance with State law. Accordingly, the final rule published today provides that judicial review of State program actions shall be in accordance with State law, except that judicial review of State enforcement actions shall be in accordance with section 526 of the Act. The final rule further provides that judicial review in accordance with State law shall not be construed to limit the operation of the "citizen suit" rights established in section 520 of the Act.

12. *Section 732.17 State program amendments.*

Section 732.17 establishes procedures for amending approved State programs. Existing § 732.17(f) requires the State regulatory authority to submit a written amendment within 60 days after notification by the Director that an amendment is required. Because of the difficult administrative burden this may impose on the States, § 732.17(f) was proposed to be amended to allow the State to submit either a proposed

written amendment, or in the case of a complex or lengthy amendment, a description of the proposed amendment, together with a timetable for enactment that is consistent with established administrative or legislative procedures in the State. Only one comment, from the State of Illinois, was received on this proposal and it supported the proposed rule. The final rule adopted today is thus unchanged from the proposed rule.

Section 732.17(g) provides that whenever the State wishes to initiate changes to the approved State program, the State shall submit the proposed changes to the Director for approval as an amendment. Several States suggested that this Section be amended to provide for some form of automatic approval if the proposed amendments involve only minor changes to State programs or are in response to changes in the corresponding Federal provisions. The December 4 proposed rule provided that proposed amendments shall be considered approved by the Director unless the Director notifies the State in writing within 60 days of receipt of the amendments that the amendments should be subject to the usual notice and comment procedures for processing State program amendments. Four commenters, the States of Wyoming, Illinois, Texas and Kentucky, supported the proposed rule and two of them suggested further changes. The Joint Committee supported the proposed rule provided it is limited to automatic approval of amendments which correspond to newly amended Federal regulations. Six commenters, including MARC, EPI, the Sierra Club, TVRC and ARDC, objected strenuously to the proposed rule.

Those commenters supporting the proposed rule who suggested further changes stated that 60 days is too long a time for the Director to decide whether the proposed amendments should be subject to the normal procedures. One commenter suggested a limit of 30 days. One of these commenters also suggested that the rule be amended to require the Director to notify the State in all cases whether or not the proposed amendments are minor. This concept was also endorsed by a number of those opposed to the proposed rule who stated that if the proposed rule should be adopted despite their objections, it should at least provide that all State program amendments must go through the normal process *unless* the Director affirmatively notifies the State that they are minor (an affirmative waiver process).

Those commenters objecting to the proposed rule did so on the following grounds. First, commenters objected that the proposed rule is contrary to section 503 of the Act which requires affirmative review and approval of State programs. Second, one commenter stated that allowing changes to a State program by means other than an approved program amendment subverts the goal of nationwide uniformity woven throughout the Act. Third, the commenters stated that the proposed rule violates the Act's public participation requirements of notice and an opportunity to comment. One noted that section 102(i) states that one of the chief purposes of the Act is to "assure that appropriate procedures are provided for the public participation in the * * * revision * * * of * * * programs established by *** * any State under this Act." Fourth, the commenters pointed out the ambiguity inherent in the word "minor" and how difficult it would be to define the word and reach any consensus on the definition. Two commenters pointed out that even some "minor amendments" could present issues or problems in a given State or in a particular situation which should be subject to public comment. Some commenters suggested how the word "minor" might be defined. These suggestions included: (1) Typographical errors, (2) tracking the language of a Federal statute or regulation, (3) changes in administrative designations or delegations of authority within a State's program, (4) amendments to the program narrative where there are no corresponding changes in the Act or rules, and (5) changes in the rules which yield the same or similar result as either the existing State or Federal rule. Finally, several commenters asserted that the existing procedures are not burdensome and stated that if the proposed State amendments are truly insignificant, simple notice and comment procedures should take no longer than the 60 days alloted under the proposed rule. These commenters agreed that there will be relatively routine amendments proposed in State programs which may not attract much public interest and for which the full panoply of established procedures may not be necessary. MARC urged that instead of adopting the proposed rule, the Office should consider a modified comment period with a shorter deadline.

OSM has carefully reviewed all of the comments received on this proposed rule and has determined that the public participation requirements of the Act and the rulemaking requirements of the Administrative Procedure Act preclude approval of amendments without some procedure for public notice and comment. OSM is mindful that the States may find the amendment process cumbersome or too lengthy. However, as discussed in the preamble to the proposed rules, § 732.17 was revised on January 23, 1981 (46 FR 7906–7909) to streamline, shorten and simplify the State program amendment process, partly in response to a petition from Governor Ed Herschler of Wyoming. The existing rules require the Office to publish in the **Federal Register** a notice of receipt of the amendment within ten days after receiving it. The notice must include a schedule for review and action, and provide a minimum public comment period of 30 days, except that a 15-day period may be provided where an amendment concerns changes in State law, regulations or the procedures contained in the approved program that are analogous to changes in the Act or the implementing regulations. The Director must approve or disapprove the amendment request within 30 days after the close of the public comment period and the decision approving or disapproving the program amendments must be published in the **Federal Register** within 10 days after the date of the Director's decision. This regulation thus provides for amendment processing in 65 to 80 days. OSM believes that these procedures are realistic time-frames for processing amendments given the necessity for public involvement. Accordingly, no amendments are being made to the amendment process in § 732.17(g).

EPI commented that OSM proposed to amend § 732.17(h)(6) to require action on an amendment request within 30 days after the close of the public comment period and suggested that OSM clarify that this requirement is a "directory" rather than a "mandatory" provision. No amendment was proposed to § 732.17(h)(6), except to remove the reference to the Regional Director. Accordingly, no further change is being made today.

Part 733—Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs

13. *Section 733.4 Responsibilities.*

Section 733.4 is being removed for editorial clarity. The rationale for this change is the same as that provided under the preceding discussions of §§ 730.2 and 730.4.

14. *Section 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.*

A number of changes were proposed to the procedures for substituting Federal enforcement or withdrawing approval. The proposed regulations provided for:

(1) Inserting the word "any" before the phrase "necessary remedial actions" in § 733.12(b)(3) to make it clear that remedial action may not always be necessary;

(2) Amending § 733.12(c) to clarify that the informal conference may be used to discuss both the facts supporting the Director's assertions and the time period provided by the Director for the State to take any necessary remedial actions;

(3) In § 733.12(c), clarifying that the conference may be requested at any time, but not later than 15 days after the expiration of the time period for any remedial action;

(4) In § 733.12(d), amending the last line by adding the phrase "or as modified at the informal conference held under paragraph (c) of this section," to allow for possible modification of the time period for the State to complete remedial actions;

(5) Revising the language of § 733.12(e) to clarify when Federal enforcement of a State program or the withdrawal of approval of a State program becomes necessary;

(6) Further defining the broad use of the word "enforcement" in § 733.12(f)(2); and

(7) In § 733.12(f)(2)(ii), specifying that the Office would become the regulatory authority for purposes of administering and implementing the permit requirements of the State program in the event the Director issues new regulations affecting existing or new permits.

The Sierra Club objected to the lack of effective time limits in the existing Section and the possibilities for delay or failure to remedy defects if, as a result of the informal conference, an extension of time is granted. OSM disagrees that specific time limits are necessary and believes that the regulation should provide sufficient flexibility to enable resolution of problems before resorting to the public hearing procedures in § 733.12(d). The intent of the December 4 proposed amendment to § 733.12(c) was to clarify the somewhat confusing language concerning when an informal conference may be requested. The preamble to the permanent program rules (44 FR 14968, March 13, 1979) provided that an informal conference may be held within 15 days of a receipt of notification and a second informal conference may be held within 15 days after the time period for remedial action expires. The rule which is finalized today provides that an informal conference may be requested at any time after receipt of notification, but in no case later than 15 days after the time period for remedial action expires.

TVRC objected to the clarification of § 733.12(e) and stated that it impermissibly changes the meaning of the paragraph. The commenter pointed out that under section 521(b) of the Act, the State must demonstrate its capability to enforce and its intent to do so. OSM agrees with this comment and the final rule has been revised to use the language from section 521(b) suggested by the commenter.

TVRC supported the clarification in § 733.12(f)(2)(ii) of OSM's permitting authority when OSM assumes enforcement of a State program. The Joint Committee, Illinois, and MARC objected to the proposed amendment. The Joint Committee stated that the Office has confused Federal enforcement of a State program with institution of a Federal program for a State, and asserted that the Act distinguishes between Federal enforcement of an adequate and approved State program, and the substitution of a Federal program for a State program which is found to be *substantively inadequate* during Federal oversight of the State's administration of its program. The commenters contend that for OSM to take over the entire permitting process under the guise of substituting Federal enforcement is in effect an illegal implementation of a Federal program. The commenters also argue that, unless a Federal program is implemented, the Office has no authority to promulgate regulations for an individual State nor does it have the authority to issue permits.

OSM agrees that the Act distinguishes between Federal enforcement of a State program and the withdrawal of approval and substitution of a Federal program. After careful consideration of the points raised by the commenters, OSM has concluded that the proposed amendments do not clarify the language of § 733.12(f)(2)(ii). Accordingly, the proposed amendments are not being adopted today. OSM believes that the existing regulation provides sufficient clarity in the event of substituted Federal enforcement. Moreover, such enforcement would not be instituted until after completion of the thorough procedures for public notice and hearing and a final determination by the Director pursuant to § 733.12(b)–(e).

Part 736—Federal Program for a State

15. *Section 736.2 Objectives, § 736.3 Responsibility and § 736.4 Authority.*

Sections 736.2, 736.3 and 736.4 are being removed for editorial clarity. The rationale for this change is the same as that provided in the discussion above for §§ 730.2 and 730.4.

16. *Section 736.11 General procedural requirements.*

This Section was proposed to be amended to remove the reference to June 3, 1980, the original date by which the Director was to promulgate a Federal program for a State which had failed to submit a program or resubmit an acceptable program. The Sierra Club objected to the proposed change, stating that it allows the Secretary to indefinitely postpone or abdicate his obligation to implement Federal programs where necessary. OSM disagrees that this is the intent or that such a result will occur. OSM has reiterated on numerous occasions, most recently in the preamble to the December 4 rules (See 46 FR 59484), its commitment to timely implementation of the permanent program and its intent to develop and implement Federal programs for States not wishing or failing to assume jurisdiction. Therefore, the proposed rule is adopted today without further change.

17. *Section 736.12 Public notice requirements and § 736.13 Public comment.*

These Sections were proposed to be amended to provide that for a revision to a Federal program, holding a public hearing would be discretionary. The language of the proposed rule provided that a hearing would be held "if sufficient interest is demonstrated." The preamble to the proposed rule explained that the opportunity to request a public hearing would be provided and if such a request were made, a public hearing would be held.

TVRC and EPI suggested that while the preamble is clear, the wording of the proposed regulation is ambiguous and should be clarified. OSM has adopted this suggestion and the final rule specifies that a public hearing will be held if one is requested.

18. *Section 736.22 Contents of a Federal program.*

This Section was proposed to be amended to provide that Federal programs covering only coal exploration could be limited to only those provisions necessary for an effective program. Both the Joint Committee and MARC supported the proposed amendment and it is being adopted today without further amendment.

19. *Section 736.23 Federal program effect on State law or regulations.*

The existing regulation provides that State statutes or regulations shall be

preempted and superseded by the Federal program insofar as they are "inconsistent, less stringent or preclude compliance with the Act and the Federal program." This provision, which is based on section 504(g) of the Act, was proposed to be amended to be consistent with changes at §§ 730.5 and 730.11, as discussed above under those Sections. The amendment would reflect the requirement of section 504(g) that State statutes or regulations shall be superseded "insofar as they interfere with the achievement of the purposes and the requirements of the Act and the Federal program."

TVRC and EPI objected to the proposed amendment, with EPI commenting that the proposed language is too vague. EPI asserted that the preamble explanation that the amendment was proposed to make the rules consistent with changes at 30 CFR 730.5 and 730.11 makes no sense, since the new definition of "consistent with" is not reflected in the proposed change. EPI also questioned why the proposed wording of § 736.23 is not identical to the proposed wording of § 730.11.

The language proposed for § 736.23 exactly tracks the language of section 504(g) of the Act. However, as noted in the preamble to the proposed rule, section 504(g) must be read in light of section 505(a) of the Act which further requires that no State law or regulation be superseded except insofar as the State law or regulation *is inconsistent* with the provisions of the Act (emphasis added). OSM believes that there is only one standard for superseding a State provision, set forth in section 505(a), and is therefore adopting EPI's suggestion that the language be clarified to apply the "consistent with" standard. The final rule for § 736.23 provides, as does § 730.11, that no State law or regulation shall be superseded except to the extent that the law or regulation is inconsistent with the requirements of the Act or this Chapter.

General Comments.

20. The Illinois South Project (ISP) objected to the proposed deletion of all references to the Regional Director or Regional Office wherever appropriate to reflect the reorganization of OSM ordered by the Secretary on May 20, 1981. ISP contends that such a deletion would be at odds with testimony given by the OSM Deputy Director before the House Subcommittee on Energy and the Environment that the Regional Offices would not be abandoned or eliminated until all the States in a particular region receive primacy. ISP asked the following four specific questions: (1) Regardless of State program approvals, are Regional Offices being closed and reorganization taking place? (2) Does the proposed rule indicate that pending State program submittals have been predisposed as approvable? (3) If the rule becomes final prior to a given State receiving primacy, will the Secretary ignore all comments submitted to and by a Regional Director? and (4) If a State does not receive primacy, will this proposed rule be abandoned so that OSM can comport with the assurances given the House Subcommittee?

OSM has, through timely communications and briefings, kept the Subcommittee and its staff informed of all planned changes well ahead of their execution. The proposed deletion of references to Regional Offices in no way violates the commitments made by OSM during the course of previous hearings.

The purpose of the proposed language changes was to reflect more accurately the organizational structure of OSM set out in the reorganization plan approved by the Secretary and to provide for an orderly transition to the new structure. The plan calls for the establishment of State Offices and the phasing out of Regional Offices. However, a Regional Office will not be abolished until the substantive review of all State programs in that Region is completed. All Regional personnel assigned to review State programs will remain in their current assignments until the review is complete. All comments to and by a Regional Director will be considered by the Director before formulating his recommendation to the Secretary for a final decision. The Secretary is not predisposed to either approve or disapprove any of the seven State programs currently under review. Should a State program be disapproved, the Office is required to develop and implement a Federal program for that State. If the State wishes to submit another program, it may do so under the final rules as amended today.

21. TVRC and EPI commented that these proposed regulations, together with other proposed changes to the permanent program regulations, constitute a major Federal action under the National Environmental Policy Act and section 702(d) of the Act requiring preparation of a new environmental statement or a supplement to the existing statement prepared on the original permanent program regulations in 1979.

OSM has prepared a draft and final environmental assessment (EA) on this rulemaking which concludes that this rule will not significantly affect the quality of the human environment. In addition, OSM is preparing an environmental assessment of the cumulative effects of this rulemaking and other related rulemakings.

IV. Procedural Matters

Federal Paperwork Reduction Act

The information collection requirements in existing 30 CFR Subchapter C were approved by the Office of Management and Budget (OBM) under 44 U.S.C. 3507 and assigned clearance numbers 1029–0022, 1029–0023, 1029–0024 and 1029–0025. Those approvals were identified in "notes" at the introductions to 30 CFR Parts 730, 731, 732 and 733 under the old numbers R0591, R0592, R0593 and R0594 (all under Number B–190462).

OSM is deleting those "notes" and codifying the OMB approvals under a new section 10 in each of those parts that contain the information collection requirements. OSM requested OMB reapproval of the information collection requirements in Parts 732 and 733. OSM did not request reapproval of the information collection requirements in Parts 730 and 731 because the information will not be required of more than 10 respondents.

The information required by 30 CFR Part 732 is needed to afford a State the opportunity to resubmit, modify or amend its State program and will be used by OSM to determine whether the program meets the provisions of the Act. The information required by 30 CFR Part 733 is needed by OSM to verify the allegations in a citizen request to evaluate a State program and to determine whether an evaluation should be undertaken. The obligation to provide the information required by 30 CFR Parts 732 and 733 is mandatory.

National Environmental Policy Act

OSM has prepared a final environmental assessment (EA) on this rule that reaches the conclusion that this rule should not significantly affect the quality of the human environment. The EA and the Finding of No Significant Impact are on file in the OSM Administrative Record Office, at the address listed above under "ADDRESSES." OSM has also prepared an EA on the cumulative impacts on the human environment of this rulemaking and related rulemakings that reaches the same conclusion with respect to this rule.

Executive Order 12291

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major

rules and do not require a regulatory impact analysis because they are amendments to established procedures that all coal-producing States must follow in submitting State programs that meet certain minimum Federal Standards. The amendments do not significantly change any substantive requirements.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The rules are procedural requirements for submission of State regulatory programs and as such impact only State regulatory agencies and OSM.

Justification for Immediate Effective Date

The Department of the Interior finds, in accordance with section 553(d)(3) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), that good cause exists to make this final rule effective upon publication. Seven States have resubmitted programs which are currently being reviewed by OSM. OSM wants to avoid any delay in reviewing State programs and these seven States could benefit immediately from the final rules which remove certain requirements and amend others dealing with the review process.

List of Subjects

30 CFR Parts 730, 731, and 736

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

30 CFR Parts 732 and 733

Coal mining, Intergovernmental relations, Reporting requirements, Surface mining, Underground mining.

For the reasons set forth in the preamble, Parts 730, 731, 732, 733 and 736 of Chapter VII, Title 30 of the Code of Federal Regulations are amended as set forth herein.

Dated: June 10, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 730—GENERAL REQUIREMENTS

1. The authority for Part 730 is revised to read as follows:

Authority: Secs. 501(b), 503, 504, 505 and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1255 and 1271).

2. Part 730 is amended by removing the "Note" paragraph following the Source note.

§ 730.2 [Removed]

3. Part 730 is amended by removing § 730.2.

§ 730.4 [Removed]

4. Part 730 is amended by removing § 730.4.

5. Section 730.11 is amended by revising paragraph (a) to read as follows:

§ 730.11 Inconsistent and more stringent State laws and regulations.

(a) No State law or regulation shall be superseded by any provision of the Act or the regulations of this chapter, except to the extent that the State law or regulation is inconsistent with, or precludes implementation of, requirements of the Act or this chapter. The Director shall publish a notice of proposed action in the **Federal Register** setting forth the text or a summary of any State law or regulation initially determined by him to be inconsistent with the Act or this chapter. The notice shall provide 30 days for public comment. Following the close of the public comment period, the Director shall make a final determination which shall be published in the **Federal Register.**

* * * * *

PART 731—SUBMISSION OF STATE PROGRAMS

6. The authority for Part 731 is revised to read as follows:

Authority: Secs. 501(b) and 503 of Pub. L. 95–87 (30 U.S.C. 1251(b) and 1253).

7. Part 731 is amended by removing the "Note" paragraph following the source note.

§ 731.11 [Removed]

8. Part 731 is amended by removing § 731.11.

9. Section 731.12 is revised to read as follows:

§ 731.12 Submission of State programs.

Each State that wishes to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within its boundaries shall submit three copies of a proposed program to the Director. A State may submit a proposed program at any time. The State shall retain sufficient copies of the program for public inspection under § 732.11(a).

10. Section 731.14 is amended by revising paragraphs (c), (e), the introductory text to paragraph (g), paragraphs (g)(16), (h) and (i), and removing paragraphs (j)–(p) to read as follows:

§ 731.14 Content requirements for program submissions.

* * * * *

(c)(1) A legal opinion from the Attorney General of the State or chief legal officer of the State regulatory authority stating that the State has the legal authority under existing laws and regulations, or will have authority under amendments to laws and regulations which are in the process of enactment, to implement, administer and enforce the program and to regulate coal exploration and surface coal mining and reclamation operations in accordance with the Act and consistent with this chapter.

(2) A section-by-section comparison of the State's law and regulations and amendments which are in the process of enactment with the Act and this chapter, explaining any differences and their legal effect;

* * * * *

(e)(1) A description, including appropriate charts, of the existing and proposed structural organization of the agency designated as the regulatory authority and of other agencies or applicable divisions or departments of those agencies which will have duties in the State program. The description must indicate the coordination system between these agencies and lines of authority and the staffing functions within each agency and between agencies.

(2) A summary table of the existing and proposed State program staff, showing job functions, title and required job experience and training, and a description of how the staffing proposed for the State program will be adequate to carry out the functions, including permitting, inspection and legal actions for the projected workload to ensure that coal exploration and surface coal mining and reclamation operations will be regulated in accordance with the requirements of the Act and this chapter;

* * * * *

(g) Narrative descriptions, flow charts or other appropriate documents of the proposed systems for * * *

(16) Providing a small operator assistance program.

(h) Statistical information describing coal exploration and surface coal mining and reclamation operations in the State, adequate to demonstrate that the provisions of the State program and the resources available to it are sufficient when compared to the current and

projected coal mining activities in the State;

(i) A description of the actual capital and operating budget, including source of funds, used or proposed to be used to administer the State program for the prior and current fiscal years, and the projected annual budget for each of the next two fiscal years, assuming supplemental funding pursuant to an approved State program and grants under 30 CFR Part 735; and a description of the existing and proposed physical resources for use in the program.

PART 732—PROCEDURE AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

11. The authority for Part 732 is revised to read as follows:

Authority: Secs. 501(b), 503, 504, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, and 522 (30 U.S.C. 1251(b), 1253, 1254, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1271 and 1272).

12. Part 732 is amended by removing the "Note" paragraph following the Source note.

§732.4 [Removed]

13. Part 732 is amended by removing § 732.4.

14. Part 732 is amended by adding a new § 732.10 as follows:

§ 732.10 Information collection.

The information collection requirements contained in 30 CFR 732.16(a) and 732.17(b) have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0024. The information is needed to afford a State the opportunity to modify or amend its State program and will be used by OSM to determine whether the amendment meets the provisions of the Act.

15. Section 732.11 is revised to read as follows:

§ 732.11 Review by the Director.

(a) Immediately upon receipt of a proposed State program, the Director shall publish in the **Federal Register** and in a newspaper of general circulation in the State a notice meeting the following requirements:

(1) The notice shall include the date of the submission of the program and a summary of the program's contents. It shall also indicate that the full text of the program submission is available for review during regular business hours at the OSM State Office and at the central office and each field office of the State agency responsible for the submission.

(2) The notice shall afford interested persons an opportunity to submit written comments. The comment period shall end on a date following the public hearing scheduled to be held under paragraph (b) of this section and that date shall be specified in the notice.

(3) The notice shall identify the time and location within the State at which the Office will hold the public hearing under paragraph (b) of this section.

(b) A public hearing shall be held by the Director no sooner than 40 days following the publication of the notice required by paragraph (a) of this section. The hearing shall be informal and follow legislative procedures.

(1) The format and the rules of procedure for each hearing shall be determined by the Director and published in the **Federal Register** notice required by paragraph (a).

(2) When the program is submitted, State laws and regulations must be submitted in their final form or in the form in which they are expected to become final. Should revisions to any of the laws or regulations be necessary during the public comment period or before the Secretary's decision, OSM will give notice and provide an opportunity for review and comment. State laws and regulations must be enacted by the date of program approval.

(c) Copies of written comments shall be available for public inspection and copying at the OSM State Office and the offices of the State agency responsible for submitting the program.

(d) The Director shall consider all relevant information, including information obtained from public hearings and comments, and shall recommend to the Secretary that the program be approved or disapproved, in whole or in part. The recommended decision shall specify the reasons for the recommendation.

§ 732.12 [Removed]

16. Part 732 is amended by removing § 732.12.

17. Section 732.13 is amended by revising paragraphs (f), (g), (h), and (i), and adding paragraph (j) to read as follows:

§ 732.13 Decision by the Secretary.

* * * * *

(f) If the Secretary disapproves a program, in whole or in part, the State shall have 60 days from the date of publication of the **Federal Register** notice to submit a revised program to the Director for reconsideration. The procedures of § 732.11 will then apply to the revised State program, except that the time allowed between publication of notice and the public hearing for public review and comment may be shortened to not less than 15 days.

(g) The Secretary shall either approve or disapprove the revised program within 60 days from the date of submission of the revised program and publish that decision and reasons for the decision in the **Federal Register.** A decision disapproving the revised program constitutes the final decision by the Department disapproving that program in its entirety.

(h) If a revised State program is not submitted by a State within 60 days of an initial disapproval under paragraph (a) of this section, the Secretary shall disapprove the initial program submission in its entirety. This decision shall constitute the final decision by the Secretary. This decision and the basis for it shall be published in the **Federal Register.**

(i) A decision by the Secretary approving a program submission establishes a State program for the State which submitted it and constitutes the final decision by the Department. The State program becomes effective on the date of publication of the decision in the **Federal Register** unless otherwise specified by the Secretary. The Secretary shall not give his approval unless the program submission can be approved in whole, except as provided in paragraph (j) of this section.

(j) The Secretary may conditionally approve a State program where the program is found to have minor deficiencies, provided:

(1) The deficiencies are of such a size and nature so as to render no part of a proposed State program incomplete;

(2) The State has initiated and is actively proceeding with steps to correct the deficiencies;

(3) The State agrees in writing to correct such deficiencies within a time established by the Secretary and stated in the conditional approval; and

(4) If the deficiencies have not been corrected by the date set forth in the Secretary's decision under paragraph (j)(3) of this section, the Director shall notify the Secretary that the deficiencies have not been corrected and shall within 30 days—

(i) Withdraw approval of the State program in whole or in part, and specify the extent to which approval of the State program is being withdrawn;

(ii) Substitute direct Federal enforcement of those portions of the permanent regulatory program that the State has failed to implement;

(iii) Initiate procedures in accordance with Parts 733 and 736 of this chapter to withdraw State program approval and

implement a Federal program for the State, including specifying necessary remedial actions to correct continued deficiencies; or

(iv) Take any combination of actions under paragraphs (j)(4) and (i) through (iii) of this section.

18. Section 732.14 is revised to read as follows:

§ 732.14 Resubmission of State programs.

If, by a final decision, the program is disapproved, the State may submit another proposed State program to the Director at any time. Resubmitted State programs must meet the requirements of § 731.14 and will be acted upon pursuant to §§ 732.11–732.16.

19. Section 732.15 is amended by revising paragraphs (b)(14) and (b)(15) to read as follows:

§ 732.15 Criteria for approval or disapproval of State programs.

* * * * *

(b) * * *

(14) Provide for administrative review of State program actions, in accordance with section 525 of the Act and Subchapter L of this chapter;

(15) Provide for judicial review of State program actions in accordance with State law, as provided in section 526(e) of the Act, except that judicial review of State enforcement actions shall be in accordance with section 526 of the Act. Judicial review in accordance with State law shall not be construed to limit the operation of the rights established in section 520 of the Act, except as provided in that section.

* * * * *

20. Section 732.17 is amended by revising paragraphs (f), (h)(5) and (h)(6) to read as follows:

§ 732.17 State program amendments.

* * * * *

(f)(1) If the Director determines that a State program amendment is required, the State regulatory authority shall, within 60 days after notification of that decision, submit to the Director either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of the Act and this chapter, and a timetable for enactment which is consistent with established administrative or legislative procedures in the State.

(2) If the State regulatory authority does not submit the proposed amendment or description and the timetable for enactment within 60 days from the receipt of the notice, or does not subsequently comply with the submitted timetable, or if the amendment is not approved under this Section, the Director shall begin proceedings under 30 CFR Part 733 to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program.

* * * * *

(h) * * *

(5) Upon the close of the public comment period, the transcript, written presentations, exhibits and copies of all comments shall be transmitted to the Director.

(6) The Director shall consider all relevant information, including any information obtained from public hearings and comments, and shall approve or disapprove the amendment request within 30 days after the close of the public comment period established in accordance with § 732.17(h)(3).

* * * * *

PART 733—MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

21. The authority for Part 733 is revised to read as follows:

Authority: Secs. 501(b), 503, 504, 517 and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1267 and 1271).

22. Part 733 is amended by removing the "NOTE" paragraph following the Source note.

§ 733.4 [Removed]

23. Part 733 is amended by removing § 733.4.

24. Part 733 is amended by adding a new § 733.10 as follows:

§ 733.10 Information collection.

The information collection requirement contained in 30 CFR 733.12(a)(2) has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0025. The information required is needed by OSM to verify the allegations in a citizen request to evaluate a State program and to determine whether an evaluation should be undertaken.

25. Section 733.12 is amended by revising paragraphs (b)(3), (c), and (d) and the introductory text of paragraph (e) to read as follows:

§ 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.

* * * * *

(b) * * *

(3) Specify the time period for the State regulatory authority to accomplish any necessary remedial actions.

(c) The Director shall provide the State regulatory authority an opportunity for an informal conference if the State requests an informal conference within 15 days after the expiration of the time period specified in paragraph (b)(3) of this section. The informal conference may pertain to the facts or the time period for accomplishing remedial actions as specified by the Director's notification.

(d) If an informal conference is not held under paragraph (c) of this section, or if, following such a conference, the Director still has reason to believe that the State is failing to adequately implement, administer, maintain or enforce a part or all of a State program, the Director shall give notice to the State and to the public, specifying the basis for that belief and shall hold a public hearing in the State within 30 days of the expiration of the time period specified in paragraph (b)(3) of this section or as modified at the informal conference held under paragraph (c) of this section.

(e) The State will continue to enforce its approved program unless upon completion of the hearing under paragraph (d) of this section and based upon the review of all available information, including the hearing transcript, written presentations and written comments, the Director finds that the State has failed to implement, administer, maintain or enforce effectively all or part of its approved State program. If the Director finds further that the State has not demonstrated its capability and intent to administer the State program, the Director shall either—

* * * * *

26. Section 733.13 is amended by revising the section heading to read as follows:

§ 733.13 Factors to be considered in deciding whether to substitute Federal enforcement for State programs or to withdraw approval of State programs.

* * * * *

PART 736—FEDERAL PROGRAM FOR A STATE

27. The authority for Part 736 is revised to read as follows:

Authority: Secs. 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 525 and 705 of Pub. L. 95–87 (30 U.S.C. 1251, 1253–1269, 1271, 1272, 1275 and 1295).

§ 736.2 [Removed]

28. Part 736 is amended by removing § 736.2.

§ 736.3 [Removed]

29. Part 736 is amended by removing § 736.3.

§ 736.4 [Removed]

30. Part 736 is amended by removing § 736.4.

31. Section 736.11 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 736.11 General procedural requirements.

(a) *Promulgation.* (1) The Director shall promulgate and, subject to the provisions of this part, implement a Federal program for a State if the Director reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands within the State at any time before June 1985, and the State fails to—

(i) Submit a State program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within that State to the Director as provided in 30 CFR 731.12; or

* * * * *

32. Section 736.12 is amended by revising paragraphs (a)(4) and (a)(5) to read as follows:

§ 736.12 Public notice requirements.

* * * * *

(a) * * *

(4) The location of the OSM office and the public office in the capital city of the State where the text of the proposed program or revision and any supporting information may be reviewed or copied;

(5) If applicable, the date, time and location in the State where the Office will hold at least one public hearing under the supervision of the Director;

* * * * *

33. Section 736.13 is amended by revising paragraphs (c), (e) and (f) to read as follows:

§ 736.13 Public comment.

* * * * *

(c) Before promulgation of a Federal program for a State, the Director shall hold at least one public hearing within the State for the purpose of affording interested persons an opportunity to submit data and comments on the proposed Federal program. In the case of a revised Federal program for a State, the opportunity to request a hearing will be provided and if one is requested, a public hearing will be held. The hearings shall follow legislative procedures and include a presentation of the proposed program or revision by the Director and the compilation of an open record of the hearing.

* * * * *

(e) Upon completion of the hearings, the hearing transcripts, exhibits submitted, written presentations and copies of all public comments shall be transmitted to the Director.

(f) Copies of all written comments received and the transcripts of the public hearing shall be made available for public inspection and copying at the appropriate OSM office and at a public office in the capital city of the State.

34. Section 736.22 is amended by revising paragraph (b) to read as follows:

§ 736.22 Contents of a Federal program.

* * * * *

(b)(1) Any Federal program for a State, including appropriate portions of a partial Federal program which is promulgated or revised by the Director, shall provide for Federal regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State in accordance with the requirements of the Act and this Chapter, including, at a minimum, the following provisions: Parts 700, 701, 707, 760, 761, 762, 764, 765, 842, 843, 845, Subchapters G, J, K, and M.

(2) An exception to these requirements may be made where there is exploration but no mining in the State. In such a case, the Federal program which is promulgated must regulate coal exploration, but not mining, and shall include, at a minimum, the applicable sections of the following provisions: Parts 700, 701, 761, 762, 764, 770, 776, 787, 815, 842, 843 and 845.

* * * * *

35. Section 736.23 is amended by revising paragraph (a) to read as follows:

§ 736.23 Federal program effect on State law or regulations.

(a) Whenever a Federal program is promulgated or revised for a State, any statutes or regulations of the State regulating coal exploration or surface coal mining and reclamation operations subject to the Act shall be preempted and superseded by the Federal program insofar as they are inconsistent with the requirements of the Act and the Federal program. In promulgating or revising a Federal program for a State, the Director shall set forth in the **Federal Register** any State statute or regulation which is preempted and superseded by the Federal program.

* * * * *

§§ 732.13, 732.17, and 736.13 [Amended]

36. Parts 732 and 736 are amended by removing the words "Regional Director" and inserting in their place the word "Director" in the following paragraphs:

(a) Section 732.13(d);

(b) Section 732.17(h)(1), (h)(2) and (h)(4);

(c) Section 736.13 (b) and (d).

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/MA	LABOR		DOT/MA	LABOR
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Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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